INTERNET

The Journals for the Senate are available at

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

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

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>6, 7, 8, 9, 26, 27, 28</td>
</tr>
<tr>
<td>March</td>
<td>1, 20, 21, 22, 26, 27, 28, 29</td>
</tr>
<tr>
<td>May</td>
<td>8, 9, 10</td>
</tr>
<tr>
<td>June</td>
<td>12, 13, 14, 18, 19, 20, 21</td>
</tr>
<tr>
<td>August</td>
<td>7, 8, 9, 13, 14, 15, 16</td>
</tr>
<tr>
<td>September</td>
<td>10, 11, 12, 13, 17, 18, 19, 20</td>
</tr>
<tr>
<td>October</td>
<td>15, 16, 17, 18, 22, 23, 24, 25</td>
</tr>
<tr>
<td>November</td>
<td>5, 6, 7, 8, 12, 13, 14, 15, 26, 27, 28, 29</td>
</tr>
<tr>
<td>December</td>
<td>3, 4, 5, 6</td>
</tr>
</tbody>
</table>

RADIO BROADCASTS

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

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

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

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

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

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

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

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

(The above ministers constitute the cabinet)
<table>
<thead>
<tr>
<th>Position</th>
<th>Minister/Senator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minister for Justice and Customs and Manager of Government Business in the Senate</td>
<td>Senator the Hon. Christopher Martin Ellison</td>
</tr>
<tr>
<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Eric Abetz</td>
</tr>
<tr>
<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. George Henry Brandis SC</td>
</tr>
<tr>
<td>Minister for Community Services</td>
<td>Senator the Hon. Nigel Gregory Scullion</td>
</tr>
<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
</tr>
<tr>
<td>Minister for Vocational and Further Education</td>
<td>The Hon. Andrew John Robb MP</td>
</tr>
<tr>
<td>Minister for Ageing</td>
<td>Senator the Hon. Santo Santoro</td>
</tr>
<tr>
<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
</tr>
<tr>
<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
</tr>
<tr>
<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. Bruce Frederick Billson MP</td>
</tr>
<tr>
<td>Minister for Workforce Participation</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
</tr>
<tr>
<td>Assistant Minister for Health and Ageing</td>
<td>The Hon. Christopher Maurice Pyne MP</td>
</tr>
<tr>
<td>Assistant Minister for the Environment and Water Resources</td>
<td>The Hon. John Kenneth Cobb MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>Senator the Hon. Richard Mansell Colbeck</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Industry, Tourism and Resources</td>
<td>The Hon. Robert Charles Baldwin MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Defence</td>
<td>The Hon. Peter John Lindsay MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Transport and Regional Services</td>
<td>The Hon. De-Anne Margaret Kelly MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Immigration and Citizenship</td>
<td>The Hon. Teresa Gambaro MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Anthony David Hawthorn Smith MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Christopher John Pearce MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Sussan Penelope Ley MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Education, Science and Training</td>
<td>The Hon. Patrick Francis Farmer MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>The Hon. Gregory Andrew Hunt MP</td>
</tr>
</tbody>
</table>
SHADOW MINISTRY

Leader of the Opposition
Kevin Michael Rudd MP

Deputy Leader of the Opposition, Shadow Minister for Employment and Industrial Relations and Shadow Minister for Social Inclusion
Julia Eileen Gillard MP

Leader of the Opposition in the Senate and Shadow Minister for National Development, Resources and Energy
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 Infrastructure and Water and Manager of Opposition Business in the House
Anthony Norman Albanese MP

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

Shadow Assistant Treasurer and Shadow Minister for Revenue and Competition Policy
Christopher Eyles Bowen MP

Shadow Minister for Immigration, Integration and Citizenship
Anthony Stephen Burke MP

Shadow Minister for Industry and Shadow Minister for Innovation, Science and Research
Senator Kim John Carr

Shadow Minister for Trade and Regional Development
The Hon. Simon Findlay Crean MP

Shadow Minister for Service Economy, Small Business and Independent Contractors
Craig Anthony Emerson MP

Shadow Minister for Multicultural Affairs, Urban Development and Affairs
Laurence Donald Thomas Ferguson MP

Shadow Minister for Transport, Roads and Shadow Minister for Tourism
Martin John Ferguson MP

Shadow Minister for Defence
Joel Andrew Fitzgibbon MP

Shadow Minister for Climate Change, Environment and Heritage and Shadow Minister for the Arts
Peter Robert Garrett MP

Shadow Minister for Veterans’ Affairs, Shadow Minister for Defence Science and Personnel and Shadow Special Minister of State
Alan Peter Griffin MP

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

Shadow Minister for Sport, Recreation and Health Promotion and Shadow Minister for Local Government
Senator Kate Alexandra Lundy

Shadow Minister for Families and Community Services and Shadow Minister for Indigenous Affairs and Reconciliation
Jennifer Louise Macklin MP

Shadow Minister for Foreign Affairs
Robert Bruce McClelland MP

Shadow Minister for Ageing, Disabilities and Carers
Senator Jan Elizabeth McLucas
Shadow Minister for Federal/State Relations and
Shadow Minister for International Development Assistance

Robert Francis McMullan MP

Shadow Minister for Primary Industries, Fisheries and Forestry

Senator Kerry Williams Kelso O’Brien

Shadow Minister for Human Services, Housing, Youth and Women

Tanya Joan Plibersek MP

Shadow Minister for Health

Nicola Louise Roxon 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 Education and Training

Stephen Francis Smith MP

Shadow Treasurer

Wayne Maxwell Swan MP

Shadow Minister for Finance

Lindsay James Tanner MP

Shadow Attorney-General and Deputy Manager of Opposition Business in the House

Kelvin John Thomson MP

Shadow Minister for Public Administration and Accountability, Shadow Minister for Corporate Governance and Responsibility and Shadow Minister for Workforce Participation

Senator Penelope Ying Yen Wong

Shadow Parliamentary Secretary for Foreign Affairs

Anthony Michael Byrne MP

Shadow Parliamentary Secretary for Defence and Veterans’ Affairs

The Hon. Graham John Edwards MP

Shadow Parliamentary Secretary for Environment and Heritage

Jennie George MP

Shadow Parliamentary Secretary for Treasury

Catherine Fiona King MP

Shadow Parliamentary Secretary for Education

Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary to the Leader of the Opposition

John Paul Murphy MP

Shadow Parliamentary Secretary for Industrial Relations

Brendan Patrick John O’Connor MP

Shadow Parliamentary Secretary for Industry and Innovation

Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs

The Hon. Warren Edward Snowdon MP

Shadow Parliamentary Secretary to the Leader of the Opposition (Social and Community Affairs)

Senator Ursula Mary Stephens
CONTENTS

TUESDAY, 6 FEBRUARY

Chamber
Privilege ...................................................................................................................... 1
Temporary Chairmen of Committees ........................................................................ 2
Customs Legislation Amendment (Border Compliance and Other Measures) Bill 2006—
  Second Reading ........................................................................................................... 2
In Committee ................................................................................................................ 16
Ministerial Arrangements ............................................................................................. 20
Australian Labor Party—
  Leadership and Office Holders ............................................................................... 21
The Nationals—
  Leadership and Office Holders ............................................................................... 23
Questions Without Notice—
  Climate Change ........................................................................................................ 23
  Water .......................................................................................................................... 24
  Water .......................................................................................................................... 25
  Forestry and Conservation ......................................................................................... 26
  Climate Change .......................................................................................................... 27
  Telecommunications .................................................................................................... 28
  Climate Change .......................................................................................................... 29
  Drugs in Sport ............................................................................................................. 30
  Aged Care .................................................................................................................. 31
  Auspine Ltd ................................................................................................................ 32
  Armidale Class Patrol Boats ...................................................................................... 34
  Australian Youth ........................................................................................................ 35
Questions Without Notice: Take Note Of Answers—
  Climate Change ........................................................................................................ 36
  Climate Change .......................................................................................................... 43
Condolences—
  Hon. Sir Robert Carrington Cotton KCMG, AO ......................................................... 44
  Hon. Sir Denis James Killen AC, KCMG ................................................................... 44
Petitions—
  Live Animal Exports ............................................................................................... 60
  Information Technology: Internet Content ............................................................... 60
  Child Abuse .............................................................................................................. 61
  Nuclear Energy ......................................................................................................... 61
  Dental Care ............................................................................................................... 61
  Pregnancy Counselling Services ............................................................................... 61
  Education: Austudy .................................................................................................. 62
  Military Detention: Guantanamo Bay ........................................................................ 62
Notices—
  Presentation .............................................................................................................. 62
Committees—
  Foreign Affairs, Defence and Trade Committee: Joint—Meeting ............................... 66
Notices—
  Postponement ....................................................................................................... 66
Business—
  Rearrangement ..................................................................................................... 66
Mr David Hicks .......................................................................................................... 67
CONTENTS—continued

Matters Of Urgency—
  Mr David Hicks ..................................................................................................................67
committees—
  Rural and Regional Affairs and Transport Committee—Report: Government Response ..83
Documents—
  Tabling................................................................................................................................95
  Tabling ................................................................................................................................96
Auditor-General’s Reports—
  Report Nos 22 and 23 of 2006-07 ......................................................................................97
Documents—
  Indexed Lists of Files .........................................................................................................97
Airspace Bill 2006,
Airspace (Consequentials and Other Measures) Bill 2006,
Customs Tariff Amendment (Incorporation of Proposals) Bill 2006,
Energy Efficiency Opportunities Amendment Bill 2006,
Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2006 and
Tax Laws Amendment (2006 Measures No. 6) Bill 2006—
  First Reading .................................................................................................................. ....97
  Second Reading ................................................................................................................97
Tax Laws Amendment (2006 Measures No. 4) Bill 2006—
  Returned from the House of Representatives ...................................................................103
Wheat Marketing Amendment Bill 2006—
  Returned from the House of Representatives ...................................................................103
Broadcasting Services Amendment (Collection of Datacasting Transmitter Licence Fees) Bill 2006,
Datacasting Transmitter Licence Fees Bill 2006,
Telecommunications Amendment (Integrated Public Number Database) Bill 2006,
Families, Community Services and Indigenous Affairs and Veterans’ Affairs Legislation Amendment (2006 Budget Measures) Bill 2006,
Wheat Marketing Amendment Bill 2006,
Copyright Amendment Bill 2006,
Defence Legislation Amendment Bill 2006,
Medibank Private Sale Bill 2006,
Independent Contractors Bill 2006,
Workplace Relations Legislation Amendment (Independent Contractors) Bill 2006,
Environment and Heritage Legislation Amendment (Antarctic Seals and Other Measures) Bill 2006,
Environment and Heritage Legislation Amendment Bill (No. 1) 2006,
Customs Legislation Amendment (New Zealand Rules of Origin) Bill 2006,
Royal Commissions Amendment (Records) Bill 2006,
Tax Laws Amendment (2006 Measures No. 4) Bill 2006,
Anti-Money Laundering and Counter-Terrorism Financing Bill 2006,
Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Bill 2006,
Crimes Amendment (Bail and Sentencing) Bill 2006 and
Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo
Research Amendment Bill 2006—
  Assent ................................................................................................................................104
CONTENTS—continued

2006/07 Sbt Australian National Catch Allocation Determination— 104
Motion for Disallowance
Documents—
  Tax Expenditures Statement ................................................................. 106
  Torres Strait Regional Authority ............................................................ 107
  Consideration ....................................................................................... 108
Adjournment—
  Solomon Islands .................................................................................. 109
  Pioneer Women’s Memorial Trust .......................................................... 111
  Housing Affordability .......................................................................... 124
  Child Abuse ........................................................................................ 124
  Wheat Marketing Legislation ............................................................... 127
  Australia Day Awards .......................................................................... 129
  Suicide ................................................................................................ 132
Documents—
  Tabling .............................................................................................. 133
  Tabling .............................................................................................. 133
Questions On Notice
  Abortion—(Question No. 325 supplementary) ........................................ 151
  Foreign Affairs and Trade: Staffing—(Question Nos 650 and 652) ............ 153
  Visas—(Question No. 1804) ................................................................ 155
  Automotive Competitiveness and Investment Scheme—(Question No. 1814) 156
  Conclusive Certificates—(Question No. 1948 amended) ....................... 157
  Transport and Regional Services: Monetary Compensation—
    (Question No. 1990 supplementary) ..................................................... 157
  ABC Radio—(Question No. 2012) .......................................................... 158
  Sydney (Kingsford Smith) Airport—(Question No. 2105) ......................... 159
  Attorney-General: Travel Entitlements—(Question No. 2214) ................. 161
  BAE 146 Aircraft—(Question No. 2270) ................................................ 165
  BAE 146 Aircraft—(Question No. 2318) ................................................ 167
  Sydney (Kingsford Smith) Airport—(Question No. 2327) ....................... 168
  Electric Powered Vehicles—(Question No. 2393) .................................... 168
  Environment: Endangered Species—(Question No. 2470) ..................... 169
  Muslim Community—(Question No. 2483) ........................................... 169
  Migration: Detention Centres—(Question No. 2502) ............................. 171
  Learning Disability—(Question No. 2515) ............................................ 171
  Textile, Clothing and Footwear Structural Adjustment Program—
    (Question No. 2548) ......................................................................... 172
  Wheat Export Authority—(Question No. 2554) ...................................... 174
  Transport and Regional Services: Payments—(Question No. 2559) ......... 178
  Wine Equalisation Tax—(Question No. 2580) ........................................ 178
  Illegal Fishing—(Question No. 2582) .................................................... 179
  Immigration: Detention Centres—(Question No. 2585) ......................... 180
  Therapeutic Goods Administration—(Question No. 2588) ..................... 180
  Tasmanian: Giant Freshwater Crayfish—(Question No. 2592) ................. 182
  Arthur River Road—(Question No. 2593) .............................................. 182
  Literacy—(Question No. 2598) .............................................................. 183
  Seat Belts—(Question No. 2600) ............................................................ 183
  School Buses—(Question No. 2601) ...................................................... 184
  Foundation for Rural and Regional Renewal—(Question No. 2602) .......... 185
Regional and Rural Research and Development Grants—(Question No. 2603).............. 185
Remote Air Service Subsidy Scheme—(Question No. 2604) ........................................ 185
Regional Partnerships Program—(Question No. 2605) ................................................ 186
Growing Regions Conference—(Question No. 2606).................................................... 186
Bert Hinkler Hall of Aviation Museum—(Question No. 2608) ...................................... 186
Sustainable Regions Program—(Question No. 2610) ..................................................... 187
Sustainable Regions Program—(Question No. 2612) ..................................................... 187
Australian Building and Construction Commissioner—(Question No. 2613) .......... 190
The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

PRIVILEGE

The PRESIDENT (12.30 pm)—A matter of privilege has been raised, under standing order 81, by Senators Forshaw and Murray in a letter to me dated 7 December 2006. The matter of privilege relates to evidence given before the then Senate Finance and Public Administration References Committee in 2005. A witness before the committee made statements which subsequent evidence threw into doubt and which were subsequently the subject of investigation by the Australian Electoral Commission. The commission was unable to conclude its investigation because of its inability to use the parliamentary evidence. The witness concerned has repeatedly failed to respond to requests by the committee—and its successor, the current Senate Standing Committee on Finance and Public Administration—to clarify his evidence, despite the committee drawing his attention to the rules of the Senate relating to misleading evidence and refusal to provide information to a Senate committee. The matter raises questions under the Senate’s rules, contained in paragraph (12) of Privilege Resolution No. 1 of 1988, concerning the giving of false or misleading evidence to a committee and the refusal to answer questions put by a committee when required to do so.

Under standing order 81, I am required to determine whether a motion to refer the matter to the Privileges Committee should have precedence over other business, having regard to the following criteria: (a) the principle that the Senate’s power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate; and (b) the existence of any remedy other than that power for any act which may be held to be a contempt.

In past presidential determinations, the principle has been followed that a matter should be given precedence if it is capable of meeting criterion (a)—that is, if the matter raised is of sufficient seriousness potentially to warrant the invocation of the Senate’s privilege jurisdiction. Criterion (b) has been regarded as having been met if there is no other reasonably available remedy for the act in issue. As the senators’ letter points out, a possible available remedy in the form of action by the Australian Electoral Commission has proved to be impossible because of the factor already referred to. It is clear that only the processes of the Senate can offer any remedy.

Past cases of possible false or misleading evidence referred to the Privileges Committee, and the reports of the Privileges Committee on those cases, indicate that any suggestion that false or misleading evidence has been given has always been taken very seriously by the Senate and by the Privileges Committee. The matter meets the criteria I am required to consider, and I have therefore determined that a motion to refer the matter to the Privileges Committee may have precedence. I table the letter from Senators Forshaw and Murray.

Senator FORSHAW (New South Wales) (12.34 pm)—I give notice that on the next day of sitting I shall move:

That the following matter be referred to the Committee of Privileges:

Having regard to the material presented to the Senate by the President on 6 February 2007,
whether any false or misleading evidence was given to a Senate committee, whether there was any improper refusal to provide information to a committee, and whether any contempt was committed in that regard.

TEMPORARY CHAIRMEN OF COMMITTEES

The PRESIDENT (12.34 pm)—Pursuant to standing order 12, I lay on the table a warrant revoking the warrant nominating Senator Brandis as a Temporary Chairman of Committees.

CUSTOMS LEGISLATION AMENDMENT (BORDER COMPLIANCE AND OTHER MEASURES) BILL 2006

Second Reading

Debate resumed from 17 August 2006, on motion by Senator Ian Campbell:

Senator LUDWIG (Queensland) (12.35 pm)—I rise to speak on the Customs Legislation Amendment (Border Compliance and Other Measures) Bill 2006. This is an omnibus bill which contains a variety of measures. I will briefly take the opportunity to outline the contents of the bill and, in particular, Labor’s analysis of the bill. Schedule 1 of the bill looks to address a gap in the current law. Presently, Customs may dispose of certain perishable items seized under appropriate circumstances; however, it does not have a similar power for explosive materials and certain hazardous chemicals and biological agents, even in cases where it lacks the capacity for safe storage. The bill remedies that inadequacy to allow the disposal, including destruction where necessary, of such goods where their retention would constitute a danger to public health or safety. This is a sensible measure that reduces the risk that Customs officers and members of the traveling public could unnecessarily be exposed to. As such, Labor supports it.

I will look at schedules 2 and 4 of the bill together, as both cover the government’s security identification regimes. Schedule 2 seeks to close gaps in our existing security regime regarding access to designated areas. Examples of these include areas used for the examination of baggage or the questioning of aircraft passengers. The ability of Customs to control access to designated areas is at present overly restricted. In particular, persons who hold either an aviation security identification card or a visitor identification card can have, in effect, unfettered access to these areas even where it is not required for the performance of their duties.

It is really incredible to think that the government is still fiddling around with this basic level of security more than five years after the September 11 attacks. The changes proposed in schedule 2 will enable Customs to issue a written notice to the holder of a security identification card directing restricted access to such areas. I might say, though, while Labor support this amendment, we are interested in ensuring that the actual implementation of this change works as intended.

Schedule 4 also relates to identification cards and aims to make it easier for Customs to keep its database up to date. Following commencement, the authorities that issue cards would be obliged to notify Customs inside seven days when a card expires or has been revoked. Customs will also be able to request relevant information from the issuing authority.

There are important steps in tightening security at airports and related facilities, so on that basis Labor supports them as stopgap measures. However, more broadly we do wonder if the system could not be more preemptive in some cases. Where issuing authorities know that a particular card is about to expire on a certain date, they should be-
come a little bit more proactively engaged and not have to wait for the card to expire first before notifying Customs. It seems to me that the card management regime would allow you to know when a card is about to expire so that you can take intended action to ensure that it is renewed or cancelled as the case may be.

The third schedule makes minor and technical amendments to ensure that the act is compliant with the Australia-United States Free Trade Agreement. For example, the schedule includes a change to the definition of persons of the United States so that it is no longer confined to natural persons and a change so that the distinction between US-originating and non-US-originating goods accurately reflects the agreement. Labor supports these amendments as Australia is simply fulfilling its obligations under international agreements and treaties.

Schedule 5—and I might spend a little bit more time on this—activates the long-awaited Accredited Client Program provisions first introduced as part of the international trade modernisation amendment act in 2001. The program is supposed to provide accredited importers with a simplified system for processing consignments. The anticipated benefits for participants in the system, for Customs and for the country as a whole have changed significantly from the original proposals, though. Although they were delayed by the inability of the Minister for Justice and Customs to deliver the Customs cargo management re-engineering project on time, Labor can say it is pleased to now see the government finally dragging itself to some action. But we do have a number of criticisms of the government’s approach in this area, which I will go to shortly.

Schedule 6, in finalising the schedules themselves, will provide Customs officers with necessary protections from a number of drug related offences. The changes will mean that officers who possess or facilitate the trade of narcotic goods under approved circumstances—I should underline ‘under approved circumstances’—will be protected from criminal responsibility. This will ensure that Customs officers and their delegates can assist the Australian Federal Police with investigations and operations relating to the importation of illegal drugs. Labor supports those amendments.

Turning to the Senate Standing Committee on Legal and Constitutional Affairs inquiry and report, I note the report provides a brief overview of the bill and its six schedules. I will move specifically to the committee’s report on the bill itself. In examining the bill, the committee received submissions and testimony from the Customs Brokers and Forwarders Council of Australia, the Australian Customs Service, the Law Council of Australia, the Australian Federation of International Forwarders and the Australian Federal Police. A recurring theme in relation to Customs legislation is the lack of adequate consultation. This bill is no exception. The committee had the following to say about the process and outcome. It said the committee ‘is not satisfied’ that the consultation period ‘has encompassed all interested parties’. It said ‘in more recent times the process appears to have become fractured’.

The report cited ‘the divergence of opinion between some of the industry bodies’ as evidence of this and suggested that anticipated benefits to participants in the Accredited Client Program—the ACP, for short—were based on those that would flow to a single section of the importing community, namely ‘a select group of larger companies’ that formed part of the business partner group, and, as such, alternative models for the ACP that might deliver benefits to a wider cross-section of the diverse importing community had been overlooked.
This was not all, though. There were a variety of other circumstances of concern that the committee raised over the proposed legislation. I will deal briefly with three of those, as time does not permit me to deal with all of them, and then return to them shortly. Firstly, the committee was concerned that the bill did not contain any provisions relating to disputed payments under the ACP. It said the absence of such provisions could easily lead to unnecessary uncertainty for participating companies in the event that such a dispute arose, simply because there were no provisions available for that eventuality. Secondly, the committee noted the absence of security standards. It particularly noted that no criteria were prescribed in the Customs Act or associated regulations against which assessment and compliance could be measured. Thirdly, with regard to the removal of full monthly duty deferral from the ACP model, the committee said that new costings and valuations should be performed to fully elucidate the advantages of the ACP. I flag this issue as I intend to return to it in a moment.

Finally, after considering the bill, the committee made two main recommendations. One was to amend the changes to the unauthorised entry regime in the schedule to limit the issuance of written notice, directing a security card holder not to enter a restricted Customs area, to circumstances where an immediate criminal or security threat or emergency is present. The second was that an independent cost-benefit analysis of the Accredited Client Program be undertaken ‘which takes into account the removal of the duty deferral mechanism’.

In addition to the committee report, Labor senators expressed strong concern that changes to the Accredited Client Program represented a broken promise to industry and a missed opportunity to link enhanced security to facilitated trade. Labor’s chief concern with the bill, then, is the changes to the Accredited Client Program. That should come as no surprise to the government. This program was originally promised years ago, but the endless delays and botched implementation of the Customs cargo management re-engineering system have meant that the government has until now failed to progress the issue. In what can only be described as a half-hearted attempt to progress the Accredited Client Program, we now have this legislation before us.

This bill, insofar as it relates to the ACP, represents another broken promise by the Howard Liberal government. But, make no mistake, it is the means by which Senator Ellison will attempt to weasel his way out of a promise of a full duty deferral for participants in the program. Full duty deferral was supposed to create incentives to encourage importers to participate, primarily through two mechanisms. Firstly, it was meant to dramatically reduce the paperwork required of participating importers by bringing into place a single payment declaration, thereby reducing transaction costs for both the client and Customs. So there would be one transaction, one cost and one payment declaration. Secondly, it was meant to deliver a cash flow benefit by deferring related liabilities until the end of the month. As in any ordinary business, you could put the transaction in and defer related liabilities to the end of the month. Many businesses operate on that basis. Instead, the ACP that we have before us eliminates the cash flow benefit entirely—it has gone completely—and fails to significantly reduce the transaction costs. This is because it is a compromise model. What we found was that the government came back with a compromise model that requires payment for any given month on the 15th day of that month, which means that we now have a messy hybrid of deferred and advance payments. So liabilities incurred over the first 15
days will in effect be deferred, but those expected to be incurred for the second half of the month will be brought forward. If that sounds confusing, you should see how it is written.

When you look at how it will operate, you see it will mean that participants will have to estimate the likely value of what they expect to import. They will have to actually guess in advance what they are likely to import, then in the following month this estimate is reconciled with the actual, and any discrepancy is then settled. So every month you have a process of estimation, reconciliation and then a settlement one way or the other.

If listeners are confused, it is because of the gloss the government has put on the system. I apologise because the government is certainly not going to apologise for it. But at least I have saved listeners from the minister’s diagram. Standing orders prevent me from holding up their diagram about how it is supposed to work, but I encourage anyone to go to the EM and have a look at it, because it is confusing and it remains a very difficult process for those to operate within.

What is the effect of the withdrawal of these benefits? The effect is that only importers with incentive to participate will be left. Those which stood to profit from the alternative cost-recovery scheme—very large companies—may be the only ones. Yet again, the Howard government has failed small to medium sized businesses, while handing 20 or so big companies a trading advantage on a platter through Customs, the monopoly service provider. You have got to put it in context. Customs is a monopoly service provider in this area. There is no-one else. Businesses have to go through this process if they want to operate an importing/exporting business.

Some in industry are hoping against hope that the minister will come around. I think by now it is clear that it is too late. The government’s regulation taskforce made specific recommendations on broadening the appeal and benefits of the ACP in a report released in April last year. Yet again, however, Senator Ellison has failed to deliver. When the government finally responded to recommendation 5.54, all they did was promise to consider the matter further down the track. So here we are with the government going to implement this mishmash of a system and they have promised that they will have a look at it further down the track.

Small businesses in the trade community deserve better than this. The community deserves better than this, because the community was to enjoy the corresponding cost savings resulting from simplified process arrangements. But they too now will not be lower for Customs, which will have to provide guidance to importers in predicting their expected imports for the second half of each month. The biggest benefits behind the ACP were to flow from having trustworthy importers securing their supply chain, thereby both freeing up Customs resources and enabling it to better target the use of them. Although importers already have an incentive to do this out of their own self-interest, the purpose of the duty deferral and simplified clearance process was to provide a reward to those that complied with the higher security standards set by the government. All this is absent in the current legislation. The legislation brings not one security bonus to the community, despite the emerging international best practice of tying trade facilitation to enhanced security. What we have here is simply second rate.

Should anyone have any doubt that this represents another broken promise to the Australian trade community, they should look no further than the explanatory memorandum to the original provisions which lie dormant in the back of the Customs Act
That EM promised full duty deferral. And now we have this dud. Flawed outcomes such as this are quite often the direct result of a flawed process. After all, the abandonment of duty deferral was desired by neither Customs nor the minister, who was keen to pass the buck and point out to the committee during budget estimates hearings on 25 May 2006 that the policy was in the hands not of his own department but of the Treasury. We saw the minister passing the buck to Treasury. So in a sense the only real difference between the minister and Labor on this issue is that only Labor is willing to do the hard work of fighting for the best outcome. The minister has already raised the white flag.

This minister took the original proposal, which included full duty deferral, to Treasury for costings as part of the 2004 budget process. In the absence of the full response from the government—and let me share with the Senate what we learnt about that—according to the national manager of the compliance branch of the Australian Customs Service, Treasury rejected this proposal based on their concerns about the financial impact of the program on the budget bottom line. The size of this impact was calculated to be $89 million over four years. It was explained that this cost was the result of duty payable in the month of June being deferred until July, which of course is in the subsequent financial year. Because of accounting conventions, this movement of payment from one year to the next showed up as a loss in the given year in which the liabilities were incurred. The approximate value of duty pushed from one budget to the next was roughly $20 million, or an expected $89 million over four years. A sensible and practical policy was junked because of, it seems, an estimated accounting loss—not a real loss, mind you, but a paper accounting loss, it appears. In its place Senator Ellison has accepted a more complex scheme that would have, without doubt, added to the administrative costs of both Customs and, more importantly, business.

Governments must have strict and consistent accounting practices. They cannot pick and choose which accounting conventions to abide by. When it comes to setting policy, it is patently absurd to destroy economic value and create unnecessary red tape because of the idiosyncrasies that are inevitable under any accounting regime. There is another dilemma with all of this and it can only be put to rest with the release of the Treasury’s costings, which I have been trying to get for some time but to no avail. If the information is placed in the public arena then we will all be able to look at what Treasury have had to say about it, but it appears as though there are a number of holes in the details of the costings the government have revealed to date. It is incumbent upon the government—not the opposition but the government—to fill in the puzzle and provide the detail. I am happy to extend the opportunity to government to lay all the facts on the table today but, quite frankly, I do not think they will.

Labor wholeheartedly support schedules 1, 4 and 6. The only real issue we have with this bill is schedule 5, which attempts to dud small business in the Australian trade community. (Time expired)

Senator MURRAY (Western Australia) (12.55 pm)—The Customs Legislation Amendment (Border Compliance and Other Measures) Bill 2006 amends the Customs Act 1901 to allow the chief executive officer or a regional director for a state or territory to dispose of goods seized by Customs if the CEO or regional director is satisfied that the retention of the goods would constitute a danger to public health or safety. The bill allows a Customs officer to restrict access by holders of a security identification card to
section 234AA places, ships, aircraft and wharves. The bill makes minor technical amendments to provisions implementing the Australia-United States Free Trade Agreement and it allows authorised officers of Customs to request from issuing authorities updated required identity information in relation to security identification cards issued by the issuing authorities.

The bill requires issuing authorities to notify Customs when a SIC issued by the issuing authorities has expired or has been revoked. It implements an Accredited Client Program that would enable importers meeting the accreditation requirements to utilise a streamlined entry, reporting and duty payment procedure for the importation of goods. The bill confers protection from criminal responsibility for the possession, conveyance and facilitation of the conveyance of prohibited imports, prohibited exports and smuggled goods, including narcotics, on officers of Customs who engage in those acts in the course of duty and on persons who engage in those acts on instructions from officers of Customs acting in the course of duty, and it fixes a misdescribed amendment to the Customs Act.

It is unclear to me why the two customs bills which are on the legislative list for this week are not being dealt with at least consecutively and perhaps even cognately. As has been pointed out by several of those who made submissions to the Senate Legal and Constitutional Legislation Committee, there have been ongoing piecemeal amendments to the Customs Act, and this does little for clarity or certainty for those involved in trade. I note that this bill is now quite old and has taken a long time to come before us.

I noted the comments of the opposition shadow spokesman on the bill and the criticisms he made with respect to the government and the minister’s handling of these issues. I will be interested to hear what the minister’s response is to those criticisms in his speech in the second reading debate. For my part, I will restrict my comments on this bill to the sections which impact on the civil liberties of people entering Australia as returning citizens, tourists or migrants.

Schedule 2 raises, in its unauthorised entry coverage, civil liberties issues which are of some concern. A Customs officer, on delegation from the Collector of Customs, can exclude people from prescribed areas without providing reasons, and there is no limit to the time a person can be excluded. So if an airline has concerns about a baggage handler, although he may have a valid security identification card, which can be issued by Customs or another agency, there is the opportunity provided by this amendment to exclude him from his place of work by order of Customs, and there is no legislative provision requiring Customs to supply him with reasons. If a baggage handler is so excluded even though they have a valid SIC then it is obviously impossible for them to do their job, and if they are not given reasons for the exclusion it is impossible for them to appeal the decision. Whilst I recognise that there are circumstances when baggage handlers should be excluded, and that is quite proper in the interests of security, the inability to appeal the decision or have it reviewed should be regarded as a denial of natural justice. We should be aware, of course, that these actions can affect somebody’s ability to get a job in another place.

Another example would be where a person was found to be carrying unauthorised goods and asked for access to a lawyer or translator to assist them with the challenge with respect to those goods—perhaps a lawyer to determine what their rights and defences were or a translator to understand the charge against them. You can see that, if the amendment passes, Customs could override...
the valid SIC and exclude any lawyer or translator from the area. Also a lawyer who does not have a SIC could be excluded from areas by order of Customs. Those sorts of issues are not covered in the legislation or the EM and it should not be a discretionary matter for Customs officials to make decisions on these matters which are not reviewable. So I agree with the discretion; I disagree with the lack of review.

As the Bills Digest points out, under current law a variety of agencies can issue SICs to employees and visitors. The proposed amendment will tighten the exemption in section 234A(1A) and will give the Customs authorities a stronger influence over who can access certain security sensitive areas. The second layer of control proposed in this amendment is that the discretion given to the Customs officer to issue a written notice directing a person not to be in a particular area is unfettered. Unfettered discretions are discretions to be wary of.

This bill does not restrict the grounds upon which such a notice may be issued nor does it specify limits against whom such a direction may be issued. Therefore, according to the assessment in the Bills Digest, it is at least feasible that a person who ought to have access to places in which persons are held for the purpose of questioning or examination could be subject to such notices—that is, they could be excluded from the area by a Customs official, upon whom there is no requirement to provide reasons for the exclusion.

In reply to questions taken on notice, Customs argued that section 234AA areas are designated sterile areas, only to be accessed by certain people. Where the assistance of union officials or doctors was needed, such persons would be granted temporary escorted access to the area. Such an assurance may apply where you have a person who uses their discretion wisely but could be hollow in certain circumstances because it gives each and every Customs officer discretion as to whether or not they will allow someone into a designated area. It does not require them, obviously, to let the person into the area, and there is no obligation in the legislation requiring them to provide access or to provide reasons for refusing access. Either they are required by law to provide access or they are not. Discretion can be abused in such circumstances. I think that, if Customs are going to take this route, they need to monitor the application of these rules carefully over a period of time to ascertain whether in fact they work effectively and whether people are being treated unfairly in the circumstances.

I note that the Senate Legal and Constitutional Legislation Committee recommended that proposed section 234A(1B) of the bill be amended to limit the exercise of the power of the Collector of Customs to issue a written notice directing the holder of a SIC not to enter or be in or on a section 234AA place or other relevant place to circumstances where an immediate criminal or security threat or emergency is present in the section 234AA or other relevant place. In other words, they are trying to raise the discretion bar. The committee has said that, where a Customs officer perceives or fears there to be an immediate criminal or security threat or emergency, it is appropriate to exercise that discretion. Otherwise discretion should be constrained. I thought that a sound recommendation—it is one which I have included in the amendments to this legislation which I will move at the in committee stage. I hope that the committee will consider these amendments on those grounds.

There is also an argument that proposed section 234(1B) does not require the decision maker to provide reasons for their decision, nor is there a guaranteed right to be heard granted to the person who is subject to the
notice. This would appear on the face of it to be an abuse of natural justice, and again I cannot agree to legislation which sets up a situation which excludes the concept of natural justice.

I have noted that Customs argued that these are decisions made ‘in real time’—that is, it is not appropriate that people be provided with reasons on the spot. Given that these provisions enable search and seizure of goods, there does need to be some reasonable natural justice mechanism and occasion for judicial review built into the legislation. Anyone who exercises real-time decisions has to give reasons. A police officer automatically gives reasons when a warrant is presented or when they have to act with regard to somebody.

Schedule 5 relates to the Accredited Client Program. It is designed, according to the Bills Digest, to simplify reporting requirements for Australian importers and exporters to improve the supply chain and to allocate more resources away from known reliable traders or low-risk cargo towards ‘areas of high risk’. The ACP has been identified as essential to secure international trade against the threat of terrorism. This is obviously a laudable and supportable aim and one which I fully support, as does my party. However, we must be very careful and wary of any unintended effects on civil liberties. This particular schedule does not impact on civil liberties; however, there are different sections of the industry, advisers to the industry and government departments that have disagreed about the consultation period and the application of the amendments. Those matters were addressed by the shadow minister.

The Business Partner Group have obviously been involved in a long consultation with government and stated as much in their submission to the inquiry. However, the Customs Brokers and Forwarders Council of Australia indicate that they have been left out in the cold somewhat. They were, therefore, surprised when these amendments were brought in. The area of concern for the Customs Brokers and Forwarders Council of Australia and the Law Council of Australia was deferral payments. The CBFCA submitted to the committee:

The program as foreshadowed ... is unrealistic in efficiency or effectiveness for importers in general, and service providers in particular. From the CBFCA’s perspective, consultation on key issues of the Bill with the CBFCA has been non-existent and ... the programme ... gives little, if any, benefit to the majority of importers and little consciousness of benefits to service providers.

The issues for importers which flow from a regime based on estimates and subsequent account reconciliation will include: the proposed regime does not appear to be based on a true deferral regime; the advance payment of the estimate will affect importers’ cash flow; and importers must put into place mechanisms which allow them to provide accurate estimates. Estimates are likely to be statements to Customs for the purposes of sections 243U and 243T of the Customs Act, which are strict liability offences for making false or misleading statements to Customs, which may or may not lead to a loss of duty.

The proposed regime allows importers and their delegates to join the ACP, and there is a question as to whether this is a sufficient implementation of Australia’s obligations under the World Customs Organisation framework. The Law Council of Australia submission to the committee pointed out:

... the Framework is intended [to] afford benefits to all interested parties in the supply chain (known as Authorised Economic Operators). This would extend to transport companies, customs brokers and freight forwarders. However—under this proposed amendment—the ACP is only limited to importers. The benefits of the ACP should be extended to all other inter-
ested parties in the supply chain who would otherwise be entitled to preferential or advantageous treatment under the frameworks.

The Law Council also noted that the ACP in its current form appears to have no security element, as is required under the WCO framework, so what the government was trying to achieve with this amendment—that is, to make international trade more secure from the threat of terrorism—does not seem to be actually achieved.

We have concerns on two fronts: firstly, the unbalanced consultation with interested parties; and, secondly, the fact that the amendment does not appear to achieve the objectives required by the WCO framework. The Democrats note that the legal and constitutional committee recommended that an independent cost-benefit analysis of the ACP be undertaken which takes into account the removal of the duty deferral mechanism from the proposed ACP. I suggest that, if that recommendation were taken up, it would be a good opportunity to consult further with interested parties and to ensure that the WCO framework objectives are achieved. I look forward to the committee stage.

Senator IAN MACDONALD (Queensland) (1.08 pm)—I want to very briefly indicate my support for the Customs Legislation Amendment (Border Compliance and Other Measures) Bill 2006, and I will save the time of the Senate by not indicating the contents of the bill. They are already set out in the minister’s second reading speech, and both previous speakers have broadly indicated the purpose of this bill. I congratulate the Minister for Justice and Customs, who has been very proactive in his administration of customs legislation and particularly border compliance and other measures for this country. Senator Ellison has, over a number of years, demonstrated his very keen understanding of all of the issues and of what needs to be done. I notice Senator Murray indicated that this seemed to be a piecemeal approach to customs legislation and that there were various bills around. I simply point out that this minister has been very proactive and has dealt with issues as they have arrived. Obviously in the fluid situation that our customs arrangements are in at the moment, particularly with heightened terrorism and increasing drug trafficking, improvements are always needed, and it is a credit to the minister and to the government that as these needs are identified they are immediately addressed by legislation as required. My congratulations to the minister on bringing this bill forward and for the other work he does in the customs area, particularly in relation to border compliance.

The provisions of the bill relating to giving protection from criminal responsibility to Customs officers handling narcotic goods in the course of duty is, I think, a very important one. I chair a committee that has just been very closely looking at amphetamines and other synthetic drugs, and the evidence received by that committee presents a very frightening indictment of drug trafficking throughout the world, and of course Australia is no exception to the scourge of drug trafficking. We need to ensure that our Customs officers, who do an absolutely mighty job, are given every resource possible to help them in the fight against the importation of narcotics.

Regrettably, we in Australia, as in many other cases around the world, are losing the fight. As much as we do not like to concede it, regrettably, as I say, each week there are more and more young people and not so young people becoming involved particularly in synthetic drugs. It is something that requires the absolute commitment of the authorities, and I know our Customs officers, our Federal Police and our Crime Commission do a fabulous job in helping wherever they can to address the importation and dis-
tribution of drugs in Australia. In this, of course, they are considerably helped by the state police forces, which are really at the front line of this, but it does require a massive effort. It gets massive resources from the federal government, and this provision in this bill, small though it is, will also assist in the ongoing fight against drug trafficking and drug importation into Australia.

In this sort of legislation, as Senator Murray mentioned, there is always some challenge between civil rights and the need for the enforcement authorities to have the powers to do what needs to be done. It is always going to be a difficult call; it is always a marginal call. I think in this instance the minister has the balance correct and, while some may say that there is interference with civil liberties, by and large the bill has the right balance between giving the powers that the officers need and the civil liberties that we all enjoy in this country.

In talking about a bill that deals with border compliance, I again indicate what a fantastic job our Customs officers do. Over the parliamentary break I have been overseas and, seeing the way our Customs officers operate and making comparison with Customs officers elsewhere in the world, we cannot help but be proud of and impressed by the work that the troops on the ground do. There are plenty of them, which is always pleasing to see to travellers entering Australia. They are very courteous and very efficient in the work they do. I suspect that those of us who travel overseas always appreciate Australian Customs officers, but perhaps we do not often enough indicate to them the admiration we have for the work they do. I wanted to take the opportunity this bill presented to put on record my appreciation of the work that those front-line troops do in protecting Australia’s borders.

On the same general area, I want to again congratulate the minister and his officers on the work they are doing in the area of border compliance, particularly the fight against illegal fishing in the north and north-west of our country. Every now and again you will hear the ALP—when they are in need of a cheap shot—making some comment with regard to this issue. Cheap shots from the ALP should always of course be judged against their record in office. I well recall that when the ALP were in government they paid very scant regard to the question of illegal fishing in the north. Illegal fishing was rife in the north back in the days of the Labor government, but there was little attention paid to it because the Labor government at that time did very little about it. In fact, it was a bit of a joke at the time. Illegal immigrants used to land in Darwin and get taxis into town to get their goods. Of course all that has stopped under this government, and the minister in particular has done a mighty job in the fight against illegal fishing in the north.

The Customs marine officers who man the Customs patrol boats are very efficient. They do a mighty job in difficult circumstances, and they deserve the full support of the parliament and the people of Australia. It is always very easy to criticise, as the ALP regularly do and as irresponsible newspapers like the West Australian and irresponsible reporters like Regina Titelius do—people and papers who really have little interest in Australia’s wellbeing. The reality is that these Customs marine officers, and the government generally, are doing a fantastic job in relation to the protection of our borders from all sorts of incursions, particularly the instance I mentioned of illegal fishing. It is an issue which will eventually be won. Enormous amounts of resources are being put into it.

Another great initiative is the one I euphemistically call the prison ship, which has

CHAMBER
just started work. It is an initiative that has been a long time in coming. I remember when Mr Wilson Tuckey was the minister and he first raised that issue. At that time he was laughed out of court; everyone told him he was crazy. But, at the time, Mr Tuckey thought it was a good idea, and of course events have shown that that idea was a good one. I am pleased to see that, after a long period of introduction, the measure is now in place. Good luck to those who will serve on it. I am sure and confident that that will make another positive difference in our fight against illegal fishing. I will not hold the Senate any longer. I think the bill is sensible. It does bring in some amendments that are needed, and they are being brought in in a timely fashion. I commend the bill to the Senate.

Senator HURLEY (South Australia) (1.18 pm)—It is interesting that the government seems to be concentrating quite heavily on criticising the Labor Party and the media for our perceived shortcomings. It would perhaps be rather better engaged in getting its regulation and legislation right, and I think the Customs Legislation Amendment (Border Compliance and Other Measures) Bill 2006 that is before the Senate illustrates that particularly well. I refer to the report of the Senate Legal and Constitutional Legislation Committee on the provisions of this bill, in particular the Accredited Client Program. The export business is obviously vital to Australia. Trade in our part of the world and for our small nation is vitally important, and it is important to get it right. It is clear from the report of the committee that there is some confusion and some debate about whether there was sufficient consultation with the businesses involved and whether the bill adequately allows for proper mechanisms to support the Accredited Client Program. Given that we want to encourage and facilitate trade while ensuring that there is proper monitoring of what comes into our country, it is very clear that we need much better consideration of the way this bill implements its supposed priorities and obligations. However, I think the shadow minister has canvassed this issue fairly comprehensively.

I move:
At the end of the motion, add “but the Senate:
(a) notes the:
(i) delay in introducing the Accredited Client Program,
(ii) waste and cost blow-outs in the associated Cargo Management Re-engineering project,
(iii) broken promise to industry regarding the abandonment of duty-deferral, and
(iv) absence of any security enhancing measures in the Accredited Client Program and
(b) calls on the Government to conduct and publish the results of a thorough cost-benefit analysis of the Accredited Client Program, examining both the original duty deferral payment scheme and the revised payment scheme”.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.21 pm)—The Customs Legislation Amendment (Border Compliance and Other Measures) Bill 2006 has a number of aspects to it and previous speakers have outlined those. It has a number of schedules dealing with various areas such as the Australia-US Free Trade Agreement, the Accredited Client Program, the tightening up of security in relation to Customs controlled areas and a number of other aspects which need attention. From time to time, Customs legislation is presented in this form and we find that different areas of Customs responsibility are being dealt with. That has happened over time and it will continue to happen.
We have two bills before the Senate—we have this one and one to be debated later in the week. To answer those queries as to the timing of the bills: a decision was made that this bill needed to go before the other customs bill because of the items covered in this bill. The citizenship bill which is to follow was regarded as an important one, and so a decision was made on order of priority, if you like. But I will take on board Senator Murray’s comments in relation to trying to deal with these bills as much as possible in a cognate fashion, and I have discussed this with Customs.

But I have to make this very clear to those listening: security is a work in progress. As Senator Ian Macdonald quite rightly pointed out, we would not be doing our job if we did not address issues as they arose from time to time. And in an area of operational activity like Customs—and you just have to see the Border Security series to realise the wide area of responsibilities that Customs does have—you are going to come up with matters that need addressing in legislative amendments and, as a responsible government, we have to deal with them. As these items arise, we try to package them in a bill and deal with them together.

I appreciate the Senate’s wish to deal with these bills as cognately as possible, and that is something that we are attempting to address. But I totally reject any notion that we are in some way wrong in dealing with these as we go along and that there is some sort of oversight. It is very much the scrutiny that we carry out that has resulted in this legislative amendment. And some of that is demonstrated very clearly in the Customs controlled areas. What we are doing there is giving Customs powers which, we have recognised, need to be given to Customs in this security environment. Senator Macdonald, quite rightly, mentioned the great work that the men and women of the Australian Customs Service are doing. They cannot carry out effective border control for this country unless we, as a responsible parliament, give them the authority to do just that. And so, with this one aspect of the bill which deals with the Customs controlled area—that is, the section 234AA place, as we call it, for want of a better description—we give Customs the ability to deal with situations where people who may be entitled to be in an area because of an aviation security identification card or a visitor identification card are overstepping that boundary.

I will, for the Senate’s benefit, run through that amendment, because it is an important one. This amendment will give Customs greater control over those people who access Customs controlled areas. It is as simple as that. When you go to a port or an airport you will often see a sign on a fence which says, ‘This is a Customs controlled area,’ and various security arrangements apply, and if you breach that you are subject to prosecution—and quite rightly so. This amendment will allow a Customs officer to restrict the access of aviation security identification card holders and visitor identification card holders to Customs controlled places, ships, aircraft and wharves. The Customs Act provides for Customs to define certain places as Customs controlled areas. The act sets out the purposes under which a person may enter these areas, including for the purposes of their employment.

A security identification card does not by itself designate the holder of the card as being entitled to be in the Customs controlled area. I think that is an important point to remember. It is not necessarily a carte blanche entree into that area. An ASIC card merely indicates to Customs that the person holding the card has undergone a security clearance. Questioning of ASIC holders to determine the reason for their presence in the area may be necessary to ensure sterility of the envi-
environment. It may well be that that card holder is there for other purposes, quite different from their employment. It could be out-of-hours access which is not appropriate. So this amendment is to give Customs that authority to deal with the controlled areas that I have mentioned.

The written direction is a real-time instrument to ensure the sterility of a Customs controlled area. It can only be issued for reasons stipulated in the Customs legislation, not for purposes of other government agencies present at the airport. The direction will be issued when the Customs officer cannot establish the bona fides of the party who is the subject of the direction, and when that party cannot show legitimate cause—that is, a reason linked to their employment—for their presence in the area. And that, after all, is really common sense.

The direction will be issued by the Collector of Customs as defined in the act—that is, the officer on duty at the time of the incident. In circumstances where a passenger or crew member who has been detained by Customs is in need of assistance that is not otherwise available from Customs staff, such as that of a doctor or translator, Customs requests the provision of such assistance and provides escorted access for that person to the controlled area so that they can carry out their essential task.

The Senate Legal and Constitutional Legislation Committee in its first amendment dealt with this, and it proposed that the amendment be limited to circumstances where an immediate criminal or security threat or emergency is present in a Customs controlled place. This subsection is on the power of a Collector of Customs, as I say, to issue a written notice directing the holder of a security identification card not to enter into or be on a Customs controlled place. Customs responsibilities—at airports, for example—extend well beyond criminality and aviation security. By limiting the power to immediate circumstances of criminal or aviation security threats or emergencies, Customs’ ability to ensure the sterility of the Customs controlled area for purposes of processing, examining and questioning passengers would be directly affected. That is, we need a wider power for Customs. You cannot limit it to something which may be extreme or critical at the time. It may be for the good running of the airport and in an indirect way may well affect security. But to limit it to only something which is of a critical nature or of a present and clear danger is too narrow. Customs needs that ability.

For those reasons, the government is not persuaded by that first recommendation of the Senate Legal and Constitutional Legislation Committee. I want to thank that committee for the work it has done. It does a very good job in the Senate looking at government legislation, and not infrequently we adopt the recommendations of that committee, but in this case we cannot for those operational reasons that I have outlined.

The other aspect which was mentioned by the Senate Legal and Constitutional Legislation Committee is the Accredited Client Program. The recommendation of the committee was that an independent cost-benefit analysis of the Accredited Client Program be undertaken to take into account the removal of the duty deferral mechanism from the proposed program. Other senators have outlined the operation of that duty deferral aspect. The government has looked at this very carefully—I have spoken to stakeholders in industry about this over a period of time—and after careful consideration the government has announced its decision that duty deferral will not comprise part of the Accredited Client Program. The fact that the program will now be less attractive to industry is understood. It is considered a poor use of public
money to fund a cost-benefit analysis of the revised Accredited Client Program when the outcome is already known and, on that basis, we reject the recommendation by the Senate legal and constitutional committee.

I will give some background to the Accredited Client Program because I think that in itself does offer benefits to industry. It is an initiative offering streamlined cargo reporting requirements for highly compliant importers and exporters, thereby recognising those that do the right thing and giving them a more streamlined approach in relation to importing and exporting goods. This bill amends the Customs Act to:

... implement an Accredited Client Program that would enable importers meeting the accreditation requirements to utilise a streamlined entry, reporting and duty payment procedure for the importation of goods ...

Provisions relating to the entry and reporting of imported goods under the Accredited Client Program are already in the Customs Act. This bill inserts the provisions relating to the payment of a duty estimate and import duty on imported goods entered and reported under the program. The amendments also align the payment of processing charges associated with the Accredited Client Program with the payment of import duty. There are a number of benefits to this and it remains an attractive program for industry, notwithstanding that duty deferral has not been included in that. It was a decision government took after careful consideration.

This bill, as I say, has a number of aspects to it. I have singled out those two in particular because they were the subject of recommendations by the Senate Legal and Constitutional Legislation Committee. There are amendments to be addressed in the committee stage, and we will deal with those in turn, but I re-emphasise that security is a work in progress and anyone who says that the government should get it right in one piece of legislation, or that we should rule a line in the sand at a point in time and say, ‘We will do no more; that is enough,’ seriously misunderstands how you deal with risks and the security environment that we find ourselves in.

I dare say, and I say with confidence, that we will have further customs bills and further bills amending all sorts of things to do with security—and so we should. Human affairs never stand still, time does not stand still and, in the area of security, I can assure everyone here that the threats we face are ever present and changing. It is for that very reason that from time to time legislative amendments will be necessary, and the fact that they are is a fact of life. The fact that we respond to them demonstrates our responsibility as a government. I commend this bill to the Senate.

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

The Senate divided. [1.38 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes………….. 35
Noes………….. 37
Majority…….. 2

AYES
Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Campbell, G.
Carr, K.J. Conroy, S.M.
Crossin, P.M. Faulkner, J.P.
Fielding, S. Forshaw, M.G.
Hogg, J.J. Hurlie, A.
Hutchins, S.P. Kirk, L.
Ludwig, J.W. Landy, 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.  
Stott Despoja, N.  
Wong, P.  

Sterle, G.  
Webber, R. *  

NOES  
Abetz, E.  
Adams, J.  
Barnett, G.  
Brandis, G.H.  
Calvert, P.H.  
Campbell, I.G.  
Chapman, H.G.P.  
Colbeck, R.  
Coonan, H.L.  
Eggleston, A.  
Ellison, C.M.  
Ferguson, A.B.  
Ferris, J.M.  
Fierravanti-Wells, C.  
Fifield, M.P.  
Heffernan, W.  
Humphries, G.  
Joyce, B.  
Kemp, C.R.  
Lightfoot, P.R.  
Macdonald, I.  
Macdonald, J.A.L.  
Mason, B.J.  
McGauran, J.J.J.  
Minchin, N.H.  
Nash, F.  
Parry, S. *  
Patterson, K.C.  
Payne, M.A.  
Ronaldson, M.  
Santoro, S.  
Scullion, N.G.  
Trood, R.B.  
Vanstone, A.E.  

PAIRS  
Evans, C.V.  
Troeth, J.M.  
Wortley, D.  
Johnston, D.  
* denotes teller  

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

In Committee

Bill—by leave—taken as a whole.

Senator MURRAY (Western Australia) (1.41 pm)—I move Democrat amendment (1) on sheet 5015 revised:
(1) Schedule 2, item 4, page 6 (line 18), after “notice”, insert “stating reasons”.

I have addressed already the substance of this amendment in my remarks in the second reading debate. Simply put, the amendment asks that the notice that must be supplied to a person who is excluded from a prescribed place must now state the reasons for their exclusion from the area. This amendment is requested because it sets up a system of natural justice—that is, the person would have the reasons and could therefore object to them. It is quite usual for such notices to have reasons. I think, as do many others, that their omission in this particular instance is not justified.

Senator LUDWIG (Queensland) (1.42 pm)—It might be worthwhile for Labor to put its position on the amendment moved by Senator Murray requiring a statement of reasons. It might surprise Senator Murray, but Labor will support that amendment. It should not, though, come as a surprise; I think it is a reasonable amendment. If there is an ability to provide a statement of reasons then it should be provided, for transparency and clarity, so that you do not simply get a bureaucrat saying no—because, unfortunately, you then end up with a brick wall and difficulty in finding an answer. Given the range and nature of Customs’ work, you understand that Customs should be able to control an area which is Customs controlled according to section 234AA of the Customs Act. But if they are going to use these powers they should have, and should be required to provide, a reason.

Now, this might extend further or more narrowly than Senator Murray might have provided for, but if that reason goes to issues like security and national security, which I think the minister mentioned, then the statement of reasons should at least say that. It should at least say that that is where the problem exists. It might not then have to go to the detail of all of the reasons that underpin the simple reason that it is a national security or security related issue. You can usually provide a shortened phrase, enough to give the person an explanation.

The explanation might be that the card is cancelled or no longer valid—it could be a range of matters—and the person can go along and remedy the situation. Or it might
be an area where there is a significant problem and you may not want to enliven the issue. Then you can provide a shorter statement. In this instance the onus needs to be placed on the person controlling the area to provide a statement. It seems a reasonable way of going about it. I will not add any more to that. In all of these things when decisions are made it does help that people understand the basis for them.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.45 pm)—I advise the chamber that there will be administrative guidelines which set out the discretionary basis on which the decision can be made and in any notice there will be a provision for reasons. That will be governed by administrative guidelines. We do not think that it is appropriate to put that in the bill. It is more of an administrative nature dealing with the day-to-day work of Customs officers and we have dealt with it elsewhere in a similar fashion. Administrative guidelines are the way to go, not putting it in the bill as such. For that reason we oppose the Democrat amendment.

Senator MURRAY (Western Australia) (1.46 pm)—Minister, does that decision of the government mean that you don’t exclude giving reasons? In other words, can the administrative guidelines allow for reasons to be given?

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.46 pm)—We do not exclude reasons. The administrative guidelines will provide for reasons. It is how you incorporate it. Senator Murray, the amendment is one that puts it in the bill. We are saying that we would rather do it by administrative guidelines, and on the notice which is issued by Customs there will be a space to put reasons. It is not intended to exclude reasons but to do it differently. I think that we have arrived at much the same point but by a different path.

Senator LUDWIG (Queensland) (1.47 pm)—The only difference, it seems to me, is that both Senator Murray and I prefer to see it in the legislation so that it is a requirement. You will then always deal with guidelines; you will then provide for those matters, and I am confident that Customs do that as a matter of course. In this instance, given the nature of the power to be exercised, in Labor’s view it is better placed in the legislation. I think that is the short point that we have now arrived at.

Question negatived.

Senator MURRAY (Western Australia) (1.48 pm)—by leave—I move Democrat amendments (3) and (4) on sheet 5015 revised together:

(3) Schedule 2, item 4, page 6 (line 21), after “on”, insert “a place”.

(4) Schedule 2, item 4, page 6 (lines 22 to 32), omit paragraphs (1B)(a) and (b) and all the words to the end of the subsection.

I briefly motivate those amendments as follows. Amendment (3) is in essence an attempt to remove confusion and to ensure clarity. A ‘place’ is already defined in section 77F of the Customs Act and is described as an area or part of a building. This amendment, as you can see, simply says that in the particular section after ‘on’ insert ‘a place’. It produces greater clarity.

Senator LUDWIG (Queensland) (1.48 pm)—It is a matter that I am not going to support, though I understand the motivation behind it. It goes beyond the committee’s recommendations. It would have been helpful to explore the issue during that committee process to then hear some of the responses. We will get an opportunity to hear the government response as to why it may not be reasonable to put the word ‘place’ in there—it can sometimes have an unintended conse-
quence. I do not want to rely on that. I am going to oppose the amendment on the short principle that I have not had an opportunity to look at it in depth and the committee has not had an opportunity to explore it. I am not closed on it; I will certainly listen to what the government has to say in respect of this proposal. But short of any of that or hearing a convincing argument from the government as to accepting it, Labor will continue its opposition to it.

Senator MURRAY (Western Australia) (1.53 pm)—I move Democrat amendment R(5) on sheet 5015 revised:

(5) Schedule 2, item 4, page 6 (after line 32), after subsection 234A(1B), insert:

(1C) For the purposes of subsection (1B), the exercise of the power of a Collector of Customs to issue a written notice directing the holder of a security identification card not to enter into, or be in or on a section 234AA place, or other relevant place, is limited to circumstances where an immediate criminal or security threat or emergency is present in the section 234AA place, or other relevant place.

(1D) A Collector may not issue a direction in accordance with subsection (1B) to a person who is a member of one of the following classes:
(a) a person holding a valid visitor identification card;
(b) a person holding a valid security identification card;
(c) a lawyer attending in his or her capacity as a lawyer;
(d) a medical practitioner attending in his or her capacity as a medical practitioner;
(e) a union official attending in his or her capacity as a union official;
(f) a translator attending in his or her capacity as a translator;
(g) a member of such other class of persons as may be prescribed by the regulations for the purposes of this paragraph.

The amendment attempts to reflect the recommendation of the committee to limit the exercise of the power of the Customs officer to immediate criminal or security threats or an emergency presence in the section 234AA place or other relevant place. The amendment to section 234A(1B) attempts to set up a system where Customs can exclude anyone it likes from certain areas, whether or not they have a security identification card. As I have pointed out previously, if a person has had their bag searched and needs a translator or lawyer then the Customs officer could exclude the person who would be there to assist the person of interest without giving reasons. I am moving the amendment to ensure that certain people with specific skills are not able to be excluded by Customs and must be given access for legitimate purposes.

I know the minister addressed this in his second reading speech and indicated that he felt it was not appropriate for the government to support the committee recommendation. I nevertheless hold to the view that if you are starting to move to limit civil liberties in the way you are, it is better to do so on a restricted basis and then, if you discover that that restricted basis is insufficient, to advance it more broadly. The government seems to be taking a very broad attitude in its restrictions right at the outset.

Senator LUDWIG (Queensland) (1.55 pm)—I understand the point Senator Murray is providing for; it is really tied up with the previous part. I simply express the view that we do not support it rather than that we oppose it. It is a matter which goes beyond the committee report itself. As with all of these things, I understand the time pressures on the Democrats and minor parties. It is helpful if we can explore some of these matters in the committee process, too. That way the committee can have a look at those issues, ask Customs about them and hear their response. But, as I said earlier, I will listen to the response from the government and if there is a strong argument for changing Labor’s view I will certainly be open to it. But at this time I am not in a position to support the amendment.

Senator MURRAY (Western Australia) (1.56 pm)—Just to clarify for the shadow minister: you recognise that this puts in place a recommendation of the committee itself? I am surprised by your reaction. Does that perhaps mean that you have moved back from that position, or did you misunderstand my motivation?

Senator LUDWIG (Queensland) (1.56 pm)—The amendment goes beyond the committee recommendation. I did not want to say this, but if you had been able to participate in the committee process you may have been able to argue this issue and we may have been able to have a look at it. But it goes beyond the committee recommendation and I have not had it fully argued and I have not listened to the responses from the government about it. That is why I have indicated that I am happy to hear what the government might say about it. If you had confined yourself to the committee recom
mendation we might be in a position different from where we are now. I have read the provision you put forward and rather than using the word ‘oppose’ I have used the phrase ‘not going to support’ at this point. I understand the arguments that you have put and I understand the point you are seeking to make. Where it goes beyond the committee recommendation itself I have not had the time to put those issues through the committee—I am a member of it—and have an argument and dialogue about how it would affect Customs. That is for the minister to tell us.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.58 pm)—This amendment does move in the direction of the first recommendation of the Senate Legal and Constitutional Legislation Committee. It sets out a class of people, though, which will be included and I do not think the Senate committee went as far as listing the classes of people who should be exempted from the amendment. I think the government’s remarks in relation to the first recommendation of the Senate Legal and Constitutional Legislation Committee really do apply to this amendment as well, and I rely on those remarks. We believe that Customs should have the ability to scrutinise those cardholders not just in the context of a critical issue or an immediate danger but in a wider sense. For those reasons we oppose the Democrat amendment.

Question negatived.

Progress reported.

MINISTERIAL ARRANGEMENTS

Senator MINCHIN (South Australia—Leader of the Government in the Senate) (2.00 pm)—by leave—On 23 January the Prime Minister announced a number of changes to the federal ministry. Ministers were appointed to their new positions on 30 January. May I indulge the Senate by congratulating Senators Brandis and Scullion on their promotion to the ministry. For the information of honourable senators, I table an updated list of the full ministry. I take this opportunity formally to advise the Senate that Senator Coonan will continue to take questions on behalf of the Minister Assisting the Prime Minister for Women’s Issues and Senator Abetz will continue to take questions on behalf of the Minister Assisting the Prime Minister for the Public Service. I seek leave to have the list incorporated in Hansard.

Leave granted.

The document read as follows—

FOURTH HOWARD MINISTRY

30 January 2007

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon John Howard MP</td>
<td>Senator the Hon Nick Minchin</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Tony Smith MP</td>
<td></td>
</tr>
<tr>
<td>Transport and Regional Services (Deputy Prime Minister)</td>
<td>The Hon Mark Vaile MP</td>
<td>Senator the Hon Ian Campbell</td>
</tr>
<tr>
<td>Local Government, Territories and Roads Parliamentary Secretary</td>
<td>The Hon Jim Lloyd MP</td>
<td>Senator the Hon Ian Campbell</td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon Peter Costello MP</td>
<td>Senator the Hon Nick Minchin</td>
</tr>
<tr>
<td>Revenue and Assistant Treasurer</td>
<td>The Hon Peter Dutton MP</td>
<td>Senator the Hon Helen Coonan</td>
</tr>
<tr>
<td>Parliamentary Secretary</td>
<td>The Hon Chris Pearce MP</td>
<td></td>
</tr>
<tr>
<td>Foreign Affairs Parliamentary Secretary</td>
<td>The Hon Alexander Downer MP</td>
<td>Senator the Hon Helen Coonan</td>
</tr>
<tr>
<td>Trade</td>
<td>The Hon Warren Truss MP</td>
<td></td>
</tr>
</tbody>
</table>
Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. Except for the Department of the Prime Minister and Cabinet and the Department of Foreign Affairs and Trade, the title of each department reflects that of the portfolio minister. There is also a Department of Veterans’ Affairs in the Defence portfolio.

**AUSTRALIAN LABOR PARTY**

**Leadership and Office Holders**

Senator **CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (2.01 pm)—by leave—On behalf of the Labor opposition, I wish to table the new shadow ministry arrangements. In doing so, I would like to thank Senators Bishop and Hurley for their dedicated service in the shadow ministry. I congratulate Senators Brandis and Scullion on their appointment as ministers. We hope they have a very enjoy-
### SHADOW MINISTRY

<table>
<thead>
<tr>
<th>Position</th>
<th>Shadow Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Kevin Michael Rudd MP</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition, Shadow Minister for Employment and Industrial Relations and Shadow Minister for Social Inclusion</td>
<td>Julia Eileen Gillard MP</td>
</tr>
<tr>
<td>Leader of the Opposition in the Senate and Shadow Minister for National Development, Resources and Energy</td>
<td>Senator Christopher Vaughan Evans</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology</td>
<td>Senator Stephen Michael Conroy</td>
</tr>
<tr>
<td>Shadow Minister for Infrastructure and Water and Manager of Opposition Business in the House</td>
<td>Anthony Norman Albanese MP</td>
</tr>
<tr>
<td>Shadow Minister for Homeland Security and Shadow Minister for Territories</td>
<td>The Hon. Archibald Ronald Bevins MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Revenue and Computation Policy</td>
<td>Christopher Eyles Bowen MP</td>
</tr>
<tr>
<td>Shadow Minister for Immigration, Integration and Citizenship</td>
<td>Anthony Stephen Burke MP</td>
</tr>
<tr>
<td>Shadow Minister for Industry and Shadow Minister for Innovation, Science and Research</td>
<td>Senator Kim John Carr</td>
</tr>
<tr>
<td>Shadow Minister for Trade and Regional Development</td>
<td>The Hon. Simon Findlay Crean MP</td>
</tr>
<tr>
<td>Shadow Minister for Service Economy, Small Business and Independent Contractors</td>
<td>Craig Anthony Emerson MP</td>
</tr>
<tr>
<td>Shadow Minister for Multicultural Affairs, Urban Development and Affairs</td>
<td>Laurence Donald Thomas Ferguson MP</td>
</tr>
<tr>
<td>Shadow Minister for Transport and Roads and Shadow Minister for Tourism</td>
<td>Martin John Ferguson MP</td>
</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Joel Andrew Fitzgibbon MP</td>
</tr>
<tr>
<td>Shadow Minister for Climate Change, Environment and Heritage and Shadow Minister for the Arts</td>
<td>Peter Robert Garrett MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans’ Affairs, Shadow Minister for Defence Science and Personnel and Shadow Special Minister of State</td>
<td>Alan Peter Griffin MP</td>
</tr>
<tr>
<td>Shadow Minister for Justice and Customs and Manager of Opposition Business in the Senate</td>
<td>Senator Joseph William Ludwig</td>
</tr>
<tr>
<td>Shadow Minister for Sport, Recreation and Health Promotion and Shadow Minister for Local Government</td>
<td>Senator Kate Alexandra Lundy</td>
</tr>
<tr>
<td>Shadow Minister for Families and Community Services and Shadow Minister for Indigenous Affairs and Reconciliation</td>
<td>Jennifer Louise Macklin MP</td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs</td>
<td>Robert Bruce McClelland MP</td>
</tr>
<tr>
<td>Shadow Minister for Ageing, Disabilities and Carers</td>
<td>Senator Jan Elizabeth McLucas</td>
</tr>
<tr>
<td>Shadow Minister for Federal/State Relations and Shadow Minister for International Development Assistance</td>
<td>Robert Francis McMillan MP</td>
</tr>
<tr>
<td>Shadow Minister for Primary Industries, Fisheries and Forestry</td>
<td>Senator Kerry Williams Kelso O’Brien</td>
</tr>
<tr>
<td>Shadow Minister for Human Services, Housing, Youth and Women</td>
<td>Tanya Joan Piiberseik MP</td>
</tr>
<tr>
<td>Shadow Minister for Health</td>
<td>Nicola Louise Roxon MP</td>
</tr>
<tr>
<td>Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services</td>
<td>Senator the Hon. Nicholas John Sherry</td>
</tr>
<tr>
<td>Shadow Minister for Education and Training</td>
<td>Stephen Frances Smith MP</td>
</tr>
<tr>
<td>Shadow Treasurer</td>
<td>Wayne Maxwell Swan MP</td>
</tr>
<tr>
<td>Shadow Minister for Finance</td>
<td>Lindsay James Tanner MP</td>
</tr>
<tr>
<td>Shadow Attorney-General and Deputy Manager of Opposition Business in the House</td>
<td>Kelvin John Thompson MP</td>
</tr>
<tr>
<td>Shadow Minister for Public Administration and Accountability, Shadow Minister for Corporate Governance and Responsibility and Shadow Minister for Workforce Participation</td>
<td>Senator Penelope Ying Yen Wong</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Foreign Affairs</td>
<td>Anthony Michael Byrne MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence and Veterans’ Affairs</td>
<td>The Hon. Graham John Edwards MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Environment and Heritage</td>
<td>Joanne George MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Education</td>
<td>Kirsten Fiona Livermore MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>John Paul Murphy MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Industrial Relations</td>
<td>Brendan Patrick John O’Connor MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Industry and Innovation</td>
<td>Bernard Fernando Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs</td>
<td>The Hon. Warren Edward Snowden MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition (Social and Community Affairs)</td>
<td>Senator Ursula Mary Stephens</td>
</tr>
</tbody>
</table>

---

**CHAMBER**
THE NATIONALS
Leadership and Office Holders

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (2.02 pm)—by leave—I announce that Senator Fiona Nash has been appointed as our Whip. I am sure she will do a great job.

QUESTIONS WITHOUT NOTICE

Climate Change

Senator CHRIS EVANS (2.02 pm)—My question is directed to Senator Minchin, the Minister representing the Minister for Industry, Tourism and Resources. Does the minister recall the claims made last year by the Prime Minister that any attempt to make significant cuts to our carbon emissions would cripple our economy and cut wages by 20 per cent? Does the minister also recall the claims made by the Minister for Industry, Tourism and Resources, Mr Macfarlane, that it would be economic folly to establish a national carbon emissions trading scheme? Has not the Prime Minister this week, after a rather recent and sudden conversion to ‘climate change realist’, now admitted that Australia needs a carbon trading scheme as part of measures to make significant cuts to our emissions? Does the minister still agree with last year’s assessment by the government that carbon trading was economic folly and a threat to wages and, if not, what has changed?

Senator MINCHIN—I think the opposition seems to be ill informed. Indeed, I am advised that the shadow Treasurer, Mr Wayne Swan, was caught out badly by the media this morning when he called a doorstop to assert falsely that the Prime Minister had suddenly converted to a position of proposing a domestic national emissions trading scheme. He was picked up by a journalist present who said, ‘We’ve not heard the Prime Minister actually say that,’ and, as I am advised, Mr Swan had to back off. It would appear that Senator Evans is suffering from the same delusion.

The government continues to be opposed to Australia acting unilaterally to tax Australian industry by way of a domestic emissions trading scheme or a carbon tax in the absence of any action by our trading partners or other major nations in the world. We announced sometime late last year that the government was open to the proposition—indeed, supportive of the proposition advanced properly by the former Minister for the Environment and Heritage, Senator Ian Campbell—that an international global trading scheme in carbon was something we saw some attraction to and would be prepared to contemplate. Indeed, a committee has been established to report on this matter and a discussion paper will be released this week on that very matter as to how an international trading scheme might operate and Australia’s part in that.

We continue to oppose the Labor Party’s policy of a unilateral domestic emissions trading scheme, which we continue to believe would do damage to the Australian economy, would damage Australia’s workers, would put Australians out of work—it would damage the very people the Labor Party professes to support—would drive industry overseas and would be a disinvestment action by any Australian government. So we continue to argue against that proposal. We continue to believe that the Labor Party, in pursuing that policy, is doing Australia great damage. We continue to believe that the Labor Party has no credibility on this issue. To the extent that it continues to flatly and absolutely oppose even any contemplation or consideration of nuclear power playing a part in Australia’s future energy needs, Labor has no credibility on this issue. As to the misrepresentation of the Prime Minister’s position, I wish to, as I said, correct the record.
Senator CHRIS EVANS—Mr President, I ask a supplementary question. I take it, from the minister’s answer, that the government will be taking no steps to support carbon trading until such time as there is a fully established international scheme. That is certainly contrary to the impression the Prime Minister gave yesterday. But does the government still maintain that a carbon trading scheme is a significant threat to our economy, that it would cut real wages and increase electricity prices and is total economic folly? Is that your assessment of any carbon trading proposition designed to cut emissions in Australia?

Senator MINCHIN—As I said, the government does continue to believe that unilateral action by Australia to introduce on its own—in ignorance of anything else that the world is doing or in the absence of any move in the international community to have an international trading scheme in carbon—will do significant damage to this economy and put Australians out of work for no gain to the environment whatsoever. It is a fallacy to suggest that you can just unilaterally introduce the domestic scheme without doing significant damage to Australians.

Water

Senator FERRIS (2.07 pm)—My question is to Senator Minchin, the Minister for Finance and Administration and the Minister representing the Prime Minister. Will the minister outline to the Senate what the government is doing to restore the health of the Murray-Darling Basin and to ensure our long-term water security?

Senator MINCHIN—I thank Senator Ferris for that question as she represents the state of South Australia, the state that I also represent, which is of course at the end of the Murray-Darling system. The fair division of the Murray-Darling Basin’s waters has been a challenge for this great federation since its inception. For a century we have wrestled with this problem. Juggling all the varying demands on the river in an equitable way has really proved too hard for governments of both persuasions over the course of the last century, all with their own state interests and priorities, and the evidence is now in: it is clear that the multistate management of the basin over the last 100 years simply has not worked. The basin is in a critical state as a result of years of excessive exploitation by state governments of both persuasions over the course of that century.

That is why the Prime Minister has now announced a revolutionary plan to rescue the Murray-Darling Basin. Instead of parochial governments making decisions in their own interests, it is time for the national government to manage the basin in the national interest. The Prime Minister’s plan does depend on the relevant states—the four states—referring their constitutional water powers to the Commonwealth. The Prime Minister has written to all state leaders and he has convened a meeting this Thursday, to which all state and territory leaders in Australia have been invited, to discuss the detail of the plan.

The New South Wales Labor Premier, Mr Iemma—to his credit—has confirmed his government’s support. Other premiers have by and large been positive. The exception, regrettably, is Mr Rann, the Premier of my own state of South Australia. I think most South Australians, knowing the critical state of the Murray-Darling Basin, are quite bemused that Mr Rann seems to be the critical and main opponent of our rescue plan. South Australia has clearly been the biggest loser from the current arrangements and can only benefit from a unified approach that saves water upstream of South Australia. Mr Rann’s alternative of an independent commission will not work. We will of course be taking advice under our plan from water ex-
eptors, but we do not believe an unelected, unaccountable body should have total control of the Murray-Darling Basin.

The other great benefit that Mr Rann should recognise is that the federal government is putting its money where its mouth is. As is well known, if the states sign this deal the federal government will invest $10 billion over 10 years, the biggest investment in water infrastructure in our nation’s history, with practical measures on the ground such as investment to stop waste and seepage and evaporation by lining and piping major delivery channels across the basin with the water saving shared between irrigators and the rivers. We will have on-farm water metering, major new environmental engineering works, a sustainable cap on surface and groundwater use and an end to the overallocation of water, with a $3 billion program to assist with structural adjustment. These are the investments in infrastructure that will allow us to deal with the droughts of the future in a much fairer way.

The government is also providing support for water infrastructure investments outside the basin. Through our Australian Water Fund, $850 million is being provided for water investments, with states bidding for projects ranging from pipelines to recycled water and desalination. Our water policy shows that this government is getting on with the job of developing new and exciting policies to deal with our nation’s significant challenges, particularly in the area of water. We are not having meaningless summits or slogans; we are getting on with introducing the most revolutionary action plan to save the great Murray-Darling Basin.

Water

Senator WONG (2.11 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Can the minister indicate when the Department of Finance and Administration first became aware of the Prime Minister’s recent Murray-Darling Basin announcement? Can the minister advise when his department approved the costings associated with the announcement? Is it in fact the case that his department did not do any costings of the Prime Minister’s package before it was announced? Can the minister advise if the department has subsequently undertaken this costing work? Will he please indicate when these costings will be made public?

Senator MINCHIN—Like Senator Wong, I have read Laura Tingle’s article. I found it very interesting reading—fascinating—and no doubt it is a matter that the opposition can pursue in Senate estimates next week. I also note that Mr Rudd apparently does strongly support this plan, as now do most of the Labor premiers. I am happy to assure the Senate that Treasury and Finance officials were consulted, prior to the plan’s finalisation, over its costings.

Senator WONG—Mr President, I ask a supplementary question. I again ask the minister if he can indicate when the department of finance were involved in the costings work associated with this announcement. When were they first aware of the announcement and the costings associated with it? Can he also explain why it is the case that the costings that are currently provided do not provide detail as to when the money will be spent? Could the minister indicate whether he agrees with the Treasurer that there can be no information about how $10 billion worth of taxpayers’ money will be spent until the states sign up? Can the minister explain how Australians are to be satisfied with the scant details of this announcement, including the detail of how the $10 billion will be spent, when most of the Prime Minister’s existing $2 billion Australian Water Fund remains unspent?
Senator MINCHIN—On Senator Wong’s point: spending under other programs is of course a function of us agreeing to spend money in response to proper bids from the states. If the states fail to put in properly costed and sensible bids then we are unable to release the funds. That is responsible government. I do agree with the Treasurer that, obviously, exact details of the profile of the spending of this plan are subject to the states agreeing. We first have to get a proper and legal referral of the powers of the four states unified to the Commonwealth before we can determine the spending profile that will occur. We will release that profile as soon as we are able to. I would certainly hope and expect that in the budget there will be a profile of the spending of this $10 billion, because we do want to do it. We are an open government; we want to negotiate with the states on this matter and we are interested to hear the states’ ideas about this. (Time expired)

Forestry and Conservation

Senator HEFFERNAN (2.14 pm)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Abetz. Will the minister outline how the Howard government’s balanced approach to forestry and conservation is protecting jobs and the environment, including in offsetting carbon dioxide emissions? Is the minister aware of any alternative policies?

Senator ABETZ—I thank Senator Heffernan for his question. What has characterised the Howard government’s policies is balance—balanced, considered policies which deliver sensible and practical outcomes. For example, as a result of the Howard government’s balanced policies over the past 10 years, there are now some extra 10 million hectares of forest reserves in this country. In Tasmania, as a result of the Tasmanian Community Forest Agreement, over one million hectares of old-growth forest is protected forever. That is 45 per cent of Tasmania’s forests and 42 per cent of Tasmania’s landmass. The UN benchmark is only 10 per cent. At the same time we have supported jobs in the legitimate and sustainable harvesting of our forests to provide an essential and environmentally friendly resource—namely, timber. It is a resource that does not emit carbon dioxide when it is manufactured but which actually sucks it in and stores it. Yes, old-growth forests do store carbon, but eventually they do become saturated and can take in no more. But the products forests provide store the carbon dioxide even after the trees are harvested and then the forests are replanted and the regrowth sucks in—

Senator Bob Brown—Mr President, I rise on a point of order. The minister knows that his statement that eventually old-growth forests cannot—

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

Senator Bob Brown—The minister is knowingly misleading the Senate over old-growth forests and their ability to take in greenhouse gases. He is wrong.

The PRESIDENT—There is no point of order. Resume your seat.

Senator ABETZ—Mr President, it might be a new year, but it does not get better, does it? I was also asked about alternative policies. The problem is that Labor’s environment spokesman, Mr Garrett, wants to shut down the Tasmanian timber industry. He said in the Australian only 14 days or so ago, on 13 January:

The principles that will guide Labor’s forest policies are further protection ... This sounded very familiar, so I checked my records, because I had a faint feeling of a ‘guess who said it’ coming on. Guess who had previously used those exact same words? None other than—they have guessed it; that
is why they have gone silent over there—Mr Latham. This was Mr Latham’s 2004 Tasmanian forest policy, which Mr Beazley sensibly dumped but which has now been regurgitated and resurrected under Mr Rudd’s leadership by the new environment spokesman for Labor.

Under Messrs Rudd and Garrett an incoming Labor government would in fact be implementing the Latham-Brown forest policy—a policy which was willing to sacrifice workers and jobs in the name of the green mantra, a policy which also ignored the undisputed greenhouse benefits to the environment. The workers and those genuinely interested in the environment know that the Howard government’s policies of balance and being practical and sensible are the future for this country, and I encourage those on the other side who profess to support the timber industry to have a very close look at the policy direction of their party, which has now unfortunately gone into a degree of recidivism under Mr Latham’s star recruit, Mr Garrett. Make no mistake: Labor’s star recruit at the last election was Mr Garrett. He was recruited by Mr Latham and he has now been placed in that important position of the environment. Those policies would spell death for the timber industry.

(Time expired)

Climate Change

Senator LUNDY (2.19 pm)—My question is to Senator Abetz, the Minister representing the Minister for the Environment and Water Resources. Does the minister recall his comments of 25 September 2006:

There is no doubt that weeds pose ... a challenge much clearer, more present and possibly more serious than the unclear challenge which climate change may or may not pose to our biodiversity in 100 years time.

Didn’t the government’s own State of the environment report show that Australia’s greenhouse emissions will rise by 22 per cent by 2020? Has not the CSIRO warned that such an increase could lead to a four degree rise in temperatures, destroying the Great Barrier Reef and halving water flows in the Murray-Darling Basin? While acknowledging that weeds are a major challenge, given the CSIRO findings, does the minister stand by his assertion that weeds are a clearer threat to our children than global warming, melting icecaps, rising sea levels and changing weather patterns?

Senator ABETZ—I am delighted that Senator Lundy has taken some notice of what, if I might say, was an excellent speech concerning weeds. As so often happens with the Australian Labor Party, there is a small degree of truth in the assertion but then they develop it beyond that which was actually said. So many of us on this side have been burnt by accepting the assertions of those opposite. I know of no scientist—no person—who believes that weeds are not a direct and present threat to the biodiversity of this country, besides costing our farming community literally billions of dollars each and every year. There is no dispute about that. It is a present threat and it is a very real threat. I think those opposite would acknowledge that.

At the time that I gave that speech there was—and, indeed, there still remains within the community at large—some scepticism about climate change. And what better example did we have than yesterday’s TV news when Mr Rudd and Mr Garrett tried to pull a stunt with a farmer and that farmer in fact indicated his scepticism. Ask that farmer whether he has any question about the real and direct threat of weeds to his property and he would say, ‘A no-brainer—of course they are.’ So the point that I was making quite rightly in that speech was that, whilst there were and there still are today some climate change sceptics within the community, there are no sceptics in the community about the
real and present threat of weeds to our biodiversity—a very simple proposition. Those who are blinded by the extreme green mantra, of course, cannot see the sort of sensible, balanced approach that we have taken in relation to this matter. There is nothing inconsistent with what I said in that speech—I think it was in September last year—and that which is the government’s position today.

**Senator LUNDY**—Mr President, I ask a supplementary question. Given the abundance of scientific data on the dangerous impact of climate change, culminating in the IPCC report last week, how could the minister possibly assert that the threat of climate change is in any way unclear or that it may or may not impact on our biodiversity in 100 years time? Given the Prime Minister has done a complete U-turn on climate change, does the minister now reject his own earlier views? Here is his opportunity.

**Senator ABETZ**—In a desperate attempt to give her original question some credibility, the honourable senator now seeks to verbal me even further in her supplementary question. The reality is that there is no inconsistency. I invite the honourable senator to put aside her cheap political shots, put aside her partisanship, read the speech in full and then ask a simple question: is there a single person in Australia who questions that weeds are a clear and present threat to our biodiversity? The answer is: nobody does believe that weeds are not such a threat. As a result, at a weeds conference it was important to point that out and to get some traction on that very important issue within the community, and that—(Time expired)

**Telecommunications**

**Senator RONALDSON** (2.25 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. Will the minister inform the Senate how the government is regulating the telecommunications industry for the benefit of all Australians? Is the minister aware of any alternative policies?

**Senator COONAN**—I thank Senator Ronaldson for the question and for his long-standing interest in telecommunications policy. As senators would be aware, the government is committed to the fair regulation of all players in the telecommunications industry, and that is for the benefit of Australian consumers. A sound regulatory framework encourages investment and it encourages competition, and it is competition that delivers choice and lower prices to consumers.

Senator Ronaldson asked me about alternative policies. I must say it was diverting, to say the least, to read the front page of today’s Financial Review, which reveals the Labor Party’s secret plan to dump consumer safeguards that give Australians cheaper call costs and greater choice. According to the article, union leaders are pushing the Leader of the Opposition, Mr Rudd, to dump regulation of Australia’s dominant and most profitable telecommunications provider, Telstra. The article goes on to report Senator Conroy’s eager agreement with the unions’ demands: ‘Regulatory change is needed now,’ he says emphatically. Senator Conroy is obviously totally confused. Just four months ago—last October—Senator Conroy said: Labor has repeatedly stated that it strongly supports the telecommunications competition regime (that was after all developed by the previous Labor government).

So now, of course, we have the Labor Party saying it will abolish what it claimed to be its own. Today’s reports show Senator Conroy has been comprehensively rolled by Mr Rudd, who in turn has been stood over by Ms Gillard when it comes to bending to union demands. Competition has been the lifeblood of the telecommunications sector. It
has seen the average cost of telecommunications services slashed by more than 25 per cent since this government was elected.

Labor must come clean with Australian consumers about its plan to abolish our regulatory safeguards, which have frozen basic home line rental costs, fixed call costs, guaranteed untimed local calls, ensured phones are installed and repaired straightaway, and ensured adequate payphone coverage. Today’s reports make it very clear that Labor would abolish these safeguards and give Telstra a monopoly over telecommunications services. You can have any flavour under Labor as long as it is Telstra.

Despite having a new leader, Labor has shown itself once again to be shackled to the trade unions. Last year we saw a feeble attempt by the new opposition leader to break free from slavish adherence to the unions’ demands. He flirted with the idea that the Labor Party could make up its own mind on industrial relations policy. That was very short-lived. He was summoned by the ACTU and read the riot act, and very swiftly fell into line. So, once again, we see the trade union movement is driving Labor’s policy— not the Leader of the Opposition, not the deputy leader and certainly not the shadow spokesperson for communications. This government will continue to stand up for consumers and the national interest and we will leave it to the Labor Party to roll over to the unions and dump consumer protections if they dare.

Climate Change

Senator ALLISON (2.29 pm)—My question is to the Minister representing the Minister for the Environment and Water Resources. Did the minister read the Australian Greenhouse Office report Tracking to the Kyoto target out at the end of last year? What does the minister have to say about AGO advice that Australia will massively exceed its generous target under the current government policy? How is it that Australia’s electricity sector has actually increased both carbon emissions and carbon intensity in the last six years? Why is it that, with greenhouse emissions set to reach more than 127 per cent of 1990 levels by the end of 2020, the Prime Minister keeps saying, ‘We’re on target’?

Senator ABETZ—Whether or not the minister, Mr Turnbull, has read that particular report I am unable to say. I will pass that aspect of the question to Mr Turnbull for his consideration. I simply say that, as he has been in the job for a very short period of time, I do not know whether he would have done, but I will pass that aspect of the question on to Mr Turnbull, my colleague. In relation to greenhouse gas emissions, I think we are all agreed that it makes very good sense to try to limit the amount of greenhouse gases that are emitted into the atmosphere. The difference, I think, that divides this place is that we believe in practical solutions rather than signing documents and becoming involved in a degree of mantra. So we are in a position where, not having signed the Kyoto protocol, we are in fact on track—much more so than other countries that actually have signed the protocol—in achieving or coming very close to achieving the outcomes that are being sought.

We as a government are addressing these issues, as I have indicated and we have indicated in previous times. I think it is a hallmark of the Howard government that we approach these issues not on the basis of some extreme ideological bent but on the basis of a measured approach which is sensible and practical. At the end of the day, that is what the Australian people want and that is in fact what we are delivering.

Senator ALLISON—Mr President. I thank the minister for his answer and ask a
supplementary question. Minister, the Australian Business Council for Sustainable Energy said last month that on current programs Australia will need to find greenhouse cuts of six million tonnes every year to 2010 just to meet our target. Minister, what exactly is the government’s plan to cut that 18 million tonnes of CO\textsubscript{2} over the next three years? Can the minister explain why the Prime Minister imagines a voluntary carbon trading system will cut emissions of this order? Why does he think that businesses will take on a cost when their competitors do not have to? Isn’t it the case that businesses need clear and mandated price signals—in other words, a carbon levy and emissions trading? Doesn’t the minister know that it takes years to plan and construct low- and zero-emission power generation? Just what is the plan to achieve these cuts and to deal with the billions of tonnes that will need to be cut by 2050?

Senator ABETZ—What is the government doing in relation to seeking to reduce the amount of greenhouse gas being emitted? We are discussing issues, such as nuclear power, that the Australian Democrats will not even consider. We are talking about supporting a forest industry which those over there are not willing to support. We have been instrumental in seeing 650—I think that is the figure—wind turbines either built or being built within this country, which, of course, will see the use of alternative fuels. Australia’s climate change response measures are projected to reduce our greenhouse gas emissions by 87 million tonnes per year by 2010 compared to what they otherwise would have been. So, yes, we are taking practical, sensible approaches to reduce greenhouse gas emissions. *(Time expired)*

**Drugs in Sport**

Senator LIGHTFOOT (2.34 pm)—My question is the first in this chamber to the new Minister for the Arts and Sport, the affable and the highly competent Senator the Hon. George Brandis SC. Will the minister please update the Senate on the latest developments in the fight against doping in sport? Is the minister aware of any alternative policies?

Senator BRANDIS—I thank Senator Lightfoot for the question and acknowledge his longstanding interest in sport as in so many other areas of Australian public policy. I am pleased to announce that last Thursday—

*Opposition senators interjecting—*

The PRESIDENT—Senators on my left, I think at least you should give a new minister the courtesy of hearing his answer.

Senator BRANDIS—As I was saying, last Thursday, 1 February 2007, the UNESCO International Convention Against Doping in Sport came into force. This is a milestone which reflects well on Australia’s reputation as being at the forefront of the fight against doping in sport. Australia has been a strong supporter of the convention and played an active role in its development, with representation on the drafting group. The convention was adopted by member states during UNESCO’s general conference in Paris on 19 October 2005. Subsequently, on 17 January 2006, Australia became one of the first nations to accede to the convention. On 11 December 2006, Luxembourg became the 30th country to ratify the convention, reaching the threshold of 30 ratifications as required by UNESCO procedures. It follows that the convention entered into force on 1 February.

The entry into force of this convention is an excellent outcome for athletes and sports fans worldwide. It sends a clear message that the international community will not tolerate cheating and that the nations will take all steps to ensure that cheats do not get onto the winners’ rostrum. Parties to the convention...
make a commitment to implementing the World Anti-Doping Code and taking specific action in a number of additional areas, including: restrictions on the availability of prohibited substances or methods to athletes; support for doping controls and national testing programs; the withholding of financial support from athletes and athlete support personnel who commit antidoping rule violations; encouragement for producers and distributors of nutritional supplements to establish best practice in the labelling, marketing and distribution of products which might contain prohibited substances; and the provision of antidoping education to athletes and the wider sporting community. The important role played by the Australian government in the entry into force of the UNESCO convention is yet another achievement by this government in the fight against doping in sport.

On 14 March 2006, the Australian government launched the Australian Sports Anti-Doping Authority, ASADA—a single, dedicated focal point for combating the use of drugs in sport. Its functions include providing education for athletes and support personnel in relation to antidoping matters, undertaking antidoping testing, investigating potential additional sports doping violations, presentation of cases against an athlete or support person alleged to have committed an antidoping violation, and various other matters.

I was asked if I am aware of any alternative policies. I am but they are slight, because a search of the website of the shadow minister for sport and recreation, Senator Lundy, reveals the existence of three documents germane to the question of drugs in sport. The first is Labor’s sport policy for the campaign of 2004, which contains a number of platitudinal statements; the second is a media release by Senator Lundy on 23 July 2004; and the most recent is a media release by Senator Lundy on the issue on 29 June 2005. One year, seven months and seven days have gone by since the shadow minister last interested herself on behalf of the opposition in the question of drugs in sport.

Aged Care

Senator McLucas (2.39 pm)—My question is to the Minister for Ageing, Senator Santoro. I refer the minister to the decision to award Mr Russell Egan Jr, the owner of a vacant block of land on the Gold Coast, 94 bed licences for a yet to be built nursing home. Can the minister confirm that Mr Egan is now free to sell his company, complete with its 94 phantom bed licences, to the highest bidder? Hasn’t Mr Egan himself claimed on the internet that he could sell the bed licences on the free market for a total of $3.7 million? Isn’t this why Mr Egan has boasted that he ‘hit the jackpot’ and that it was ‘the best Christmas present ever’? At the same time as Mr Egan is bragging about cashing in his jackpot from taxpayers, aren’t elderly Gold Coast residents forced to wait in line for yet another 94 phantom beds to materialise?

Senator Santoro—Senator McLucas would be very well aware that the process of allocating aged care places to any aged care provider within Australia is a process that is totally independent of the minister. It is a process, as all opposition senators should know if they do not know, that is judged against a set of criteria which is very extensive and which incorporates criteria way beyond bed readiness.

It is important that I confirm to the Senate what I confirmed when the media very erroneously suggested that the allocation process may have been influenced because he was a mate. I had nothing to do with that particular decision. In fact, I inform the senator that I was not aware until it was brought to my attention that the company that received those places was associated with any interest...
that Mr Egan was associated with. Any suggestion to the contrary is quite scandalous.

I also inform the Senate—as any astute shadow minister or indeed any astute senator would be aware—that places are allocated on a provisional basis to providers that have a proven track record on many criteria but in particular on their capacity to bring those places on line and to then provide quality aged care. Obviously I sought a briefing by my department as soon as the matter of that particular company being successful in the tendering process was brought to my attention via the newspapers, and I have been informed by my department that that particular provider has been in operation for a lengthy period of time, has provided exemplary aged care for a long period of time and, in the opinion of independent assessors and selectors, was judged to be capable of being allocated places and of bringing them on line within the expectations of the department.

So I do not know what Senator McLucas or anybody else who has made any comment in relation to this issue is trying to get at, because I again inform the Senate that it was not just that provider that was allocated provisional places; in fact, there are many providers right across Australia. I have not done a check of any known or indeed unknown party affiliations of other providers that were allocated places. There may even be Labor Party members who may have received provisional allocations, but I can say that there are many other providers that have received provisional places in the expectation that they will build and that they will provide aged care as soon as those places become operational.

This is nothing new. It has been happening since the current allocation process started, which, I again stress, is an independent process—indeed of the minister. I could not understand Senator McLucas’s exhortation to me to reverse the decision or to somehow allocate places to the provider that missed out. Senator McLucas’s suggestion to me is something that the act prohibits me from doing—that is, becoming involved in the allocation process. That is one piece of advice from Senator McLucas that I will not be taking up. (Time expired)

Senator McLucas—I ask a supplementary question, Mr President. Can the minister confirm that Mr Egan is now free to sell his company, complete with its 94 phantom bed licences, to the highest bidder? Aren’t Queenslanders already waiting for 3,660 phantom beds to materialise in their state? Isn’t the shortage of aged care beds in the Gold Coast region already the largest shortage in the state of Queensland? Why is the minister happy to allow his Liberal Party mate to hit the jackpot by playing the system while doing nothing to provide the aged care beds that frail and elderly residents on the Gold Coast so desperately need?

Senator Santoro—Again, Senator McLucas seeks to verbal and to slur me. There are two main reasons that places are not filled. One reason is that they are allocated on a provisional basis—and that needs to happen because proper planning requires that some places are allocated on a provisional basis. The other reason—and I have explained this to Senator McLucas and to the Senate, and the industry understands that this is the case—and this is an example, is that local government authorities are very slow in approving DAs which will bring aged care facilities into operation. To remedy that, fairly shortly I will be announcing some very serious initiatives which will help overcome that particular problem.
is regarding the impending closure of the Auspine mill at Scottsdale with the loss of 300 jobs. Can the minister tell the Senate how many millions of dollars of taxpayers’ money have gone into the establishment of plantations now controlled by Taswood which are going to be denied to Auspine? Would the minister use his good offices to establish an independent review of the contractual arrangements, particularly considering the offer by Auspine to match any of its competitor’s prices in ensuring it got a pine supply to the Scottsdale mill to protect the 300 direct and 700 indirect jobs now threatened to be lost?

Senator ABETZ—I think all Tasmanians are concerned at the situation at the Auspine mill in Scottsdale in the seat of Bass. It is noteworthy that the newly endorsed Labor candidate has not been making any comments about that. The member for Bass, Michael Ferguson, is in fact leading a task force to assist the community. The Auspine situation is one wholly and solely of the state government’s making. The state government owns 50 per cent of the resource in a partnership with another company that operates under the name of Rayonier, if I recall correctly, and they were in negotiations with Auspine for the supply of timber. Those commercial negotiations were undertaken and the state government through Forestry Tasmania et cetera have determined to allocate the timbers to be harvested to another company, Forest Enterprises Australia.

If the honourable senator wants to pursue this, and I think there are questions that need to be asked and matters that need to be pursued in this area, I suggest his Greens colleagues in the state parliament of Tasmania follow the excellent example of Mr Peter Gutwein, Liberal candidate for Bass in the state parliament, who has been doing a fantastic job in prosecuting this issue and seeking to keep the state Labor government of Mr Paul Lennon accountable on this very important and sensitive issue.

Senator BOB BROWN—I ask a supplementary question, Mr President. The minister did not answer the question about how many millions of dollars of Australian taxpayers’ money have gone into the establishment of those pine plantations that are now being denied to Auspine. In view of that taxpayer investment, will the minister move to again establish an independent review of the denial of the logs to Auspine, with the terrible consequent results for the Scottsdale mill and community? Can the minister comment on press speculation that it was Auspine’s offer to Prime Minister Howard for an alternative to old-growth logging which brought out an angry reply from Gunns Ltd and old-growth logging entities in Tasmania which is now, through punishment, leading to the denial of the logs to the Auspine mill?

Senator ABETZ—It is a wonder the Exclusive Brethren are not involved in the conspiracy as well.

Senator Bob Brown—I’d know if they were; you’d know them all.

Senator ABETZ—There are some who live in Scottsdale—you never know, Senator Brown. In relation to the Commonwealth investment in softwood plantations, I say to the people of Scottsdale: be not deceived by the crocodile tears of Senator Brown and the Greens, who are opposed to non-endemic species being put into plantations.

Senator Bob Brown—I raise a point of order, Mr President. The minister did not use his five minutes. He now has one minute to answer the two pertinent questions: one question is about the millions of dollars of taxpayers’ money and the other is about an independent review. I ask you, Mr President, to seek the minister’s answer to those questions before he sits down in this place.
The PRESIDENT—The minister has 29 seconds to complete his answer, and I remind him of the question.

Senator ABETZ—The Commonwealth contribution to Tasmania’s softwood plantations, which I assume Senator Brown supports, was to develop a Tasmanian softwood industry and downstream processing. Whether that is done in Scottsdale or Bell Bay is ultimately a matter for the state government, and that is the only debate in Tasmania. In relation to whether or not I want to speculate on a conspiracy, we have had more than enough conspiracy theories from the Greens and, no, I do not want to speculate. (Time expired)

Armidale Class Patrol Boats

Senator HOGG (2.52 pm)—My question is to Senator Ellison, the Minister representing the Minister for Defence. I refer the minister to last week’s decision by the Navy to order the entire Armidale class patrol boat fleet to remain in port because of fears that faulty fuel pumps could endanger crews. Is it not a fact that a similar problem occurred in late 2006 and the Navy was forced to stop all Armidale class patrol boat operations until the fuel pumps were replaced? As a result of these problems, hasn’t the Navy been forced to recommission the old Fremantle patrol boats, which were being decommissioned, to cover the non-use of the new Armidale patrol boats? Isn’t the Navy also using eight Bay class boats from Customs to help fill the void of the missing Armidale patrol boats, and hasn’t this severely reduced the operational activities of both the Navy and Customs for the protection of our coastline?

Senator ELLISON—I addressed these questions in Darwin last week with Rear Admiral Goldrick, who is the commander in relation to our border protection command, and he made it very clear then that the situation in relation to the Armidales has not diminished our capacity to protect Australia’s northern borders. We have sufficient assets, by way of Customs assets and other naval assets, to carry out the very important work that we are doing with border protection in the north.

With the circumstances that we have with the border protection command, we have not only the assets of both Customs and Navy available to the border protection command but other assets of the ADF as well. We have not had to go beyond that, according to Rear Admiral Goldrick. We have assets which are available to us which include a Fremantle class patrol boat. I understand that that is the HMAS Gladstone, which is in service. My clear understanding is that it has not been decommissioned and then brought back into action. It is a Fremantle class boat, and I remind the Senate that we still have them available and they do a very good job indeed. We are in the process of gradually replacing them with the Armidales. The Armidales are 14 in total number, and we do not have all of those completed yet. So it is a process of transition. But we have as well a minehunter and we also have a heavy landing craft, I understand, which is in harness as well in relation to border protection. So we have that.

In addition to that, I was present in Darwin last week to see put in action, last Friday, the Triton, which is a 98-metre trimaran, one of the biggest in the world today, built in the United Kingdom for the United Kingdom navy and the US navy as a pilot vessel. It is a state-of-the-art vessel, with speed, flexibility and accommodation, which is now in service. It is armed with two 50 calibre machine guns. It has a capacity to carry up to 30 Customs officers.

Opposition senators interjecting—

Senator ELLISON—I know the opposition does not want to hear this, because it is
all good news for border protection in the north, but this is a valuable addition to border protection in the north. What they do not realise is that the Triton as a platform out there, as a mother ship, frees up the Customs vessels. Of course we have the Bay class vessels also patrolling the waters with naval vessels. But what this does is act as a mother ship to take on board anyone who is interdicted by way of a suspicion of illegal fishing and as a mother ship for the basing of suspected illegal foreign fishing vessels. It then frees up the patrol boats to go about their task of patrolling and protecting our important border to the north.

We also have contracted private vessels—and we used one the other day, I understand—to tow back these fishing vessels to port and to transport those people we have arrested for illegal fishing. The importance of this is that it frees up those operational vessels such as the Customs Bay class vessels and our naval vessels to go about their job of patrolling, so that what we have in place is a very effective border patrol strategy in the north of Australia.

Recently sightings of illegal fishing have reduced by around 30 per cent. We believe that our efforts in the north are working and we have in place a very effective strategy. The situation with the Armidales has not diminished that. We understand that the Armidales should be back in action very shortly, in the very near future, and of course that is being worked on by the Navy. (Time expired)

Senator HOGG—Mr President, I ask a supplementary question. For how long will the Navy be forced to maintain this band aid solution? How much will it cost to cover this very serious loss of capability? And will the minister reassure the Senate that there has been no operational loss in the surveillance and policing of our coastline?

Senator ELLISON—In relation to the latter half of Senator Hogg’s question, I can only restate the position I outlined earlier—and that was as stated by Rear Admiral Goldrick: that there is no loss in operational capacity in patrolling the northern waters of this country. In relation to the Armidale situation, the Navy has advised that they see the Armidales being back in action in the near future. It relates to a problem with a fuel line which is being looked at, and that is being given urgent attention.

Australian Youth

Senator NASH (2.58 pm)—My question is to the Minister for Community Services, Senator Scullion. Will the minister inform the Senate how the government is working to address the issues currently affecting the youth of Australia?

Senator SCULLION—I would like to thank the honourable senator for the question and her long-term commitment to youth involvement in government decision making. She is probably closer to youth affairs in this place than many here.

As many would have recognised, last week the members of the 2007 National Youth Roundtable were announced—46 new members, young people, young leaders from throughout Australia. I have gone through the members’ CVs, and it is just delightful to see—and should be something that gives great confidence to this place and to all of Australia to see—that we have such a great cross-section of young leaders, which is a tremendous legacy.

This year’s Youth Roundtable incorporated the National Indigenous Youth Leadership Group. I am delighted to say—and it is probably a reflection on the quality of the membership—that 477 applications were received, with the 46 members being chosen to represent a very wide diversity of Australians. Again, through their CVs, I note that
they are from almost every region, representing both metropolitan and remote Australia, and that there are 12 new Indigenous members, two returning from the National Indigenous Youth Leadership Group.

It was with some disappointment that I read some concerns, primarily from those opposite, that the amalgamation of the National Indigenous Leadership Group and the National Youth Roundtable was somehow a slight on Indigenous Australia. The facts speak for themselves. While we have notionally nominated 12 positions on that body for Indigenous people, based on merit alone there are going to be 14 Indigenous people on the Youth Roundtable. I think it is an absolute credit to Indigenous Australia that we have so many fantastic leaders coming up in that area. I am looking forward very much to working with members of the group, listening to their views and ideas and incorporating their aspirations and visions for our future into the government’s policies and programs.

A further initiative that is happening in Canberra this week, and something that I know will be of great interest to those opposite, is the ABC Heywire program. The Department of Families, Community Services and Indigenous Affairs has long been a supporter of Heywire. I commend the ABC for this initiative and highly recommend all senators to take the opportunity, if it is available, to meet with this committed group of young Australians. In years gone by it has been tremendous to see the non-partisan support right across this chamber that has been given to the Heywire program.

This week 35 young people are in Canberra as part of the Heywire program for the annual Youth Issues Forum. I will be meeting with these 35 winners of the Heywire program while they are in Canberra and I very much look forward to discussing issues of importance with them. It is groups like the National Youth Roundtable and the ABC Heywire finalists that provide valuable advice to government on the needs and aspirations of young Australians. The Australian government is firmly focused on delivering today’s sound policies that will continue to drive our economy and our society forward in the future, providing opportunities for future generations. I commend the National Youth Roundtable to all Australians and I encourage all young Australians to apply for the 2008 membership of the Youth Roundtable.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Climate Change

Senator Wong (South Australia) (3.02 pm)—I move:

That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) and the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Evans) and Senators Wong and Lundy today relating to climate change.

Over the last few weeks and in question time today we have had yet more examples of the innate political opportunism of the Howard government. We are seeing a gradual conversion for political purposes from the government as climate change sceptics to the government as pretend environmentalists. We are seeing a pale green hue suddenly being cast across the treasury bench, not because the government actually believe that climate change is an issue to be addressed but because they understand that Australians believe that climate change is an issue that needs to be tackled and they reckon they had
better get onboard in time for the election. That is what all the positioning and all the announcements we have seen over the last few weeks are about and that is what the answers given today by Senator Abetz and Senator Minchin demonstrate.

There is of course a bit of resistance because we know that on the government side there are people who are deeply against a great many issues that Labor and environmentalists have been raising for some time—and we saw Senator Abetz still not being able to help himself, frothing at the mouth and calling people extremists. We also know of course that Senator Minchin is concerned about the fact that policies have been plucked out of the air. We know—and in question time today he failed when given two opportunities to indicate this—that there are real questions about the extent to which the Department of Finance and Administration was even involved in the costings associated with the great water plan that the Prime Minister announced. The spending of $10 billion of taxpayers’ money is announced, and now it appears that the government cannot provide detailed costings.

The government has come up with a range of excuses. The most recent one prior to question time was the Treasurer saying, ‘We cannot provide the details till the states have signed up.’ This of course is a nonsense. If you provide the aggregate figure, you must have some indication of what the detailed figures making up that aggregate are. More importantly, that demonstrates that this is simply another political thought bubble. It is a political mechanism to make it look as if the government is actually serious about tackling our water crisis and serious about contributing to the global challenge of tackling climate change. The government is playing catch-up politics. It has suddenly realised that the electorate believes this is a major issue and it realises it has to play catch-up.

The previous position of the government, as we know, was that they were climate change sceptics. Senator Lundy, who may well refer to this again, pointed out that Senator Abetz has previously referred to climate change in terms of its challenge to biodiversity as being:

… [an] unclear challenge which climate change may or may not pose to our biodiversity in 100 years time.

That is a pretty equivocal statement. It is hardly an unequivocal indication that you understand the long-term threat to this nation’s security and this nation’s prosperity as a result of global warming and climate change. It is hardly an unequivocal statement, but he has to run the line because the government have worked out that they have to at least turn pale green and indicate to the electorate that they actually care about these issues and are prepared to do something about them.

We also all remember—last year I think it was—the then Minister for Industry, Tourism and Resources, who I notice has not been participating in this debate much, saying in relation to the Al Gore movie, which was an important and significant international prompter of global consciousness around environmental issues and in particular climate change, that it was ‘good entertainment and nothing else’. That is really indicative of what lies at the heart of the thinking of those on the government benches. Many of them share these views; they simply know that they have to respond politically.

The Prime Minister is a very clever politician, and the water fund is a clever announcement, but it is not an announcement that has been well considered previously—nor have the costings been carefully considered. This is a political fix that the government has put in place. It may well be worthy,
but the fact that the costings were ill-prepared demonstrates that the government has come late to the party.

I also want to comment briefly, in the time remaining, on the Prime Minister now softening his position in relation to an emissions trading regime. We saw the Prime Minister yesterday say:

No, I think we have to examine carbon pricing. It is a very great step from the harsh words that other government ministers have uttered previously—and, may I say, quite different from the position that Senator Minchin took today. The reality is that the Prime Minister is softening his position in relation to emissions trading, not because he believes in it but because he thinks he has to. (Time expired)

Senator EGGLESTON (Western Australia) (3.07 pm)—Senator Wong is perpetuating the old ALP line that the government has been slow to respond to climate change, but that is not the case. It is obvious to us all, I think, that climate change is around us: there has been a great decrease in the rainfall in the south-west; we have heard that there are water restrictions in countries like the UK; and there was no snow in Europe, I am told, this winter, in places like Austria and Germany. But it is quite wrong to say that the government has not been aware that climate change is an issue. In fact, far from being laggard, this government has very much led the way. For example, it was the first government in the world to establish a greenhouse office, and that happened way back in 1996. So, Senator Wong, this government has been aware of and has been taking action on climate change for a very long time.

There is a question as to whether climate change is related to some cyclical phenomenon, such as a change in the earth’s orbit in relation to the sun. We are supposedly coming out of an ice age and perhaps that is the reason climate change seems to be occurring. There is a lot of evidence that this change in the earth’s temperature is something that has gone on over many thousands of years in a cyclical manner. But there was a United Nations report at the end of last week which suggests that climate change is caused by man. That is very interesting, but it does not mean that the Howard government’s policies are out of step with that, as Senator Wong suggests.

In fact, the Australian government are leading the way, in many ways, in dealing with climate change. We signed the Kyoto protocol but we have not ratified it for the simple reason that it does very little to address climate change problems because the big emitters of the world are not signatories to that treaty. But, as an alternative, the Australian government have led the way in seeking to set up what is known as the Asia-Pacific Partnership on Clean Development and Climate. This partnership brings together some key countries, including Australia, China, Korea, Japan and the United States, to explore ways to develop, deploy and transfer to cleaner and more efficient technologies which the world will need to make the required cuts in global greenhouse gas emissions. The importance of this partnership is clear when you consider that between them these six partners account for almost half of the world’s population, GDP, energy use and greenhouse gas emissions.

So, far from being laggard, the Australian government has been very much a leader, through setting up this Asia-Pacific partnership. Distinctive features of the partnership include the way it seeks to address climate change, air pollution, energy security and sustainable development in an integrated manner, and the way in which it fully engages business in developing and implementing solutions. Importantly, the partnership does not replace the United Nations Frame-
work Convention on Climate Change or the Kyoto protocol, but will instead develop those programs by being more inclusive of some of the great greenhouse gas emitters of the world.

Senator Wong suggested that the $10 billion the Prime Minister has allocated to the water management proposal, including the Murray-Darling proposal, is a drop in the bucket, so to speak, and certainly does not represent any clear commitment on the government’s part to managing Australia’s water problems. I think that is a nonsensical comment for Senator Wong to have made. When you think about it, Australia is the driest continent on earth, and it is about time we had a national water management policy. The ALP, while it was in government for 13 years, did not establish such a national policy, and now we have the Howard government giving strong leadership to this country in establishing a national water management policy. The commitment of $10 billion, I think, is proof positive of the government’s absolute belief in that policy. *(Time expired)*

**Senator LUNDY** (Australian Capital Territory) (3.13 pm)—The United Nations climate change report released on 3 February this year removes forever the option of denial of and inaction on climate change. The IPCC, the Intergovernmental Panel on Climate Change, has reaffirmed what the Howard government has known since 1996 and certainly has failed to act on—that is, climate change is real. It will hurt our economy, our environment and our children’s future. That is why we need to take urgent action now to drastically cut greenhouse gas pollution.

As I said, the alarm bells have been ringing for a very long time, but now they are clamouring, and what we have is a very clever politician of a Prime Minister thinking, ‘How can I give the impression that I’m going to do something about it?’ The 2007 IPCC report reinforces what Mr Howard has been told previously—all of the information that has come out—whether it is the 2005 *Climate change: risk and vulnerability* report, the 2006 Stern report, the 2003 report *Climate change: an Australian guide to the science and potential impacts*, two other IPCC reports in 1995 and 2001 or, of course, *An Inconvenient Truth*, the film by Al Gore—has brought a consciousness of climate change crashing through not only the Australian community but also, finally, the Howard government.

But in true form, because this is not a government with an eye to the future or with a vision or a plan, they are coming up with knee-jerk reactions. They cannot even sing from the same song sheet. We have had contradictions here today from the Prime Minister’s recorded statement alluding to the fact that they were going to move on emissions trading. To that there was almost a flat denial from Senator Minchin today, saying how damaging that would be to jobs and the economy et cetera. So not even the ducks are lined up on the government side. They cannot get their message straight or their costings in order. As usual they are relying on spin, smoke and mirrors to try to trick the Australian people once again into thinking that they have their eye on the future, when they do not and we all know that they do not. We have 10 years of evidence that they do not have their eye on the future.

I was amazed to hear Senator Abetz today, in response to a question that I asked, stand by his previous comments that in fact weeds did pose a greater threat to Australia’s biodiversity. I would like to table the speech that Senator Abetz referenced in his answer to me and the accompanying press release, which not only show that I did not verbal him but have those quotes that I referenced in black and white. I seek leave to table those documents.
Leave not granted.

**Senator LUNDY**—We know where to find those speeches, Mr Deputy President. It is pretty poor form on behalf of government senators, because I was quoting Senator Abetz in making those comments. That is the problem for this government. They have an inconsistent message. They have all the spin out there, with the Prime Minister talking the talk and announcing his big water initiative, but when push comes to shove they just do not believe it. They are sceptics to the core, and Australians will pay the price forever. People are fearful of the severe weather events that have been occurring, the horrific drought. Along the Great Barrier Reef—one of the earth’s greatest natural amazing icons—the bleaching event that occurred in 2005 was very serious. I know that in 2006 it was only averted by Cyclone Larry. What happens if that keeps occurring?

I note Senator Ian Macdonald laughs. That is not an appropriate response to the genuine concern out there about people’s day-to-day lives and the impact of climate change and the fact that water is part of that issue no matter how often the Howard government try to pretend that they can act on water and continue to ignore climate change. It is offensive that they keep throwing up nuclear energy as an option, as somehow an answer to the increase of greenhouse gases, when we know through the report that was released by the Howard government that in fact emissions will increase by 29 per cent if those 25 nuclear power plants are developed in accordance with the ideas that the Prime Minister is putting around. So there is hypocrisy, and misleading information going out there, and a concerted attempt by a very clever and tricky politician to con us. *(Time expired)*

**Senator IAN MACDONALD** (Queensland) (3.18 pm)—I suggest Senator Lundy, with all due respect, stick to the written script done for her by a staffer and not start adlibbing in these sorts of debates because she gets herself really tied up in contradictions and confusion when she starts—

**Senator Lundy**—Don’t be so condescending, you rude man!

**Senator IAN MACDONALD**—I am sorry, Senator Lundy, but you are suggesting Cyclone Larry stopped the climate change in North Queensland.

**Senator Lundy**—It stopped the bleaching event, as you know. You know that for a fact.

**Senator IAN MACDONALD**—No wonder I was laughing. I was laughing at you and your ridiculous propositions and not at the issue of climate change. Senator Lundy again misrepresents the answers to questions in the Senate today. It is quite clear that the coalition have not had any sort of conversion. As Senator Eggleston rightly pointed out, right back in 1996 we established the first greenhouse office in any government anywhere in the world. Labor did not have one when we took over. The coalition have been conscious of this issue and working towards addressing greenhouse gas emissions since our very first day in office under the direction of Senator Hill, quite a significant and very far-sighted environment minister at the time.

Over the 10½ years since, this government has taken a great number of initiatives to help address greenhouse gas emissions and climate change problems. No one single solution is available for the problem of climate change. Quite clearly, the major thing that has to happen in the world, Senator Lundy, is for the big emitters—that is, the United States, China and India—to come on board. So far they have not, although, as an initiative that Senator Ian Campbell was very much involved in, these big emitters are now very seriously engaged in the question of greenhouse gas emissions.
The solution of the Labor Party has been for several years now to simply sign the Kyoto agreement and that will fix climate change. It might be an easy solution for the Labor Party but it will have no impact at all on greenhouse gas emissions because the big emitters are not parties to the Kyoto agreement. Australia attended the initial conferences and agreed to do things, and we have met the targets that were given to us by Kyoto. But simply signing a piece of paper will not help greenhouse gas emissions. You have to get the big emitters involved—China, India and the United States—and our government has been attempting to do that. So there is not just one answer; there has to be a suite of answers. That is one of them: reducing greenhouse gas emissions.

In relation to alternative energy that does not require fossil fuels, this government has spent enormous amounts of money. Just before Christmas the Treasurer, Peter Costello, launched an alternative power plant in Mildura with a huge contribution—$1 billion, I think it was, though I do not have the figure before me. It was a huge Commonwealth government contribution to that power plant. As well as that, we have had any number of initiatives to assist with wind power, solar power and hot rocks power.

And, of course, we are looking very seriously at uranium and nuclear energy. I am not quite sure what the position of the Labor Party is today. Some of the Labor Party bury their heads in the sand and say that this is no good and that we cannot have it. Other more sensible members of the Labor Party are looking at that a bit more seriously because they realise that nuclear not only is effective power but also has some greenhouse gas advantages. I always smile when the Labor Party raise issues like how good the UK and the European Union are with their greenhouse gas emissions. They should realise that in places like Russia 70 per cent of their power comes from nuclear energy. They do not have a lot of greenhouse gas emissions because most of their power comes from nuclear energy.

There are a number of other issues I would like to raise but time is going to beat me yet again. The Murray-Darling Basin was mentioned. Senator Lundy, if you had sat on the ministerial council of the Murray-Darling Basin Commission as I had and seen the fights between Queensland and New South Wales, between New South Wales and Victoria and between South Australia and everyone else then you would understand that trying to get the states to agree just does not work. (Time expired)

Senator CAROL BROWN (Tasmania) (3.23 pm)—I rise to take note of answers given by Senator Abetz, the Minister representing the Minister for the Environment and Water Resources, in question time today. Senator Abetz is on record, as I believe most government members are, and certainly Senator Ian Macdonald has just reinforced this, denying the real challenges that face us on climate change. Senator Abetz proposes the:

... unclear challenge which climate change may or may not pose to our biodiversity in 100 years time.

Again in question time today he appeared confused and unclear. Senator Abetz needs to learn a new step: the Prime Minister has now changed his rhetoric from strident sceptic of the effects and challenges of climate change following the release of the report of the United Nations Intergovernmental Panel on Climate Change in which the environmental threats are well documented. It is clear to all that climate change is an environmental challenge—it is an economic challenge. This report follows the release in December 2006 of the State of the environment report for 2006, which confirms that under this gov-
ernment Australia’s greenhouse emissions continue to rise and our vital waterways are deteriorating. The report confirmed climate change is hurting Australia and that greenhouse pollution continues to soar under the Howard government. We have also had the 2005 report of the Australian Greenhouse Office, *Climate change: risks and vulnerability*. Labor’s concerns were further borne out by the Stern report, which urges governments to act decisively. Many other reports produce the same evidence.

The Prime Minister dropped the ball on climate change—indeed, he never really picked it up until now when all the available evidence cannot be disputed by simple dismissive rhetoric. And this government still has no answers and no plan. National leadership is needed here. It is critical to Australia’s future prosperity, and all we have seen from this government has been 10 long years of delaying tactics, 10 long years of no action on greenhouse emissions, 10 long years of denying the challenges we need to address.

In 2004 we saw firsthand the lack of government commitment to a climate change strategy when it again failed to act. Of course, I am speaking about the federal mandatory renewable energy target, MRET, which was a small target and the government refused to extend it. On that occasion we saw the failure of Tasmanian Liberal senators to stand up for what was a critical decision for Tasmania—support for the Tasmanian renewable energy sector. At that time it was predicted the failure of the Howard government to act could lead to loss of the Vestas Narette wind turbine blade plant in north-west Tasmania. The federal government failed to enhance the MRET, despite its own review panel recommending an increase. Unfortunately, this lack of government support for renewable energy saw Vestas, as predicted, close down with the loss of 100 Tasmanian jobs.

In Senator Abetz’s home state of Tasmania we have seen the state government, through Minister Llewellyn’s department, release Tasmania’s draft climate change strategy. It received more than 110 public submissions. Recent CSIRO projections for Tasmania indicate rises in minimum temperatures in particular, more westerly winds and reduced rainfall in eastern areas. Tasmania can also expect ongoing rises in sea levels. Minister Llewellyn acknowledged:

... the need to work hard to play our part in the international response to climate change ...

The state government has proposed that one part of the climate change strategy will be to maintain Tasmania’s already low greenhouse gas emissions, based largely on renewable and clean energy from hydro and wind, which supply virtually all Tasmania’s energy needs. The minister has said:

... a major greenhouse response is being left undone: that is a change of policy and attitude by the Federal Government to encourage renewable energy across the nation.

Tasmanians see climate change as a major challenge for Tasmania. It is unfortunate that Tasmania’s only federal minister does not seem to.

Federal Labor have positive policies needed to secure Australia’s economic and social long-term future. A Labor government will address climate change by immediately ratifying the Kyoto protocol, cutting Australia’s greenhouse pollution by 60 per cent by 2050, setting up a national emissions trading scheme and substantially increasing the mandatory renewable energy target. Federal Labor are serious about climate change. That is why we will also convene a national climate change summit. The challenge on climate change is one for all of us; however, that challenge can be met only by providing
strong and committed leadership at the federal level, and this government is not up to the task. (Time expired)

Question agreed to.

Climate Change

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.28 pm)—I move:

That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to a question without notice asked by Senator Allison today relating to carbon emissions.

This week we finally saw the Prime Minister being pushed into thinking about an emissions trading system. There was an extraordinary admission on his part that his thinking so far, which has relied solely on nuclear and so-called clean coal provisions to bring down our emissions sometime well into the future, has failed. Finally, the Stern report, Al Gore’s film and the IPCC’s report a couple of days ago have meant that the government has been exposed for its pathetic achievements on greenhouse reduction. In answer to my question today the minister said that Australia was more on track than other countries. We are not on track. We would say that you are either on track or not on track, and we are certainly not in that category. We certainly have a more generous target than other countries and we have failed.

This government talks about the need for school reports to be based on an A to F approach, to give a very clear indication of the achievements of the child in question. This government would only attract an F, at best, for its performance on greenhouse so far. Before asking this question, I referred to the Australian Greenhouse Office, the authority within government on this matter. It put out a report, in December last year, tracking the Kyoto target. The report said that, with current policies, greenhouse emissions are set to reach more than 127 per cent of 1990 levels by the year 2020. Despite that, members of the government—Senator Abetz, the Prime Minister and the Minister for the Environment and Water Resources—have said, even in the last few days, that Australia is on target. Clearly, it is not; it is a long way from being on target, and I have said this in this place before.

The figures show that from 1990 to 2004 we had a massive increase in emissions, particularly in energy—a 34.7 per cent increase in emissions in the energy sector. We had a 43 per cent increase in stationary energy and power generation, a 23.4 per cent increase in transport, a further 18 per cent in industrial processes and 2.2 per cent in agriculture—a massive increase of greenhouse emissions across the board. That tells us this government’s policies are just not working. But Senator Abetz said this government believes in practical solutions. Well, precisely! ‘Practical solutions’ means a level playing field and a price signal, and that can only mean at some stage working with emissions trading and some sort of carbon levy.

We would like to see immediate action because, over the next three years, Australia is going to have to cut 18 million tonnes of greenhouse gases in order to meet that target. We cannot say we are on track unless we have a plan for that massive reduction—and we do not have a plan. The Prime Minister was talking yesterday or today about this carbon trading system being voluntary. Why would it be voluntary? Why would any business that is generating emissions give up on those emissions voluntarily—free of cost, if you like—and give the advantage to their competitors? It is just a basic business principle that you need a level playing field. Rules—mandatory arrangements—need to be in place so that business can have certainty in the future and we can create that level playing field. I would not have thought
it necessary for me to remind this govern-
ment about that.

We constantly hear about the need for a level playing field, but not, it seems, when it comes to greenhouse emissions. There is no point in saying that, in 10 or 15 years time, we might have nuclear reactors—we might not, too. Anyway, 10 or 15 years is far too long; the problem will be well and truly upon us before that time. The task is immediate. Sure, we need practical action—we need it now—but not the kind of practical action we hear about from this government. Voluntary arrangements have not worked. The figures are there for all to see. *(Time expired)*

Question agreed to.

**CONDOLENCES**

Hon. Sir Robert Carrington Cotton

KCMG, AO

Hon. Sir Denis James Killen AC, KCMG

The PRESIDENT (3.33 pm)—It is with deep regret that I inform the Senate of the deaths of two former ministers: (a) on 25 December 2006, of the Hon. Sir Robert Carrington Cotton, a senator for the state of New South Wales from 1965 to 1978; and (b) on 12 January 2007, of the Hon. Sir Denis James Killen AC, KCMG, a member of the House of Representatives for the division of Moreton, Queensland, from 1955 to 1983. I call the Leader of the Government in the Senate.

Senator MINCHIN (South Australia—Leader of the Government in the Senate) (3.34 pm)—by leave—I move:

That the Senate records its deep regret at the death of the Honourable Sir Robert Carrington Cotton, KCMG, AO, former federal minister, senator for New South Wales and Ambassador to the United States of America, and of the Honourable Sir Denis James Killen, AC, KCMG, former federal minister and member for Moreton, Queensland, and places on record its appreciation of their long and meritorious public service and tenders its profound sympathy to their families in their bereavement.

Robert Cotton was born on 29 November 1915 at Broken Hill, the eldest of six children. He was educated at St Peter’s College in Adelaide—where my oldest son was educated—and went on to qualify as an accountant before entering into business with his father. In 1937 he married his childhood sweetheart, Eve, who remained his constant companion until her passing in 2000. During World War II, Bob Cotton trained as an RAAF bomber pilot. He was later seconded to the Department of Supply, first in Melbourne and then in Oberon in New South Wales. His family built successful regional business interests and established the pastoral property Carrington Park.

Robert Cotton was a foundation member of the Liberal Party and, in the first chapter of his political life, he ran against the then Prime Minister, Ben Chifley, in the seat of Macquarie in 1947 and again in 1951. He later held a range of senior positions in the Liberal Party, including federal vice-president. Between 1947 and 1950 he also served as a councillor and president of the Oberon Shire Council. He was a strong and influential member of our great party, the Liberal Party.

After filling the vacancy created by the legendary Sir William Spooner, Bob Cotton entered the Senate. He was the first senator to receive more than one million votes. Bob Cotton was appointed as a senator for New South Wales in 1966 and held that position until 1978. He served in the shadow ministry and then as a minister under three Liberal prime ministers. He was appointed Minister for Civil Aviation in the Gorton and McMahon governments and, in the Fraser government, he served as Minister for Manufacturing Industries, Minister for Science and Consumer Affairs and Minister for Industry and Commerce. He was the Government Whip in
the Senate in 1968 and 1969 and Deputy Leader of the Government between 1976 and 1978, when he left the Senate. He also served on a number of Senate committees. He was a very active participant in the work of the Senate. He once said: ‘I don’t believe in government by vested interests. You exist to serve the public interest of the greatest number of people.’ Fine sentiments, indeed.

Personally, I had great respect for Sir Robert Cotton. We shared a number of common interests, particularly across the industry portfolio, and leadership positions in this chamber, and of course there was our active involvement in the Liberal Party organisation. Indeed, when I was the Minister for Industry, Science and Resources, I did consult him from time to time on industry matters. He was a very senior Liberal whom I personally greatly admired. I think his political views were uniquely shaped by his upbringing in Broken Hill, and it is remarkable how many great Australians were brought up in Broken Hill. His knowledge and experience were well suited to the industry portfolio. He also had a very keen interest in the economy generally and in the important relationship that it has to industry productivity. He was a pretty popular senator. I am advised that he once moved a motion on the national significance of the lamington, and I am sure he did it in all great seriousness.

On retirement from representative political life in 1978, he was made a Knight Commander of the Most Distinguished Order of St Michael and St George. As Senator Evans and I were remarking, those were the good old days when those things happened. He was properly recognised with a knighthood for his long service to public life in this country. That year he was appointed consul general to New York, where another good friend of mine, John Olsen, is currently serving so well, and with his business background and enthusiasm Sir Robert helped to boost Australia’s profile among financial and investment houses in the United States.

When he came back from working in New York, he served as a director on the Reserve Bank of Australia board and then, because of his success in New York, he was appointed in 1982 to the very significant position of our ambassador to the United States. I think it is noteworthy that, although obviously he was appointed by the Fraser government, the Hawke government quite properly kept him on as ambassador. There was a bipartisan view that Sir Robert was a very good ambassador for Australia in probably our most significant post, that of ambassador to the US. In 1993 he was made an Officer of the Order of Australia for his service to international relations.

In later life Sir Robert married again, to Betty Krummel, and pursued photography, holding exhibitions in the US and Australia, including a joint exhibition in Sydney in 2005 with his daughter Judy, who is a painter and writer. He took a real hands-on approach to life. He was a strong advocate of the role that government can play in developing stronger communities. Bob was a very great Liberal and a great Australian, so on behalf of the government I offer condolences to his wife, Lady Cotton, his children, his stepchildren and his extended family.

Mr Deputy President, your fellow Queenslander James Killen was born on 23 November 1925 in Dalby, Queensland. He left school at an early age to become a jackaroo. In 1943, at the age of 18, he joined the RAAF, reaching the rank of flight sergeant air gunner. After the war he completed a diploma course and became a wool classer. In 1949 he married Joy, a union that lasted until her passing in 2000—coincidentally, the same year as Sir Robert Cotton’s wife passed away. After joining the Liberal Party in 1946, just after its founding, Jim Killen became the
Foundation President of the Young Liberal Movement of Queensland, an important development for the party in Queensland that was to shape the political careers of future ministers. He was also a member of the state executive of the Liberal Party, and from 1953 to 1956 he served as Vice-President of the Queensland Liberal Party.

Jim was first elected to federal parliament in 1955, at the age of 29, as the member for Moreton in Queensland. He represented that electorate for 28 years until his resignation in August of 1983. He served as Minister for the Navy in the Gorton government, from 1969 to 1971; Minister for Defence for virtually the whole of the Fraser government’s term, from 1975 to 1982; and Vice-President of the Executive Council—a position I now occupy—and Leader of the House, between 1982 and 1983. He was Government Whip in the House of Representatives in 1967 and served on a number of House and joint committees. In 1982 he was also made a Knight Commander of the Most Distinguished Order of St Michael and St George for his services to the Parliament of Australia. In 2004 Sir James was appointed as a Companion of the Order of Australia for distinguished contributions to public life as a federal parliamentarian, barrister, author, orator and advocate for social justice and the rights of underprivileged members of the community.

Few members of this place have enjoyed such affection from both sides of political life. It was because of his larger than life approach, his wit, his warmth, his no-nonsense approach and his great oratory. He was of course a renowned raconteur and storyteller. He was a quite remarkable Australian figure.

He also married again in later life, to Benise Atherton, and continued to have many interests in life, particularly his love of horse racing, and he and Andrew Peacock shared many times together at the horses. He was never happier, I am advised, than at Eagle Farm, laying a bet and watching his horses run. On behalf of the government, I do offer sincere condolences to his wife, Lady Killen, his daughters, Diana and Heather, his grandchildren, Dana and Amanda, and his extended family.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.43 pm)—On behalf of the Labor opposition, I would like to support the motion of condolence moved by Senator Minchin following the recent deaths of Sir Robert Cotton and Sir James Killen. On behalf of all Labor senators, I would like to recognise the distinguished public service of both Sir Robert and Sir James and to send our sincere condolences to their families and friends.

Robert Cotton was born in Broken Hill in November 1915 and educated at St Peter’s College in Adelaide. He went into business with his father during the Depression and qualified as an accountant. During the Second World War he trained as a bomber pilot with the RAAF before being seconded to the Department of Supply in Melbourne. He was sent with his family to establish a timber firm in New South Wales that was charged with the supply of timber to the mines of Broken Hill. He continued his work after the war, developing the business into a significant regional enterprise. At the same time he and his wife, the late Lady Cotton, established a mixed farming business.

As Senator Minchin pointed out, Sir Robert was a foundation member of the Liberal Party of Australia and was very active inside the party organisation. He ran for the New South Wales seat of Macquarie against the then Labor Prime Minister, Ben Chifley. I am happy to say that he lost on that occasion. In August 1965 Sir Robert went one better
than winning a seat of the House of Repre-
sentatives and was chosen under section 15
of the Constitution to fill a casual vacancy
following the resignation of the former
Leader of the Government in the Senate, Sir
William Spooner. Sir Robert was to remain
in the Senate until his resignation in 1978.

Even in his early days in the Senate he en-
joyed considerable influence in the Liberal-
Country Party government. Following the
death of Prime Minister Holt he was instru-
mental in defeating internal moves to have
Jack McEwen remain as Prime Minister and
amalgamate the Liberal and Country par-
ties—a proposition that did not go well in
Queensland again recently. They do not seem
to learn from history.

His considerable ability was reflected in
the range of ministerial, party and parliamen-
tary positions he held during his 13 years in
parliament. He had a good grounding as
Senate Government Whip in early 1968, and
his ministerial career began in November of
1969 when he became Minister for Civil
Aviation, a position he held for a little over
three years, until the fall of the McMahon
government.

In opposition from 1972 until 1974 he
served as the opposition spokesperson on the
Postmaster-General’s Department, and on
work, services and property. In June 1974 he
took on responsibility as shadow minister for
the manufacturing industry, a portfolio which
later included industrial development. Dur-
ing the period of the Fraser caretaker minis-
try, Sir Robert served as Minister for Science
and Consumer Affairs and from December
1975 he was Minister for Industry and Com-
merce. He also served as Deputy Leader of
the Government in the Senate.

Sir Robert Cotton served on a number of
Senate committees. He was a member and
later Chair of the Senate Select Committee
on Offshore Petroleum Resources, which
was an influential committee at a time when
the Senate was asserting itself and defining
its role through its committee activities.
These inquiries helped lay the groundwork
for the establishment of the formal standing
committee system of today.

Sir Robert resigned from the Senate in
July 1978 and took up the first of two sig-
nificant diplomatic postings as consul gen-
eral in New York. In his three years as Aus-
tralia’s representative in New York he
worked to promote Australian interests and
business with the financial and investment
community and developed strong US links.
In 1981 he returned to Australia and was ap-
pointed to the board of the Reserve Bank. A
year later, in 1982, he and Lady Cotton re-
turned to the US, where Sir Robert took up
the position of Australian ambassador in
Washington. The respect he enjoyed across
party lines was reflected in the fact that he
remained in that key diplomatic post for the
first two years of the Hawke Labor govern-
ment. He and Lady Cotton returned to Aus-
tralia in 1985.

In 1992 Sir Robert became Chairman of
the Australian Photonics Cooperative Re-
search Centre. In addition, he was deeply
involved in the establishment of the Austra-
lian Centre for American Studies at the Uni-
versity of Sydney and was for 10 years
Chairman of the Australian Political Ex-
change Council. He also served as Chair of
the National Gallery Foundation Board. Sir
Robert was knighted in 1978 and was made
an Officer of the Order of Australia in 1993.
He received an honorary Doctorate of Sci-
ence from the University of Sydney in 1995.

In retirement he continued to pursue his
love of photography and held a joint exhibi-
tion with his daughter, Judy, in Sydney in
2005. Sir Robert’s first wife, Eve, passed
away in 2000 and in 2003 he married Betty
Krummel. Sir Robert passed away on
Christmas Eve last year. On behalf of all opposition senators I send our sincere condolences to Sir Robert’s wife and family. He was clearly a very significant political figure in Australia’s history, a very significant Liberal, and someone who enjoyed wide respect on both sides of the parliament.

I would also like to make some remarks about the sad death of Sir James Killen, probably one of the most famous political figures in Australian public life. Sir James Killen was born in Dalby in Queensland in 1925. As a teenager he worked as a jackaroo on Portland Downs station and in 1943, at the age of 18, he joined the Royal Australian Air Force. He was discharged from the Air Force in October 1945 at the rank of flight sergeant air gunner. I suspect his irreverent nature made rising higher in the Air Force a bit problematic, if his later career is anything to go by.

Senator Minchin interjecting—

Senator CHRIS EVANS—Yes, as Senator Minchin points out, he then became Minister for Defence, so I am not sure how that would have gone down. After the war he returned to the bush and completed a Diploma of Sheep and Wool. In 1949 he married Joyce Buley.

James Killen was involved with the Liberal Party from a very early age. He was Foundation President of the Young Liberal Movement of Queensland in 1949—so he does have a bit to answer for!—and was also a member of his party’s state executive. From 1953 until 1956 he was Vice-President of the Queensland Division of the Liberal Party. In 1955, at the very tender age of 29, he was elected to the seat of Moreton, beating his ALP opponent by a little over 2,000 votes. He then retained his seat at 11 subsequent elections, famously winning by just 130 votes in 1961.

Sir James was known as a strident anti-communist. In his first speech to the parliament in 1956 he addressed his considerable rhetorical skill to a scathing critique of the then Soviet Union. During his time in parliament Sir James also worked to complete a degree in law. However, it was some years before he gained his first ministerial position. Sir James was made Minister for the Navy by Prime Minister Gorton in November 1969 and held the post until William McMahon became Prime Minister in 1971.

In opposition between 1972 and 1975 he served first as shadow minister for education and later held the shadow Defence portfolio. It is probably for his time as Minister for Defence in the Fraser government that Sir James is best known. He held that position for nearly seven years, which made him one of Australia’s longest serving defence ministers. In his time as minister he oversaw much of the work to establish the Australian Defence Force Academy as well as the development of the joint operational doctrine. Sir James moved from the Defence portfolio in 1982 and for the last 10 months of the Fraser government served as Leader of the House and Vice-President of the Executive Council. He resigned from parliament in August 1983.

In addition to his long service as Minister for Defence, Sir James was well known for his distinctive personal style. He was formidable in debate and his famous wit and rhetorical skill helped him to thrive in the environment of parliament and to leave such an enduring impression on Australian public life. Sir James was a committed conservative, but his beliefs did not isolate him from those who did not share his political views. He is fondly remembered by many from across the political spectrum. He had close friends from all sides of politics.

The guests at his 80th birthday celebration in 2005 included Barry Jones and the late
Don Chipp, with whom he had served as a minister before Chipp left the Liberal Party to lead the Australian Democrats. He was also very close to Fred Daly and Gough Whitlam. I think it is fair to say that all of the political figures I have mentioned could not be described as ‘white bread politicians’, as some of us are so unfairly described these days; all of them are characters. His friendship with Gough Whitlam continued, and I understand they spoke on the phone on nearly a weekly basis. When in parliament, the two were known to pass to each other across the chamber notes peppered with classical references.

At the request of the Killen family, Gough Whitlam read the eulogy at Sir James’s state funeral service on 19 January in Brisbane. Whitlam spoke of Sir James’s love of the parliament, saying:

In his career, parliament was as significant as the ministerial offices he held with distinction. His influence, his abiding interest in the great affairs of our country, his fascination with the intricate interplay of the political machinery, his knowledge of and respect for the Constitution all came from his love of parliament.

Outside parliament, Sir James was passionate about horse racing. He made the headlines in 1981 when he argued for the Queensland Turf Club to relax its restrictions on female members, saying that the club’s refusal to do so would amount to ‘an exquisite form of absurdity’.

He had a great love of words, literature and reading. His distinctive rhetorical style was said to have been influenced by Sheridan and Edmund Burke. Sir James was knighted in 1982 and made a Companion of the Order of Australia in 2004. He continued to practise law during his retirement in Brisbane. Sir James’s first wife, Lady Joy, passed away in 2000 and Sir James himself passed away on 12 January this year. He is survived by his second wife, Lady Benise Killen, his daughters, Diana and Heather, and his grandchildren. On behalf of all Labor senators, I would like to offer to Lady Killen and his family our most sincere condolences on the loss of a most remarkable Australian—someone who provided great service to this country and to Australian public life. Labor senators all regret his passing.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (3.54 pm)—I join Senator Minchin and the Leader of the Opposition in the Senate in supporting the condolence motion for Sir Robert Cotton and Sir James Killen. I never knew Sir Robert Cotton, but I did know Sir James Killen very well as a former minister in the Fraser government and the conservative governments before that. He was a member of the Tattersalls Club and was seen at the racecourse. He was very up-front around Queensland. We have lost a great political character in Sir James Killen.

He was 29 when he was first elected to parliament as the Liberal member for Moreton in 1955. He was a great speaker, a great debater and a great practical joker. In 1961, one of his most famous quotes was that former Prime Minister Menzies sent him a telegram saying that he was ‘magnificent’ to hold the government at the time. His particular seat, which he won by 130 votes or so in 1961, held the government together by a very slim majority of one. During the 1950s and 1960s, Sir James Killen spoke frequently in the House and was well known for his wit and his oratory. While a member of the House of Representatives, he studied for his law degree and graduated in 1964, and immediately started building a criminal law practice. He actually continued that practice while he was a member of parliament.

Sir James Killen was commissioned as Minister for the Navy in 1969 and took a strong interest in the conditions of ordinary
sailors. He was noted as saying that his years as Minister for Defence were an honour but a heavy burden. He was appointed shadow minister for defence in 1975. One of his more famous quotes was: ‘We would not be able to protect Botany Bay against the enemy on a hot Sunday afternoon.’ Sir James Killen got the opportunity to do something about it when he was commissioned as Minister for Defence in the Fraser government, in November. He prepared Australia’s white paper on defence and was the minister responsible for buying the FA18s. He was also responsible for setting up the Australian Defence Force Academy after a long argument with Public Works. These are all important achievements, but Sir James will be remembered above all as a great parliamentarian with a larrikin streak. Today I would also like to offer, on behalf of my colleagues in the National Party, our sincere condolences to the widow, family and friends of Sir Robert Cotton.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.58 pm)—On behalf of the Australian Democrats, I would like to support the condolence motion on the death of Sir James Killen on 12 January this year. On behalf of the Democrats, I would also like to express our sincere sympathy to his family and in particular to his wife, Benise, surviving children, Diana and Heather, and grandchildren, Dana and Amanda. I did not know Sir James personally, but I did hear him speak on numerous occasions—on the radio mostly. It is clear from the recollections of the many people who did know him that he was a man of some talent who is remembered for his sense of humour, fair play and, of course, skill as a public speaker.

I am sure all present would agree that Sir James’s parliamentary career was a long and distinguished one. He came from a tough childhood in Queensland and was well prepared to take on all comers in the political arena—and by all accounts that is just what he did. As many will know, Sir James entered federal parliament in 1955. During his 28 years in the parliament he spoke passionately on the issues he felt strongly about and, indeed, crossed the floor to vote with the opposition on a number of occasions.

Sir James served as Minister for the Navy from 1969 to 1971 and as Minister for Defence from 1975 to 1982. As one of Australia’s longest serving defence ministers, he oversaw the first defence white paper, but he is perhaps best remembered by the public for his comment, which Senator Boswell just mentioned, that the military forces were so run down they would have trouble defending Bondi Beach on a hot Sunday afternoon. As a solution to this, Sir James set up the Australian Defence Force Academy—one of his lasting achievements. But it was during his time as a federal backbencher back in the fifties that Sir James witnessed a series of nuclear tests at Maralinga in South Australia and subsequently became a staunch opponent of nuclear weapons and nuclear conflict. As recently as 2003, Sir James called for all political leaders to avoid nuclear war at all costs.

Although Sir James retired from parliament in 1983, he retained a very strong interest in politics and even attempted a political comeback in 1998—reportedly to try to topple Pauline Hanson. However, he lost preselection, so we will never know how Sir James, who has been described as one of Australia’s most colourful politicians, would have slotted into the modern Liberal Party.

It is a mark of the contribution that Sir James made to this country that he was knighted in 1982 and in 2004 was awarded the Companion of the Order of Australia, in part for his advocacy for the rights of the underprivileged. My colleague Senator Stott
Despoja had a number of enjoyable dealings with Sir Jim Killen, including at the Constitutional Convention in 1998 and, she says, more light-hearted ones on Good News Week on the ABC. Sir James will long be remembered in the parliament and at large for his very many contributions to public life.

On behalf of the Australian Democrats, I would also like to support the condolence motion on the death of Sir Robert Cotton on 25 December 2006. I place on record our acknowledgement of his long and meritorious public service and express our most sincere sympathy to his family. As many will know, Sir Robert was a foundation member of the Liberal Party and held many party positions before he entered the Senate in 1966.

From all accounts Sir Robert’s experiences during the Depression and World War II shaped his political beliefs and commitment to bettering the nation. He once said: ‘I don’t believe in government by vested interest. You exist to serve the public interest of the greatest number of people.’ He reportedly strongly supported the view that from time to time governments have to intervene, as market forces alone cannot be relied on to deliver individual and social justice. Sir Robert also believed that federal-state relations were unfinished business. Indeed, that is still so today, as disputes on water, greenhouse emissions, education and health demonstrate.

Sir Robert served as Minister for Civil Aviation from 1969 to 1972 and Minister for Industry and Commerce from 1975 to 1977, retiring from parliament in 1978. Sir Robert’s love of meat pies was well known, as was his great respect for the national significance of the lamington. Following his retirement from parliament Sir Robert continued to contribute to public life. He was appointed consul general to New York for several years, and served on the Reserve Bank board before being appointed Australian ambassador in Washington in 1982. Sir Robert’s ability to work with those on both sides of politics was demonstrated by the fact that, although he was appointed ambassador by the Fraser government, he was kept on by the Hawke government when they won office in 1983.

During his time in the United States, Sir Robert was influential in persuading the US to abstain from the 1984 vote on a comprehensive nuclear test ban treaty rather than vote against it. Upon his return to Australia, Sir Robert pursued photography and held exhibitions in the United States and Australia. He also undertook several board positions and chaired an inquiry into the Australian Medical Association. His contribution to government and his country were marked by his knighthood and subsequent receipt of the Order of Australia in 1993. Again, on behalf of the Democrats I extend my sympathy and condolences to his family and friends.

**Senator PAYNE (New South Wales) (4.05 pm)**—I join in this motion of condolence in relation to the recent deaths of the Hon. Sir Denis James Killen AC, KCMG and the Hon. Sir Robert Carrington Cotton KCMG, AO. In particular, I wish to make some personal remarks in relation to Sir Robert Cotton, who was most aptly described by the Leader of the Government in the Senate, Senator Minchin, at the conclusion of his remarks as a ‘very great Liberal and a great Australian’. He was indeed both of those.

Sir Robert served as a senator for New South Wales from 1966 to 1978, and it is fair to say that those of us in the New South Wales division of the Liberal Party who benefited from Sir Robert’s influence had a great deal to learn from him. He was a man for whom I had enormous respect and great admiration. As—then, at least, if not now—a younger member of the New South Wales
division of the Liberal Party and a very active member of its Young Liberal Movement, and even later in my current role as a senator for New South Wales, I was and will always be grateful for his mentorship and his support, which he went out of his way to give young people in the New South Wales division of the Liberal Party, for his interest and even for his very valued attendance at functions and events. It may be that that attendance had more to do with the meat pies and lamingtons to which Senator Allison referred than I had previously realised, but it was very much valued at the time for his company and his wisdom and support.

I speak not just for myself—and I think it is important to note that. I know many of my friends and colleagues who have come through the New South Wales division in the same way, most particularly my very good friend John Brogden, were beneficiaries of Sir Robert’s guidance. They would wish to join with me in this motion of condolence.

In his capacity as a member of the Australian Political Exchange Committee for a decade, I believe, he also played a very great role in the development of Australia’s political relations between parliaments and political parties, most particularly in the region and with the United States of course, given his experience. He regarded the work of the Australian Political Exchange Committee as a very important part of the work of political parties in this country and more broadly and he made a very significant mark in that regard.

I remember very many years ago being taken by my late father to Oberon to visit the Cotton family business. I met Sir Robert’s brother, Monty, and learnt a great deal more about that particular side of their business activities in New South Wales, which gave me another insight into the experiences and contribution to this nation of the Cotton family.

For those of us who developed important personal relationships with Sir Robert during our time in the political process and who benefited enormously from his experience, wisdom and guidance, it is a very sad day but a very important day on which to note that, as Senator Minchin said, he was a very great Liberal and a great Australian.

Senator IAN MACDONALD (Queensland) (4.08 pm)—I want to convey my condolences to Lady Benise Killen. Unfortunately I had an international flight to catch after the funeral and I was not able to extend my condolences personally at the time, but I do so now and to Sir James’s children as well.

‘Killen, you’re magnificent’ are almost immortal words alleged to have been said by Menzies on Killen’s retention of his electorate of Moreton on communist preferences and are an appropriate description of Jim Killen to all who knew him. Those words—and there is some conjecture about whether Menzies ever did say them, but certainly they were on the front page of the Courier-Mail the day after the election was declared—are some of the very significant political words spoken in Australian history. It was quite ironic that Killen was elected on communist preferences, because Jim Killen had been a well-known and aggressive opponent of communism right throughout his life.

As has been said, Jim Killen was the inaugural Young Liberal president in Queensland and, as such, I owe him a lot. I started my political career in the Young Liberals as a vice-president, and I note that there are two subsequent presidents of the Young Liberal Movement in Queensland also here to speak about Sir James. He established the Young Liberals well in those very early days and
always maintained very active and enthu-
astic involvement in and support for the Young
Liberal Movement in Queensland.

He was a great Liberal. Some would say
he was conservative; he was certainly a roy-
alist. I like to think that he was more liberal
than conservative in the Liberal Party. He
hated humbug and hypocrisy and liked
things to be talked about as they really were.
The number of current and past Liberals who
were at his funeral service is an indication of
how highly he was regarded in the Liberal
Party right throughout Australia. It was inter-
esting that almost every living member of the
cabinet in which Jim Killen last served
would have been at the funeral. Every person
who has in any way been involved with the
Liberal Party in Queensland in the time that I
have been involved seemed to be sitting in St
John’s at the funeral service.

It was interesting to me that Gough Whit-
lam was invited to give the eulogy on behalf
of the family. I have never been a great fan
of Gough Whitlam, I have to say, but I very
much warmed to him on hearing his eulogy. I
thought Whitlam’s speech was quite mag-
nificent and caring and showed a relationship
between Whitlam and Killen that I was un-
aware of, although quite obviously many
others were not. Whitlam indicated that
every Sunday, usually after Killen had re-
turned from church, they would speak to
each other on the phone, and this association
continued up until just a few weeks before
Jim Killen’s death. I thought Whitlam’s
eulogy was very apt and appropriate. The
Prime Minister also spoke at the funeral and,
as usual, delivered an address that was ap-
propriate, correct and in keeping with the
high regard in which Jim Killen was held.

I think it was Whitlam who described Kil-
len as a statesman and a larrikin and indi-
cated that if you could be both a statesman or
a gentleman and a larrikin then that was all
any Australian should ever aspire to. But that
was certainly Jim Killen. He always had an
eye for the ladies in an appropriate way. If he
said it to my wife once, he said it a dozen
times; when Jim Killen approached me and
my wife he would always say to me, ‘Isn’t it
lovely that you have brought your daughter
along to this function.’ Every time he said it
my wife knew he was going to say it, but
nevertheless she was flattered and charmed
every time, as were most of the women with
whom Sir James came in contact.

Sir Jim Killen campaigned quite a lot in
North Queensland. Even after his retirement
he helped us out in a couple of elections
where few others wanted to make the effort
to save a hopeless cause, but Jim Killen was
always there. The last I remember him cam-
paigning was standing on the back of a truck,
in the old style of campaigning, in the main
street of Ayr during one state election cam-
paign when he came along to lend a hand.

What I liked about Jim Killen was that he
was bushie, a jackaroo, a self-made man—a
man who I think epitomised what the early
Liberal Party was all about. He got in there,
did the hard work and, through his own ini-
tiative, enthusiasm and enterprise, achieved
the highest office in the land in a political
sense. Indeed, I think we can all say, and
certainly I and my wife will always say, ‘Kil-
len, you were magnificent.’

Senator BRANDIS (Queensland—
Minister for the Arts and Sport) (4.15 pm)—
It was my great good fortune to know Sir
James Killen. Although I would not claim an
intimate association with him, I knew him
well enough to come to appreciate the meas-
ure of the man and to be enchanted by his
very distinctive personality. I last saw Sir
James Killen some four months ago, on 30
September last year, at the opening of the
new Moreton electorate office, which he per-
formed with his customary poise and

CHAMBER
aplomb. I remember my conversation with him. I was much exercised at the time—and you might remember this, Mr Acting Deputy President Chapman—with the question of sedition laws and the laws concerning the threat of terrorism. As well as being a distinguished parliamentarian, Sir James was a notable barrister. He engaged me for some time about the importance of the rule of law and how liberals and conservatives—because in the different senses of those many-hued words he was both—should never lose sight of the paramountcy of the rule of law and rights of the individual citizen, even in necessitous times.

Prior to that, I had attended a luncheon with Sir James in November 2005. It was a most touching occasion. It was the 50th anniversary of the Upper Cavendish Road branch of the Liberal Party at the Pacific Golf Club. As all of us in political parties know, those whom we value most are the true believers who stay with their party through thick and thin, who seek no political rewards for themselves but only seek to serve the cause and values they believe in. We can all think of such people in our lives. I will never forget that day because there were, along with Sir James Killen, four of the foundation members of the Upper Cavendish Road branch of the Liberal Party: Ailsa Scurr, Ruth Lines, Peg Organ and Oliver Cowley—all of whom had worked on Sir James’s first campaign in 1955 when he was elected as the member for Moreton. Indeed, the Upper Cavendish Road branch was formed, as I understand it, for the purpose of assisting Sir James to win the seat of Moreton at the 1955 election. Also there was one of Sir James Killen’s great companions in arms, Mr Bill Hewitt—later a distinguished member of the Queensland parliament to whom I will return in a moment.

Others have observed—and one cannot speak of Sir James Killen without making the observation—that he brought to this parliament, as he brought to his daily life, a very distinctive, in many ways anachronistic, but very memorable air. The period of history with which he identified was the great period of English parliamentarianism in the late 18th and early 19th centuries—the days of Edmund Burke, Richard Brinsley Sheridan and the other parliamentarians of the Fox-North-Burke period, and beyond the Napoleonic Wars into the days of the Regency. He seemed to be a displaced essence from that period who walked among us. He adopted its airs and he adopted its generous, formal, courtly and elegant language. He brought to everything he did the qualities which we associate with that period—chivalry, eloquence and a somewhat Rabelaisian approach to life. It was the period appropriately ordained by that rather lush English historian, Sir Arthur Bryant, as The Age of Elegance. It was that age of elegance which Sir James embodied in our more prosaic times.

He loved quoting Edmund Burke and, as we heard from Mr Whitlam in his eulogy to Sir James at St John’s Cathedral two weeks ago, he conceived the idea—how empirically supported I am not sure—that he was a descendant of Richard Brinsley Sheridan on his mother’s side. Although political scientists might say that he was not a deep scholar of Burke in an academic sense, nevertheless he understood the point of Burke’s view of life. Burke was never a Tory; he was a Whig. He always sat with the Whig party. Sir James Killen, like Burke, was sometimes mischaracterised as a conservative but was really a Whig—to the extent to which that antique term has meaning in today’s politics. He was always on the progressive side, always on the side of the individual. Nevertheless, like a true Whig, he maintained a deep reverence for established institutions. He understood that age, he understood its values and he evoked its spirit. Never more so did he do
that than in his Alfred Deakin Lecture of 1975 when he spoke of parliament—the role of parliament, the uniqueness of parliament, the spirit of parliament, the changeable moods of parliament. His rhapsody to the parliamentary institution is something which will never be forgotten by those who happened to hear a broadcast of it, as I was fortunate to do, or who have since read the text of it.

Sir James Killen was the subject of many anecdotes—some, it must be said, of his own creation; he certainly was somebody who was fain to nurture his own anecdotes. We have heard the famous story of the apocryphal Menzies telegram after the 1961 election. But there is another anecdote about Sir James Killen, widely believed at the University of Queensland Law School—at least it was while I was a student—which I would like to contribute to the record.

It was widely believed that Sir James, or Jim Killen as he then was, when an external law student was having a bit of trouble with a constitutional law paper which, it was said, he asked the then Attorney-General, Sir Garfield Barwick, to assist him in completing at a parliamentary function. As the legend has it, the then Dr Kevin Ryan, later the sainted professor and Justice Kevin Ryan, who marked the constitutional law paper, was as little impressed by Sir Garfield Barwick’s contribution as he was by Jim Killen’s. Nevertheless, Jim Killen did get his pass in constitutional law and subsequently graduated LLB in the same graduating class as the present Governor of Queensland, Quentin Bryce.

It is also said about Sir James Killen, and rightly so, that he was a person who spanned all walks of life. Never was that more memorably illustrated to me than at a dinner that was held to commemorate his 70th birthday in 1995—appropriately, at the Guineas Room at Eagle Farm Racecourse. There was, as is customary on such occasions, a series of tributes from all manner of people. And there were some who, by reason of distance or by reason of illness, were not able to be present that evening, so they recorded their tributes on videotape which was broadcast to the room.

One of the tributes was by former President George Bush, whom Jim Killen had encountered when George Bush was a Vice-President in the Reagan administration and Sir James Killen was the Minister for Defence in Australia, and with whom he had maintained a correspondence and, obviously, a warm friendship. So we had this tribute from the former President of the United States of America, and then the next video to appear was by a man well known in legal circles in Brisbane as ‘Tom the barber’. Tom the barber cut Sir James’s hair for decades, as he cut the hair of most of the judges and most of the barristers—in fact, he used to cut my hair. Tom the barber was a real character among the legal community—and the racing community, indeed—of Brisbane. The juxtaposition of a message from the former President of the United States and the much-loved Tom the barber to me summed up Sir James’s capacity to embrace people from all walks of life. The funny thing was that they both, George Bush and Tom, evoked almost precisely the same qualities.

As Senator Ian Macdonald has pointed out and as Senator Santoro, who I understand will speak in a moment, will no doubt also advert to, Sir James was the inaugural president of the Young Liberal Movement in Queensland, an office in which both Senator Santoro and I had, many years later, the honour to follow him. I have been provided by Bill Hewitt, whom I mentioned before, who was the fourth president of the Young Liberal Movement, with a document which Sir James authorised and which was published
in about 1950, entitled A Manifesto to the Youth of Queensland. This was the foundation document of the Young Liberal Movement of Australia, Queensland Division. It followed the style of that other famous Liberal Party foundational document or testament of beliefs, We Believe. But rather than the rather modest dozen or so declarations of principle in the We Believe document, which became the Liberal Party’s most famous statement of doctrine, Sir James Killen’s ‘We believe’ document contains dozens of affirmations of Liberal faith, which he wrote when he was a very young man. Some of them sound a little antique today, such as:

WE BELIEVE in loyalty to our Queen and Throne, as we believe the institution of Monarchy to be indispensable to the British way of life.

But there are others that sound as contemporary as if they had been written yesterday:

WE BELIEVE that government interference with the lives and liberties of people is not desirable in itself, and should only arise when national and international circumstances demand, and we further believe that the full circumstances should be made quite clear to the people—

the very point he made to me only some four months ago when I last spoke with him. This document, which obviously bears his authorship, says:

WE BELIEVE that the entry of people into Parliament for any other reason than service of the nation is to be deplored, as we also believe that all those who enter Parliament should receive political training before their entry—

one of the principal reasons, of course, why the Young Liberal Movement was founded. The document also says:

WE BELIEVE it right to condemn the fall in the prestige of Parliament, as we believe it right to regard Parliamentary service as a high and noble form of service to one’s fellow men.

WE BELIEVE in a strong and independent judiciary, as we believe in our system of Law which makes all equal before the Law.

And so it goes on. But the document with which I have been furnished by Bill Hewitt is not just a manifesto to the youth of Queensland, not only the original inspiration of Young Liberals in the 1950s, but very much a testament of Jim Killen’s political faith—to which he maintained fidelity through good times and bad, with impressive consistency throughout 28 years in parliament and in the years before and after his parliamentary career.

I want to finish by putting on the public record some reflections about Sir James Killen which I asked Bill Hewitt to write when I heard of Sir James’s death. I asked for some recollections of the times when the Young Liberal Movement was founded, and also of the famous 1961 campaign when the government of Australia hung by a thread and in which Sir James was successful. Bill Hewitt was his campaign director on that memorable occasion. If I may detain the Senate for just a moment, I will read onto the record Bill Hewitt’s reflections on Sir James Killen:

Jim Killen became the Young Liberals' Foundation President in 1949. I met him when I joined in early 1952. He presided over the Metropolitan Zone that met each Thursday in Edward Street, the City. We marvelled at his depth of knowledge, his oratory skills and his tireless energy. The times were exciting—'An Iron Curtain has descended over Europe,' Churchill had said—and Jim attracted to him a galaxy of talent in the young members, many destined to enjoy political or legal careers. Guest speakers from a variety of professions and interests submitted to questions and challenges from members, often led by Jim himself. Debates, sometimes Debating Union fixtures, more often Young Liberal clashes against supporters of opposing causes, were always stimulating. Killen himself often participated in a one on one discussion—memorable among those is the night he debated and comprehensively defeated the President of the Fabian Society.

Even before his election in 1955, succeeding army minister Jos Francis in Moreton, Jim was a regular contributor to the Bulletin and an eager
participant in election campaigns. Outside the Alliance Hotel in Spring Hill or the Wharfies’ Tally Room were not places to hold street corner meetings for timorous Liberals. Not Jim! The sites were always prominent on the list and he took the fight to anyone who wanted to take him on.

Jim’s great contribution to the Young Liberals was the organisation of the Young Liberal Winter School of Political Science held annually at Montville on the Queen’s Birthday weekend for most of the 1950s. Barwick, Casey, Latham, Chester Wilmot and many other distinguished persons gave us a greater understanding of current issues. They were wonderful days! Under Jim’s presidency, a manifesto to the Youth of Queensland was printed. These many years later, the principles stated stand firm.

In 1961, as Area Chairman for Moreton, past Young Liberal President and long-time Killen friend and supporter, I accepted the role of Campaign Director in Moreton for the forthcoming federal election. The impact of the 1960 mini-budget had been prolonged and severe. There were fears of some impact on the election results, although overall a feeling of optimism prevailed. Nevertheless, we campaigned hard in Moreton. Street meetings in the early evenings and Saturday mornings, distributions, booth manning, appeals and section voting filled the last three hectic weeks. Voting concluded at 8.00 pm and booth workers proceeded to the Killen Ekibin residence to enjoy a backyard barbecue and follow results. The heavens opened and we retreated into the house. At midnight it was pouring rain. The carpets were ruined and we were 2000 votes behind. As the week progressed and seats around the nation, including seven in Queensland, had fallen, the fate of the government depended on Moreton. The ensuing ten days were tortuous, but with a disciplined flow of QLP preferences and a small leakage of Communist preferences—the ultimate irony—Jim held the seat by 110 votes and he went on to reach impressive heights.

Our friendship prevailed, albeit in different spheres of government. It was my great privilege to propose his Life Membership of the Liberal Party in 1994. I likened his career to the life story of David Lloyd George, Tempestuous Journey. Happily Jim returned to tranquil waters and spent his twilight years in quiet contemplation.

Vale Sir James Killen: a great Liberal, a great Australian, a great Queenslander; a person whose values, standards and beliefs we would do well to emulate.

Senator SANTORO (Queensland—Minister for Ageing) (4.33 pm)—I was greatly saddened when I learned, on 12 January this year, of the death of the Hon. Sir James Killen AC, KCMG. Sir James, as others during this condolence motion have amply and very well said, was a longstanding and distinguished member of the Queensland Liberal Party. He made an outstanding contribution to Australian politics and government as the federal member for Moreton between 1955 and 1983, and as a minister in the portfolios of Navy, from 1969 to 1971, and defence, from 1975 to 1982.

As Senator Brandis said and as the Hon. Bill Hewitt said through Senator Brandis’s contribution, Sir James Killen was the Foundation President of the Young Liberal Movement in Queensland in 1949. Like Senator Brandis, I was proud to follow in his footsteps in this position many years later. He continued to support the Young Liberal Movement through his entire political life, which included in the early 1980s his giving permission for the establishment of the Sir James Killen Young Liberal Foundation, which has placed the Queensland Young Liberal Movement on a very sound long-term financial footing.

Senator Brandis mentioned the publication of a manifesto which Sir James wrote in his very early days and I would like to place on the record the fact that Sir James, in the early 1980s, relaunched that document when under the Young Liberal presidency of Allan Pidgeon—if my memory serves me correctly—that document was revived. It was updated, approved by Sir James and republished,
which gives a very clear indication of his long-term commitment to the Young Liberal Movement, the Queensland Liberal Party and, indeed, the Australian Liberal Party.

Often when people leave politics, particularly after they have scaled the great political heights that Sir James did, they dissociate themselves from the great profession that they participated in and often move away from the political party that spawned and, indeed, nurtured them. Sir James Killen was certainly not one of those people. He continued to support the Young Liberal Movement, the Queensland Liberal Party and the Australian Liberal Party with great gusto and vigour. His legacy to the Queensland Young Liberals continues to be as strong as ever. Only last Saturday, the Queensland Young Liberal Movement, with the approval of Lady Killen, named the public-speaking competition that the Young Liberal Movement hosts every year the Sir James Killen Young Liberal Speaking Competition. I think that is one of the most significant and thoughtful tributes that the Liberal Party, particularly the youth wing of the Liberal Party in Queensland, could pay to its founding president, a life member and arguably its most distinguished member.

Sir James was also vice-president of the party’s Queensland division between 1953 and 1956. They were tumultuous times, and he served with distinction and with a clear sense of the direction that the Liberal Party had to take at that time. Invariably, his views and his counsel prevailed.

Most of all, as others have said in their contributions to this condolence motion, he was a tremendous orator whose ready wit and extraordinary intellect ensured that he was able to shine in any speaking performance or political debate. Again, Senator Brandis gave strong anecdotal evidence of that. Sir James was also an inspiration to generations of younger members of the Liberal Party, including me. He showed us all that it was possible to engage in serious and meaningful political debate without surrendering dignity, good manners and respect for others.

So much was he revered that, in his later years, it seems to me that everyone wanted to celebrate his life and his legacy. I know of at least three major testimonial dinners that were organised just in the last three or four years alone, and all of those dinners were sell-outs. People came from all over Australia—Liberal Party members, National Party members, Labor Party members and indeed members of other political parties and movements—to celebrate his life and his achievements and, whilst he was alive, to clearly give him a sense of the great appreciation that people had for him. People like me who continue with great pleasure, great pride and a great sense of privilege in the great and noble profession of politics often lament that we only say the great things about great political practitioners and great Australians like Sir James Killen at a funeral or memorial service. But it must have been so very satisfying for Sir James and his family to be able to go to dinner after dinner—and they were not small affairs; they were significant occasions—where his contribution was eulogised, with great appreciation expressed.

Sir James Killen will be sorely missed by thousands of Liberal Party members across Australia who strive to emulate his genuine political achievements and his dignified, intellectual and very witty contribution to public life. The Liberal Party has lost a great hero, and Australia has lost a fine servant and citizen. I extend my most sincere sympathies to Lady Killen and his daughters, Heather and Diana, and their extended family and friends.
Senator NASH (New South Wales) (4.39 pm)—I seek leave to incorporate a speech by Senator Helen Coonan on the condolence motion.

Leave granted.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (4.39 pm)—The incorporated speech read as follows—

I rise today to pay tribute to a distinguished Liberal Senator for NSW who played a crucial role in representing the interests of both his constituents and his Party.

Sir Robert entered the Senate in 1966 filling the casual vacancy that arose following the retirement of Sir William Spooner, another faithful servant of the people of New South Wales. He served as a Senator, a Minister in many portfolios and was highly respected as President of the NSW Liberal Party.

Sir Robert was a firm advocate for the importance of the Australian Senate in the Australian political system. In his maiden speech Sir Robert defended this chamber by quoting Sir George Pearce: ‘The Senate was constituted as it is after long fighting, prolonged discussions, many compromises and many concessions on the part of the various shades of political thought throughout the Commonwealth and it stands therefore, in the Constitution in a position that has no equal in any Legislature throughout the world’.

Sir Robert often thought that the Senate chamber was not sufficiently well appreciated in Australia and made it his life’s work to change that perception.

Born in Broken Hill in 1915 to Les and Muriel Cotton, Sir Robert was the eldest son of six children. The family’s rural existence ensured that Sir Robert was brought up with a strong sense of community and a love of the land. He attended St Peter’s College in Adelaide and went to work with his father soon after leaving school due to the pressures of the Depression years.

In 1937, Sir Robert married Eve McDougal. Eve was a constant in Sir Robert’s life. They were childhood sweethearts and remained together until Eve’s passing in 2000. Like many of his time, Sir Robert felt compelled to serve his country during World War II. He trained as a Royal Australian Air Force bomber pilot in 1941 and was seconded to the Department of Supply in Melbourne.

As a sign of the Cotton family’s tight bond Sir Robert, together with his brothers Monty and John, worked tirelessly to establish Timber Industries Pty Ltd to supply wood products to coal mines in Broken Hill during the war years.

Sir Robert was a foundation member of the Liberal Party. In his first foray into political life, Sir Robert was a candidate at the 1949 Federal election, standing against former Prime Minister Ben Chifley (PM 13 July 1945 -19 December 1949) in the seat of Macquarie. Sir Robert, not satisfied with his first tilt at political life, was again the Liberal candidate in the 1951 by-election for the seat of Macquarie after former Prime Minister Ben Chifley’s death.

The New South Wales Liberal Party has been served by many impressive State Presidents and Sir Robert definitely fits that bill. I believe Prime Minister John Howard remarked that it was Sir Robert’s calm authority and immense personal charm that provided strong leadership to the Party organisation’. Sir Robert went on to serve in the Gorton, McMahon and Fraser Coalition Governments. In 1969, Sir Robert was appointed Minister for Civil Aviation.

In 1975, he was appointed Minister for Manufacturing Industry, then Minister for Science and Consumer Affairs and finally Minister for Industry and Commerce, which he held until 1977. Upon his retirement from Federal politics in 1978, Sir Robert was knighted as a Commander of St Michael and St George for services to government. He was appointed as Consul-General to New York in August of that year, where he remained until 1980.

In 1981, Sir Robert again answered the call and served the Australian people as a member of the Reserve Bank Board.

In 1982 he was appointed Australian Ambassador to the United States, replacing Sir Nicholas Parkinson. He served both the Fraser and Hawke
Governments in this position and remained Ambassador in Washington for two years after the change of Government, a sign of the respect both sides of politics held for Sir Robert.

On his return to Australia in 1985, Sir Robert served on a number of boards and pursued his interest in photography. On several occasions Sir Robert exhibited his photographs in Sydney and he held an exhibition in Washington in 1986. In 2005 Sir Robert held a joint exhibition with his daughter Judy Cotton, a painter.

I had the pleasure of meeting Sir Robert while I was in Washington, working as an attorney in 1986. I found him to be an intelligent man, he was extremely engaging, he had a great wealth of knowledge, and as the saying goes he was switched on to all the issues of the day. Sir Robert spoke glowingly of Australia as the place of opportunity, untapped beauty and untold potential. He advocated strongly for Australia at every chance and was highly respected as an Ambassador.

In our conversations, Sir Robert spoke of his love for Broken Hill and the spirit and perseverance of the people that have made Broken Hill the place it is today. His other great love was Carrington Park, a large pastoral property that he built from scratch, showing the ingenuity that was a trade mark of his belief in the Australian spirit.

Sir Robert is survived by his second wife and her three daughters, by his two daughters, his son, seven grandchildren and four great grandchildren.

On behalf of the Australian Government, the Senate and the New South Wales Liberal Party, I extend my deepest sympathies to Sir Robert’s family on their sad loss.

Question agreed to, honourable senators standing in their places.

PETITIONS

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

Live Animal Exports

To the Honourable President and members of the Senate in Parliament assembled:

The petition of the undersigned protests in the strongest possible terms against the live export of Australian animals for slaughter in other countries.

The live export trade is cruel. Inhumane conditions are inherent to the trade, resulting in high death rates and unacceptable suffering for animals involved.

The live export trade costs jobs. Rural and regional Australians, already suffering under a lengthy drought, can ill afford to send animals overseas for slaughter when there are workers in Australian abattoirs who can perform this work.

As long as animals continue to be sent overseas for slaughter, jobs in Australian abattoirs will suffer.

Furthermore, the live export trade is unnecessary. Australia’s export markets in Asia and the Middle East WILL accept meat that has been slaughtered in Australia according to their cultural requirements.

There are currently 123 abattoirs in Australia with an approved Halal program that could slaughter livestock for export to markets that demand Halal products.

The live export trade for slaughter is both cruel and unnecessary. Your petitioners request that the Senate act immediately to abolish the live export trade and replace it with an expanded chilled meat trade.

by Senator Calvert (from 16 citizens)

Information Technology: Internet Content

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

This petition of certain citizens of Australia draws to the attention of the Senate, the danger of children accessing internet pornography and other harmful internet pages.

Your petitioners therefore ask the Senate to make laws that:

All Internet Service Providers be required to offer a “clean feed” Internet service to all households, schools and public libraries that blocks access to websites containing child pornography, acts of extreme violence and x-rated material.

by Senator Calvert (from 18 citizens)
Child Abuse
To the Honourable President and Members of the Senate in Parliament assembled:
This petition of certain citizens of Australia draws to the attention of the Senate, the lack of a specific offence covering the transmission of child pornography and child abuse material via mail within Australia.
Your petitioners therefore ask the Senate to make laws that:
• Create a new offence of transmission by mail of child pornography and child abuse material, with a maximum penalty of ten years imprisonment.

by Senator Calvert (from 233 citizens)

Nuclear Energy
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 that Australians do not need or want an expanded nuclear industry, including nuclear power, in Australia.
The petitioners say there is ample evidence that:
(a) engagement in the nuclear cycle leads to growth in nuclear weapons and potentially dirty bombs;
(b) uranium mining and enrichment and nuclear waste reprocessing and energy intensive processes that contribute significantly to greenhouse gas emissions;
(c) uranium is a finite, non-renewable energy source;
(d) the nuclear cycle creates enormous amounts of long lived radioactive and toxic chemical waste for which there is still no long-term storage solution;
(e) nuclear power is unviable without huge public subsidies;
(f) nuclear power reactors take 10-20 yrs to build and cannot address climate change in the short-term; and
(g) nuclear power generation is not accident free.
The petitioners therefore request that the Federal Government abandon its plans to expand uranium mining, enrich uranium, and build nuclear power plants in Australia, and instead introduce a carbon levy, encouraging investment in renewable energy and energy efficiency.

by Senator Allison (from 34 citizens)

Dental Care
Your petitioners therefore ask the Senate to:
• Re-introduce the Commonwealth Dental Scheme and restore funding to public dental health;
• Reduce waiting times for public dental health services, and
• Train more public dentists.

by Senator Forshaw (from 142 citizens)

Pregnancy Counselling Services
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 lack of regulation of pregnancy counselling in Australia.
Pregnancy counselling services which do not charge for the information they provide are not subject to the Trade Practices Act, which means they are not prohibited from engaging in misleading or deceptive advertising.
Some services have been known to give the impression in their advertising material that they are non-directive and provide information on all three pregnancy options (keeping the child, termination, and adoption), when in fact they are anti-choice. They have also been known to provide misleading information about the risks associated with terminating a pregnancy.
Your petitioners believe:
(a) Misleading information provided by some anti-choice pregnancy counselling services has caused distress for many women;
(b) Women have the right to know what sort of pregnancy counselling service they are contacting (ie anti-choice or non-directive) when they seek information about whether or not to continue a pregnancy;
(c) The Federal Government should urgently move to regulate pregnancy counselling in Australia to ensure the counselling provided
is objective, non-directive, and includes information on all three pregnancy options.

Your petitioners request the Senate urge the Government to regulate pregnancy counselling in Australia (including banning misleading and deceptive advertising).

by Senator Stott Despoja (from 97 citizens)

Education: Austudy

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 concerns that Austudy recipients currently do not have access to Rent Assistance, which means that thousands of students around Australia are missing out on up to $98 each fortnight simply because of their age.

Your petitioners believe:
(a) the costs faced by students aged 25 and over are usually equal to - if not greater than - those faced, by younger students;
(b) there is no rational basis for excluding older students from the extra assistance that Rent Assistance can provide; and
(c) Austudy recipients should be eligible to receive Rent Assistance.

Your petitioners therefore request the Senate urge the Government to make Austudy recipients eligible for Rent Assistance.

by Senator Stott Despoja (from 261 citizens)

Military Detention: Guantanamo Bay

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 323 citizens)

Petitions received.

NOTICES
Presentation

Senator Mason to move on the next day of sitting:

That the time for the presentation of the report of the Finance and Public Administration Committee on the transparency and accountability of Commonwealth public funding and expenditure be extended to 1 March 2007.

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

That the Senate:
(a) welcomes the fifty-first session of the Commission on the Status of Women taking place from 26 February to 9 March 2007, with a theme of “The elimination of
all forms of discrimination and violence against the girl child’;

(b) acknowledges the vital role of the Commission in bringing the concerns of women and girls to the attention of the world community and in promoting women’s rights;

(c) stresses that it is important for world democracy that women should take a full and equal part in political, social, economic and cultural life;

(d) condemns the continuing grave violations of the human rights of women and girls throughout the world;

(e) expresses grave concern over continued restrictions on women’s access to education and health care, employment outside the home, freedom of movement and freedom from intimidation, harassment and violence in many countries;

(f) notes that women in many parts of the world still lack the capacity and support to speak out against violence and discrimination;

(g) emphasises that violence and discrimination against women and girls is a public issue and societal responsibility and that the education and development of men and boys is inextricably linked to advancing the rights and well-being of women and girls;

(h) encourages the Government to expand its support and funding for international organisations and programs providing high-quality education for girls, nutrition for early growth and development, sexual and reproductive health services, and safe spaces, legal structures and advocacy for girls;

(i) urges the Government to support organisations and programs that engage men in tackling discrimination and violence against women and girls, including changing harmful traditions and practices; and

(j) calls for Government leadership to end discrimination against women and girls in Australia.

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

That there be laid on the table by the Minister representing the Attorney-General (Senator Ellisson), no later than the end of question time on 8 February 2007, any legal advice the Australian Government has received regarding the legality of the United States of America’s Military Commissions Act (2006).

Senator Murray to move on the next day of sitting:

That the Senate:

(a) notes:

(i) that the Canadian Government has delivered on its commitment to make government more accountable through the Federal Accountability Act, which received Royal Assent on 12 December 2006;

(ii) that through this Act and the associated Action Plan, specific measures will be introduced to help strengthen accountability and increase transparency and oversight in government operations, and

(iii) that the Canadian Government is now committed to:

(A) reforming the financing of political parties, which includes the banning of all corporate and union donations and reducing the amount an individual can donate to $1,000 per year,

(B) banning secret donations by closing loopholes that allow for the use of trust funds for political purposes,

(C) ensuring truth in budgeting through a Parliamentary Budget Authority,

(D) providing real protection for whistleblowers through the creation of an independent Public Servants Disclosure Protection Tribunal,

(E) strengthening the power of the Auditor General and the role of the Ethics Commissioner, and
(f) prohibiting ministers, ministerial staffers and senior public servants from lobbying government for 5 years after leaving office; and

(b) calls on the Australian Government to report to the Senate within 12 months on whether similar legislative measures are required to enhance our Australian democracy.

Senator Ellison to move on the next day of sitting:

That the following operate as a temporary order until the conclusion of the 2007 sittings:

If a member of a committee appointed under standing order 25 is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

Senator Siewert to move on the next day of sitting:

That the Senate:

(a) notes 2 February 2007 was World Wetlands Day;

(b) understands that this date marks the anniversary of the signing of the Convention on Wetlands of International Importance (Ramsar Convention) in Ramsar, Iran on 2 February 1971;

(c) notes, with concern, that the Australia state of the environment 2006 report found that as many as 231 nationally important wetlands are under pressure across Australia, and that of our 64 Ramsar wetlands, 22 have changed in ecological character or have the potential to change;

(d) notes that a recent report by the Inland Rivers Network on wetlands in crisis found that ‘changes in river flows have resulted in the loss of 90% of floodplain wetlands in the Murray-Darling Basin’;

(e) recognises that the ongoing degradation of wetlands, particularly those listed as Ramsar Wetlands of International Importance, is a cause of national concern;

(f) expresses concern that the continuing drought and the longer term impacts of climate change could cause further degradation of wetlands; and

(g) calls on the Government to prioritise returning water flows to the degraded wetlands of the Murray-Darling system.

Senator Allison to move on the next day of sitting:

That the Senate:

(a) notes that:

(i) the World Wind Association has reported that the global installed capacity of wind energy at the end of December 2006 was 73,904 MW,

(ii) based on the accelerated wind development in 2006, the World Wind Energy Association has increased its prediction for 2010 and now expects 160,000 MW to be installed by the end of 2010,

(iii) the wind industry worldwide between 1997 and 2006 experienced a tenfold increase in installed capacity worldwide,

(iv) the currently installed wind power capacity generates more than 1 per cent of global electricity consumption,

(v) Germany has the highest proportion of installed capacity, where 5 per cent of electricity consumption is from wind, while Denmark’s is as high as 20 per cent, and

(vi) this compares to wind energy in Australia in 2006 representing only 0.5 per cent of Australia’s electricity consumption; and

(b) calls on the Government to increase and extend the Mandatory Renewable Energy Target to support wind energy and other
renewable technologies in order to meet with world minimum practice and to strive to world best practice.

Senator Siewert to move on the next day of sitting:

That the Senate:

(a) welcomes the adoption in December 2006 by the United Nations of the Convention on the Rights and Dignity of Persons with Disabilities; and

(b) asks the Government to show leadership at home and to the international community by being one of the first countries to be a signatory to the Convention when this is possible after 30 March 2007.

Senator Milne to move on the next day of sitting:

That the Senate:

(a) notes that on 2 February 2007 the world’s foremost authority on climate change, the Intergovernmental Panel on Climate Change, released a review of the state of climate change science, including the important conclusions that:

(i) most of the global warming over the past 50 years is very likely (at least 90 per cent chance) to be due to human activity, and

(ii) the ‘likely range’ of temperature increases by 2100 for the range of modelled business-as-usual scenarios extends from 1.1°C to 6.4°C with ‘best estimates’ ranging from 1.8°C to 4°C;

(b) recognises that a global temperature increase of above 2°C would pose an unacceptably high risk of dangerous climate change impacts; and

(c) calls on the Government to introduce a policy framework that is underpinned by a commitment to contribute fairly to global efforts to constrain temperature rise to 2°C or less.

Senator Nettle to move on the next day of sitting:

That the Senate:

(a) recalls that:

(i) 7 February is the 40th anniversary of the Tasmanian 1967 Black Tuesday bushfires, one of the worst disasters to have occurred in Australian history,

(ii) the Black Tuesday fires tragically killed 62 people, injured approximately 900 more, directly affected 35,000 people and left 7,000 homeless,

(iii) the Black Tuesday fires were the first in Australia to devastate suburbs of a capital city and caused extensive property loss, destroying approximately 1,300 homes in and around Hobart,

(iv) the worst of the fires was the Hobart fire, which burnt suburbs of Hobart killing 52 people, and

(v) the Black Tuesday fires caused extensive damage to agricultural property and livestock;

(b) remembers the victims and their families and extends to all who suffered, profound sympathy and deepest condolences; and

(c) also remembers the toll that the fires took on the Tasmanian community and expresses gratitude for the magnificent efforts of the volunteers who risked their own lives to help others.

Senator Milne to move on the next day of sitting:

That the Senate:

(a) notes that on 2 February 2007 the world’s foremost authority on climate change, the Intergovernmental Panel on Climate Change, released a review of the state of climate change science, including the important conclusions that:

(i) most of the global warming over the past 50 years is very likely (at least 90 per cent chance) to be due to human activity, and

(ii) the ‘likely range’ of temperature increases by 2100 for the range of modelled business-as-usual scenarios extends from 1.1°C to 6.4°C with ‘best estimates’ ranging from 1.8°C to 4°C;

(b) recognises that a global temperature increase of above 2°C would pose an unacceptably high risk of dangerous climate change impacts; and

(c) calls on the Government to introduce a policy framework that is underpinned by a commitment to contribute fairly to global efforts to constrain temperature rise to 2°C or less.

Senator Bob Brown to move on the next day of sitting:

That the Senate:

(a) notes:

(i) that Australian citizen, Mr David Hicks has been detained for 1,889 days,

(ii) retrospective charges against Mr Hicks have been proposed by United States of America prosecutors, and

(iii) further reports of mistreatment of Mr Hicks, including punishment for meeting with Australian officials; and

(b) calls on the Government to return Mr Hicks to Australia.
That the following bill be introduced: *Australian Territories Rights of the Terminally Ill Bill 2007.*

**Senator Bob Brown** to move on the next day of sitting:

(1) That the Senate notes that Qantas:
   (a) plays a unique role in the Australian economy and in Australian society;
   (b) provides an essential service to regional Australia and is a major employer; and
   (c) is the backbone of the Australian tourism industry.

(2) That the following matters be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 20 March 2007:
   (a) the proposed takeover of Qantas by the consortium Airline Partners Australia, including:
      (i) the impact on air services to regional Australia and the tourism industry,
      (ii) the implications for Qantas’ 38,000 employees and its customers and frequent flyers,
      (iii) the implications of the proposed executive remuneration,
      (iv) the track record of the potential new owners,
      (v) the competition implications of the sale,
      (vi) the potential taxation implications,
      (vii) the level of debt Qantas will be asked to carry, and
      (viii) the implications of air safety;
   (b) conditions that the Government should require for a sale;
   (c) the need to broaden and improve the regulatory environment covering commercial arrangements which affect the national interest; and
   (d) any other related matters.

**COMMITTEES**

**Foreign Affairs, Defence and Trade Committee: Joint Meeting**

**Senator NASH** (New South Wales) (4.41 pm)—by leave—At the request of Senator Ferguson, I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 7 February 2007, from 11 am till noon, to take evidence for the committee’s inquiry into Australia’s trade with Mexico and the region.

Question agreed to.

**NOTICES**

**Postponement**

The following items of business were postponed:


General business notice of motion no. 680 standing in the name of Senator Nettle for today, proposing the introduction of the Food Safety (Trans Fats) Bill 2007, postponed till 26 February 2007.

**BUSINESS**

**Rearrangement**

**Senator BRANDIS** (Queensland—Minister for the Arts and Sport) (4.44 pm)—by leave—I move:

That the following order operate as a temporary order until the conclusion of the 2007 sittings:

On the question for the adjournment of the Senate on Tuesday, a senator who has spoken once subject to the time limit of 10 minutes may speak again for not more than 10 minutes if no other senator who has not already spoken once wishes to speak, provided that a senator may by
leave speak for not more than 20 minutes on one occasion.

Question agreed to.

**MR DAVID HICKS**

**Senator Nettle** (New South Wales) (4.45 pm)—I move:

That the Senate:

(a) notes that Australian citizen, Mr David Hicks has been detained for 1 888 days; and

(b) calls on the Government to return Mr Hicks to Australia.

**Senator Fielding** (Victoria—Leader of the Family First Party) (4.45 pm)—by leave—Family First has supported similar motions for David Hicks’s immediate return in the past but, given reports that David Hicks is about to be charged, I call on the government to assure Australian families that Mr Hicks will receive an immediate and fair trial. When I was in Washington last week I met with a number of members of congress and senators during which I urged them to lobby the Bush administration to ensure that Mr Hicks be immediately charged and given a fair trial or returned to Australia. Hicks has already served five years and should not be detained indefinitely. Family First would support a motion along those lines.

Question put:

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

The Senate divided. [4.50 pm]

(The Acting Deputy President—Senator HGP Chapman)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>38</td>
</tr>
<tr>
<td>Majority</td>
<td>30</td>
</tr>
</tbody>
</table>

**AYES**

| Allison, L.F. | Bartlett, A.J.J. |
| Brown, B.J. | Milne, C. |
| Murray, A.J.M. | Nettle, K. |

| NOES | |
| Barnett, G. | |
| Bishop, T.M. | |
| Calvert, P.H. | |
| Chapman, H.G.P. | |
| Cooman, H.L. | |
| Ferris, J.M. | |
| Ferravanti-Wells, C. | |
| Hurley, A. | |
| Kemp, C.R. | |
| Lightfoot, P.R. | |
| Marshall, G. | |
| McEwen, A. | |
| Moore, C. | |
| O’Brien, K.W.K. | |
| Payne, M.A. | |
| Ronaldson, M. | |
| Troeth, J.M. | |
| Vanstone, A.E. | |
| Webber, R. | |

* denotes teller

Question negatived.

**MATTERS OF URGENCY**

Mr David Hicks

The **Acting Deputy President** (Senator Chapman)—I inform the Senate that at 8.30 am today Senators Milne and Stott Despoja each submitted a letter in accordance with standing order 75 proposing a matter of urgency for debate. The question of which proposal would be submitted to the Senate was determined by lot. As a result, I inform the Senate that the following letter has been received from Senator Stott Despoja:

Dear Mr President,

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

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

That Australian citizen David Hicks will be subject to a Military Commission process that, among its flaws, allows conviction on evidence obtained through coercion and on hearsay, and strips away habeas corpus.
Further, that Mr Hicks’ mental and physical health has deteriorated in recent months, particularly after eleven months in solitary confinement, and he should be repatriated immediately.

Yours sincerely,
Senator Stott Despoja
Senator for South Australia

Is the proposal supported?

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

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

Senator STOTT DESPOJA (South Australia) (4.54 pm)—I move:

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

(a) that Australian citizen David Hicks will be subject to a Military Commission process that, among its flaws, allows conviction on evidence obtained through coercion and on hearsay, and strips away habeas corpus; and

(b) further, that Mr Hicks’ mental and physical health has deteriorated in recent months, particularly after 11 months in solitary confinement, and he should be repatriated immediately.

I welcome my colleagues back to this first day of the parliamentary session for this year and indicate that the pressing case of Mr David Hicks, a South Australian citizen who has languished for more than five years in Guantanamo Bay, the detention facility set up and run by the United States, is a matter of urgency.

Mr Acting Deputy President Chapman, today you will have seen many people converge on the nation’s capital outside Parliament House as a public show of support for not just this motion but the broader issue of repatriating Mr David Hicks. You saw a broad coalition of support expressed today and, indeed, a number of people indicated their concern with the lack of action taken by the Australian federal government in relation to this man’s case. You would have seen a lot of people speaking, expressing their outrage at and condemnation of a military commission process that has previously been deemed illegal but, after the new Military Commissions Act being passed in September last year in America, is still seriously flawed.

Today this motion is to ensure that senators in this place indicate whether or not they are still comfortable despite the expose of the facility at Guantanamo Bay, despite the increasing stories of the debilitating effects on the physical and mental health of Mr David Hicks, despite the fact the military commission process is flawed, despite the fact that this has gone on for more than five years of this man’s life and despite the fact that we are committed in this country to the rule of law and more broadly that we believe in, support and uphold the principles of international humanitarian law. It is time for senators to show where they stand. I think it was Senator Chuck Hagel who said recently, ‘If you want an easy job, go sell shoes.’ Today is the day that we will see how senators in this place stand on this issue, an issue of increasing alarm and urgency for a number of reasons, most of them contained within the urgency motion before us.

Last week the US military announced new charges that may be brought against Mr David Hicks, including attempted murder and offering support for terrorism. While the charges are yet to be approved by the Pentagon, this government is still a cheerleader for and still a supporter of a process that defies the rule of law and contravenes international humanitarian law. Let us get this clear. There are a couple of aspects of that military commission process, aspects which have been
brought to the attention of the Senate previously: detainees can still be convicted on the basis of evidence that is obtained through coercion and still will not have the right to challenge that evidence. There are a couple of vital principles here—the right to cross-examine witnesses, for example, who have given evidence against the detainee. There are some pretty basic principles. This debate today is not about individual David Hicks, albeit he is an Australian citizen and a South Australian citizen and therefore a constituent of some of us in this chamber; it is about these broader principles.

I believe Australians are increasingly disappointed by or frustrated with the government. Some are very angry with the government’s seeming inability to seek a dignified and fair outcome for this process. In recent times we have heard stories of Mr Hicks’s health. They are not stories generally; I am talking about specific reports from people who know, such as David McLeod, his Adelaide based lawyer, and his military commission defence team, about the fact that this man is not in a good way. We have heard from David Hicks, in his own written hand, that he is not well. But I am not going to make those assessments. It is a bit like the Minister for Foreign Affairs, Mr Alexander Downer, said: he is not a doctor. Neither am I, and that is why it is time that there was an independent medical assessment of this man, Mr Hicks. A psychiatrist who is independent of the defence counsel’s approval should be allowed into Guantanamo Bay to assess his condition.

On the matter of accessing Guantanamo Bay, isn’t it time that we emulated some of our colleagues in the US, the UK or the European Union and sent a delegation to Guantanamo Bay—maybe a cross-parliamentary delegation or, indeed, a delegation of ministers of the Crown? Isn’t it time that we decided as a nation, after inspection first hand, whether the facilities and the reports of those facilities are true and whether the conditions are appropriate? I don’t think that solitary confinement since March is appropriate. I don’t think 22-hour-a-day lighting is appropriate. I certainly don’t think rationed toilet paper is appropriate. I think a reading room that does not have access to books or legal materials is a farce.

I think the whole process is now being exposed as inhumane. But I would not mind ministers of the Crown and others visiting that facility and telling us first hand what they see and what they hear. I would like to see if they have got the intestinal fortitude to look that man, David Hicks, in the eyes and say that they are doing everything possible for him within the context of the rule of law.

This is not about excusing anyone. This is not about letting people go off scot-free. This is about ensuring that a man is either charged and detained or set free. But if you charge a person then they are entitled to a fair process, a fair trial. Does anyone seriously believe that the military commission process will enable that to take place? I acknowledge that the Labor Party have an amendment, to which I am happy to agree, about whether or not David Hicks could get a fair trial in Australia. I will let the Labor Party speak to their amendment but it is entirely acceptable to me.

In terms of the charges that may be applied, we have heard a couple of the charges that may be levelled against him. We know that attempted murder and offering material support are two of the charges that may be approved by the Pentagon and that this is what David Hicks may be charged with. While material support for terrorism, one of the proposed charges, was an existing offence in US law—I acknowledge that; I have been listening and I understand what is going on—it was in the jurisdiction of the federal
court applying to US citizens. The charges against Mr David Hicks in this regard represent, for the first time, the material support offence being applied to a non-US-citizen for actions in a non-US-territory before a military tribunal that has lesser standards of evidence.

Our government has maintained that Mr David Hicks could not be charged in Australia because anti-terror laws were not in place at the time of his arrest and could not be used retrospectively. I know that many senators in this place across party boundaries have an issue with retrospectivity in law, for very good reason. But it is a double standard. This is a government that says retrospective law cannot be applied in the case of a citizen in Australia, cannot be introduced into the legal system in this country, yet seems to be a cheerleader for and applauder of the United States when they introduce it to prosecute an Australian citizen.

Why is it that we are accepting that double standard? Perhaps those honourable senators from the government side who are participating in this debate today could explain this. And good on you, Senator Kemp; I see you are up next. You are first in the batting, and a former minister. Maybe you will explain to me and to the people of Australia why such retrospectivity is acceptable. Why is it that we are accepting lesser standards in a military tribunal yet theoretically applying an offence that exists in the civil courts?

The injustice of five years of detention without charge or trial, and then the possibility of there being no fair trial, is hitting home. Australian citizens are concerned about this. Australians are angry about this. I know that in many respects the government just want a political solution. But that political solution is not a matter of letting this man be charged and jettisoning him, sacrificing him, to a process that is unfair and, indeed, previously deemed illegal. That is not good enough. I really feel that a broader issue is at stake here: if we accept that this process is appropriate, humane and acceptable then we are all tainted by it. And after more than five years, it is no longer acceptable. It is time to bring David Hicks home. The government had better have a very good reason today why they are not doing that. The Prime Minister’s counterparts in many countries across the world, including the United Kingdom—another ally in this so-called war on terror—have been able to pick up the phone, exercise diplomacy, go through relevant channels and get their citizens home. Why is it good enough for them but it is not good enough for us? Why is it good enough for an Australian citizen to face this process but not good enough for a United States citizen? Why do we have this discrepancy and this hypocrisy? The government should answer me that. (Time expired)

Senator Kemp (Victoria) (5.06 pm)—I listened, as I always do, with great care to what Senator Stott Despoja said. In this case I have to say, Senator, that you have not managed to convince me one iota. Look at her use of the word ‘so-called’ in the ‘so-called’ war on terror. Is there a war on terror or is there not? Is the Western world faced with a threat from terror? Are not our soldiers fighting in various lands? Have not our citizens been killed? Yet Senator Stott Despoja referred to the ‘so-called’ war on terror. Get real, Senator Stott Despoja. We should strip away the inaccuracies in the senator’s motion and get to the truth of the matter. Should David Hicks be repatriated and set free or should he face trial on the very serious allegations against him? Those are the two choices that are before this chamber.

As the Attorney-General reminded us just last week, ‘The advice from the independent Commonwealth Director of Public Prosecutions is that Mr Hicks could not be prose-
cuted in Australia.’ In essence, in seeking the return of David Hicks, Senator Stott Despoja is arguing for him to be set free to avoid prosecution. That is essentially what the senator is arguing for. We should not mince words; that is precisely her position. I do not accept that, and I do not believe that the government does either.

What are these serious allegations against David Hicks? How quickly Senator Stott Despoja tried to dismiss them as so-called charges in a so-called war on terror. What are they? Charges have been sworn against him that whilst overseas he attempted murder in violation of the law of war and provided material support for terrorism. Let us step back from the emotion of the senator’s speech and examine the facts. It is alleged that David Hicks joined Lashkar-e-Taiba, which is listed as a terrorist body by the United Nations and proscribed as a terrorist organisation in Australian law. More importantly, it is alleged that David Hicks had trained with the terrorist body al-Qaeda and that he travelled to Afghanistan with a view to fighting against the United States and other coalition forces. Al-Qaeda is well known around the world for its appalling atrocities against all types of innocent people and, of course, for the dreadful and tragic events of 11 September 2001.

Let us not mince words, Senator Stott Despoja. It is alleged that David Hicks joined forces with those who have the declared aim of killing coalition soldiers. These allegations against David Hicks are very serious, but I agree that they are untested. I welcome the fact that charges have been sworn and that Mr David Hicks is now one step further towards a trial. The US military commission system contains a number of safeguards which the US believes will facilitate a full and fair trial. Senator Stott Despoja asserts in this chamber that the process is flawed because it allows the use of hearsay evidence. In this case, Senator Stott Despoja, if you care to listen to a response to your debate, I am advised that the rules of evidence are similar to those adopted and accepted in international criminal tribunals. I am advised that hearsay evidence may be admitted where it has probative value, but it must be excluded where the evidence is proved to be unreliable.

Senator Stott Despoja also asserts that detainees may be convicted on evidence obtained by coercion. Again, the senator ignores the fact that such evidence may only be used where it has probative value and may not be used where it may cause unfair prejudice to the defendant. The military judge has the discretion to decide whether this evidence can be used. These are complex legal issues that are not to be dismissed in the cavalier way in which the senator has tried to do it. It is a serious case. It is a matter for lawyers to look very closely at these issues. The issue is that Senator Stott Despoja wishes to bring back David Hicks—

Senator Carr—Five years—a very complex five years.

Senator Kemp—The position of the Labor Party is clear. They believe that, despite the allegations and charges that have been sworn against him, David Hicks should be brought home. They do not believe that he should face those charges. I agree that the Australian community has a variety of views on this but, to my mind, when the Australian community learns more fully the nature of the charges that have been sworn against David Hicks I am not sure that Senator Carr will be speaking with the majority voice.

All of us agree that this matter has taken too long. The Prime Minister, Attorney-General Philip Ruddock and the Minister for Foreign Affairs, Alexander Downer, have made it clear on a number of occasions that these delays are of great concern to the gov-
ernment. The Prime Minister said at the end of last year:

I am not happy about how long it has taken and we will be putting increasing pressure on the Americans to stick to the timetable they have given us.

Let me stress that the government is concerned about the delay and will continue to press for a resolution of the allegations against Mr Hicks. Indeed, on 23 January this year the PM said:

The decision was taken to formally convey to the Americans our view that he ought to be charged by the middle of February.

As the Attorney-General said on Saturday:
The swearing of charges is a timely development that meets the Prime Minister’s recent call to charge Mr Hicks before mid February. However, the Government remains anxious to ensure that his case is dealt with expeditiously and fairly, and will continue to press the United States.

The Prime Minister reiterated only last night that the government will continue to press the Americans to conclude the matter quickly.

In contrast to what Senator Stott Despoja said, the idea that the government has ignored the health and wellbeing of Mr Hicks is quite wrong. The government has provided consular assistance to Mr Hicks to monitor his welfare, and Australian officials have visited him on 18 separate occasions. I understand that he refused to speak with our consul general during the last two visits; however, the consul general remains available to assist him. I believe it is unfortunate that Mr Hicks has refused to speak to the consul general.

Senator Marshall—Rubbish!

Senator KEMP—I am interested in the new face of Labor. I am not sure that Senator Marshall is entirely on message with what Mr Rudd is putting out. To allege that these statements are rubbish is complete nonsense and Senator Marshall knows it. Let me state this very clearly: the Australian government treats any allegation about the abuse of any Australian detainee overseas with the utmost seriousness. The Australian government has pursued the allegations referred to by Senator Stott Despoja of mistreatment of Mr Hicks and, at the government’s request, there have been two US investigations into the allegations. Neither revealed any evidence of abuse.

The United States government has consistently maintained that it is treating the detainees humanely and in a manner consistent with its international obligations under the principles of the Geneva convention. The Australian government has also provided over $300,000 of taxpayers’ money to fund Australian legal consultants to assist in Mr Hicks’s defence.

Senator Stott Despoja and I are in agreement that action must be taken in relation to David Hicks. However, while the senator would see him returned in a circumstance where he cannot face trial in Australia, I and the government would instead see the allegations against him tested. I believe this is a very serious matter. I believe that the government has expressed its frustration about the time this has taken.

Senator Marshall—Frustration!

Senator KEMP—It is frustrating. All of us would have preferred to see this matter concluded in a far more efficient fashion, but that is not the case. So we are faced with the facts as they now stand—that Senator Stott Despoja and those who support her motion would rather see Mr David Hicks returned to Australia without having to face the charges which have been sworn against him. They are serious charges. This country is involved in very serious matters in relation to terror. Therefore, I cannot support the motion.
moved by Senator Stott Despoja. *(Time expired)*

**Senator LUDWIG** (Queensland) (5.16 pm)—Labor will not support either the Democrats’ motion or the Greens’ motion on David Hicks for the simple reason that the motions do not include the words ‘to face justice in Australia’. It is my understanding that the shadow Attorney-General contacted both the Greens and the Democrats in order to rectify this deficiency but our offer to improve their motions was declined. That is a disappointment. Let us consider what we do know about this matter.

There is a great deal of serious legal commentary to the effect that if David Hicks is guilty of things which have been alleged against him by the United States authority then he is guilty of a number of breaches of Australian law. Advice given to me by the shadow Attorney-General is that there is no legal impediment preventing Mr Hicks’s trial in Australia under the existing laws of the land and without retrospective effect. However, there may or may not be an evidential impediment. The question is left open.

The Attorney-General, Mr Ruddock, contends that the problem is not a matter of insufficient law but instead a matter of insufficient evidence. This is truly a curious conclusion from the first law officer of the land because Labor understands that neither the Attorney-General’s Department nor the Director of Public Prosecutions, Damian Bugg AM QC, have seen the evidence against Mr Hicks. Yet the Attorney is so bold as to pre-empt it. Given expert legal commentary maintains that the allegations against David Hicks can be considered under Australian criminal law, it is curious that the first law officer of the land would make so simple an error as to assess a case before seeing the evidence. For the benefit of the Attorney, that is what lawyers usually like to call ‘prejudice’. The Attorney claims his pre-emption is based on advice from the Director of Public Prosecutions. If this is so, let him release it because five years have now passed. If the Attorney-General has that advice, it is really now incumbent upon him to ensure that there is clarity.

We are now at that point where even the usual caveats that surround legal advice should be swept aside and it should be provided. That is the challenge that the Attorney-General should meet. It is the case that this government have, in other instances, found the need to provide the legal advice and have sought to table it themselves. So it is not a case that there is a hard and fast rule that stops them completely in their tracks. They can do it if they are so minded. They have done it in the past.

This is not the Attorney-General’s only failing. Claims by David Hicks’s lawyers that he is in poor shape and showing symptoms of mental deterioration require a proper response from the Attorney-General. Mr Ruddock cannot continue to sit on his hands while evidence of David Hicks’s improper treatment and deteriorating physical and mental condition continue to mount. The Attorney-General continues to claim that David Hicks’s situation is different from that of the British citizens who were returned to Britain from Guantanamo Bay. Both David Hicks and the British citizens were mentioned as eligible to be charged in the same US presidential decree. The British government then took up the issue with the US authorities, leading to its citizens’ return to Britain. However, the Australian government took no such action.

Finally, let us address the issue of whether the US law under which Mr Hicks is to be tried is retrospective. The law, the Attorney-General insists, is not retrospective. The Attorney-General—I think and Labor thinks—
is poorly advised. Mr Hicks is not to be tried under an offence as it was known before it was codified, despite the fact that the codification occurred after his alleged offence. What the Attorney has obviously failed to grasp is that by the very act of codification the law is different from that which may have previously existed as an offence through the criminal branch of the common law in that land.

It is manifestly absurd to suggest that a codified offence is identical to one that is uncodified. The mere act of codification changes how judges may apply the law. I would have thought that is, one could say, law 101 for the Attorney-General to understand. The Attorney-General’s ineptitude in this matter is only matched by the bumbling buffoonery of the Minister for Foreign Affairs. The minister’s latest embarrassment concerned his comment that Mr Hicks’s mental health was nothing to worry about, later revealed to have been based on a five-minute viewing by US dignitaries. In these circumstances, it is usually wise to advise a minister to stick to what they know. However, I have observed the minister’s answers in relation to the Australian Wheat Board and, given the futility of that advice, in this instance I will restrict myself instead to observing that a five-minute viewing does not constitute an independent psychiatric assessment. That is clear. Rather than compounding his errors with more useless assurances, the minister should be seeking permission for Melbourne psychiatrist Professor Paul Mullen, who visited David Hicks in February 2005, to make a follow-up assessment.

Mr Hicks is entitled to a fair trial and fair treatment, not more and not less. That is the point that is at stake here. It was the case and it is noteworthy that the US congress was not prepared to allow US military commissions to try American citizens. The United States military commission rules as announced are not fair. They lack essential guarantees of independence and impartiality. For the benefit of senators, here are the rules. They provide for the jury to be comprised of military officers. They do not permit the accused or their defence counsel to be privy to all the evidence. They do not recognise habeas corpus—that is, no imprisonment without a trial. They do not exclude hearsay evidence, which denies the accused the opportunity to confront his accusers and cross-examine, and this is a breach of the Australian Criminal Code in itself. They do not exclude evidence obtained by coercion—practices amounting to coercion have been officially sanctioned for use in Guantanamo Bay. Coercion techniques breach the Geneva conventions.

Labor welcomes the comments of Ms Jodeen Carney, the leader of the Northern Territory Country Liberal Party, who today rightfully condemned the Howard government for its neglect of Mr Hicks. We hope that Ms Carney’s comments will encourage her colleagues in the federal Liberal and National parties also to speak out. However, the motion before us as articulated seems to demand unconditional freedom. Justice is apparently all that Mr Hicks’s father, Terry Hicks, has ever asked for. The motion before us goes further than that. That is not Labor’s position. We can agree with the sentiment that has been articulated. We can agree with the basics that have been put but the words do not reflect Labor’s position. My understanding was that it was put to you to change the wording so that we could get a unanimous position from both the opposition and the minor parties to show up the real villains in this—that is, the Liberal-National coalition government. We want Australian law applied because the rule of law as we know it is, in this country, not being applied through these military commissions. Labor does not seek to pre-empt the rule of law as the How-
ard government does in practice, nor as the Greens and Democrats seem to do in their motion. We are therefore, as I have said, opposed to the motion.

Senator Nettle (New South Wales) (5.26 pm)—Earlier today I joined a demonstration out the front of the parliament calling for David Hicks to be returned home. The view represented there was the majority view of Australians—increasingly the view of people not just on this side of the chamber but on the other side of the chamber as well—that is, to support the rights of the Australian citizen David Hicks who has been abandoned by the Howard government that refuses to stand up to the White House.

It is fantastic to see the shift in public opinion in favour of the human rights of David Hicks over the five long years that he has been held in detention. I remember October 2003 when President Bush came to visit and I and my colleague Senator Bob Brown spoke out about the failure of this government to speak up for the two Australian citizens then held in Guantanamo Bay. For doing so, there were attempts to remove us from the parliament. I am really pleased that we are operating in a different climate now where a whole lot of other people have come on board to support the rights of that one Australian citizen who is held there.

In Australian law there still exists a recognition of the US military commissions that were recognised as illegal by the US Supreme Court. They were put into Australian law in March 2004 by the government and the opposition and are still recognised in our law. I have brought forward a private member’s bill on behalf of the Australian Greens to remove that recognition in our law of US military commissions that have been found to be illegal in the US Supreme Court. So it is pleasing that we are seeing some changes in attitudes around this particular issue. I welcome them from wherever in politics they come because these are fundamental human rights that those of us who speak out are trying to protect in the case of David Hicks and other Australian citizens as well.

The Prime Minister and others in the government are making different noises to those we have heard—not to the extent of actually doing anything about getting David Hicks brought home but because there is recognition that people in the electorate are angry about five years in detention, the mistreatment and the reports of torture of Australian citizen David Hicks. The government have been scrambling to find ways to deflect this anger, so we saw the government last week spinning the story that, now that David Hicks has been charged, it is all fine and all that concern can go away. It is not the case, the charges have not been formally laid yet and all we have been told is what the prosecutors have asked to charge him with. The government seem to think that is enough to let them off the hook but I do not think it is. I do not think the Australian people will be satisfied until David Hicks is treated fairly. What is being proposed in this new US military commission is not fair.

Senator Marshall—Like an American citizen, how about the same standard as that?

Senator Nettle—As other senators say, it is not the way that citizens from other countries have been treated. Britain, the US and, just last week, Yemen, I think, insisted that their citizens be brought back to their countries and tried in their courts of law. There is no other country that has said: ‘Sure—go and create a kangaroo court and try our citizens. We do not care if it is not fair or representative under international law.’ All of the other countries have asked for and got their citizens returned to be tried in their courts. John Howard and this gov-
ernment stand out alone in that particular regard.

There is a widespread understanding that Guantanamo Bay is an appalling violation of human rights and that the legal process that David Hicks is being subjected to is a sham. I moved a motion today in the Senate highlighting the fact that as of today David Hicks has been detained for 1,889 days. Tomorrow I will move a similar motion. The day after I will move one again. Every day until David Hicks is returned to Australia, I intend to ensure that this parliament spends at least five minutes acknowledging that this man has now spent five long years in detention—and he is there because of the inaction on the part of this government—to ensure that he receives a fair trial or is brought back to Australia. Other countries have managed to achieve this for their citizens. The Australian government should be doing likewise.

This is an issue that the Greens will continue to speak out on. We are pleased to see that more and more groups within the community are joining us in calling for justice for David Hicks—the justice that he is not receiving and the justice that the Australian government currently is not standing up for him to receive. (Time expired)

Senator JOHNSTON (Western Australia) (5.31 pm)—I want to commence my comments on this motion by looking at the context that Mr Hicks finds himself in. As we all know, on 11 September 2001 the World Trade Centre in New York was attacked and 2,752 innocent lives were taken. They were not lost; they were taken. They were murdered by terrorists. The Pentagon was attacked and 189 innocent people were murdered by terrorists. A plane was hijacked and crashed in a field in Philadelphia and a further 44 people were murdered by terrorists. Those terrorists were al-Qaeda terrorists based in Afghanistan. So 2,985 innocent American lives were taken by al-Qaeda on 11 September.

David Hicks was arrested in Afghanistan in the immediately following December—in Afghanistan, which is the home, the base and the state of, and the sovereignty giving succour to, al-Qaeda. On the United States side, they allege that Hicks has attended an advanced al-Qaeda training course. In other words, he was becoming a specialist in weapons, tactics, explosives and the deployment of those instruments in accord with the level of attacks we saw in New York and elsewhere in the United States on 11 September. He was an al-Qaeda operative, the Americans allege, who took orders from Osama bin Laden.

This is an organisation that has carried out significant and substantial terrorist attacks in Spain, with the Madrid bombing in March of 2004, and on the USS Cole, where 17 sailors were killed. The Beslan school siege is linked to them. There were the bombings of the US embassies in Kenya and Tanzania in 1998. Yemen in 1992, Somalia in 1993, Operation Bojinka, and Saudi Arabia in 1995 and 1996—the list goes on. This is one of the most dastardly, callous and murderous organisations that the world has ever seen. David Hicks was found or caught in amongst them. That is the American side. It is also alleged that Hicks conducted surveillance on United States embassies. Let us not forget that the United States is our best and most significant strategic ally, and we have an Australian citizen on the ground in Afghanistan being arrested in December 2001.

Let us look at the Hicks story. That was the American side. The Hicks story was set out on 9 December 2006 in Victoria Square at a rally that featured Kay Danes, Brian Deegan, Mem Fox, Terry Hicks—and I take it that is Terry Hicks, the father of David Hicks—Professor Leon Lack, Charles
Southwood, Katie Wood et al. Their story is that David Hicks did the following. Worried by the reported massacres in Kosovo in 1999, David travelled to Yugoslavia but arrived after the fighting was over. He then went to Pakistan to study at various theological colleges. He travelled to Afghanistan and after some months decided to return to Australia. At the Pakistan border he realised he had left his passport behind and returned in a taxi to retrieve it. The taxidriver had a cousin connected with the Northern Alliance and David was captured by them as he left the taxi. A few weeks later the Northern Alliance sold David to the Americans, who had just invaded Afghanistan.

These are two stories that could not be further apart. One story is that he is a murderous terrorist and the other is that he is a theological tourist. What are the Americans or the Australians or any decent sovereign nation to do with two stories like that?

Senator Marshall—Try him!

Senator JOHNSTON—The answer is: try him. Do not let him go. Do not release him on bail to report daily to the local cop shop. Try him—inincarcerate him until the veracity of those stories is determined. The Military Commissions Act says:

Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism ... or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism ... shall be punished as a military commission under this chapter may direct.

‘Material support’ is defined as:

... any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials ...

He is charged with aiding and abetting a terrorist organisation, to put it in more Australian terminology.

Senator Carr—Is he charged or was there a press release?

Senator JOHNSTON—He has been charged with attempted murder and he has been charged with providing material support. It just goes to show how senators are paying attention to this. He has been charged with providing material support to the Taliban, material support and resources to a terrorist organisation. They are the charges.

These are very serious charges. Senator Stott Despoja says that this is retrospective. She then criticises members of the government for being judge and jury. Let me say this: if these charges are retrospective, the point is one for preliminary determination by the commission, as it properly should be. We may have a different legal position in this country, but that is not the point. The legislation has been transitioned over a long period. Indeed, the offence with which Hicks is apparently charged has been on the statute books in the United States for much longer than September 2001.


Senator JOHNSTON—Since 1994. Accordingly, justice should take its course. The process is: we have the swearing of the charges. Following the charges being sworn, there is a referral from the legal adviser to the convening authority. The convening authority is actually Judge Susan Crawford, a former judge of the US Court of Appeals for the Armed Forces. (Time expired)
Senator STOTT DESPOJA (South Australia) (5.39 pm)—by leave—I amend the motion in the following terms:

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

(a) that Australian citizen David Hicks will be subject to a Military Commission process that, among its flaws, allows conviction on evidence obtained through coercion and on hearsay, and strips away habeas corpus; and

(b) further, that Mr Hicks’ mental and physical health has deteriorated in recent months, particularly after 11 months in solitary confinement, and he should be repatriated immediately to face justice in Australia.

That is the preferred wording of the Labor Party.

Senator LUDWIG (Queensland) (5.40 pm)—by leave—I would like to speak briefly to the motion as amended. I can now say that it seems the opposition and the minor parties have all lined up against the government. I am not going to say any more than that. It is appropriate that we do put a united front forward because the government are in disarray on this, and they should really straighten it out.

Senator Ferguson—Madam Acting Deputy President, I rise on a point of order. As there was an agreement on time prior to the commencement of this debate of one hour and I am the last speaker and was allocated seven minutes, I think that these interventions by both Senator Stott Despoja and Senator Ludwig should come off Senator Kirk’s time and not mine at the end.

The ACTING DEPUTY PRESIDENT (Senator Crossin)—I did notice that Senator Ludwig finished his speech a little short of 10 minutes. Your point has been noted.

Senator KIRK (South Australia) (5.41 pm)—I rise this afternoon to speak in favour of the amended motion before us. Those of us from South Australia have for some time been appalled by the detention of David Hicks, which has now been for a period in excess of five years. I can tell the Senate that in South Australia there is an increasing groundswell of members of the community who regard his ongoing detention as a grave abrogation of the rule of law. In simple terms, really, he is just an Australian citizen not getting a fair go and who is being treated as a second-class citizen when compared to the treatment that has been afforded to US citizens by the US government. I would have thought that most people in the Australian community would agree with that and see this as a pretty fundamental matter—but not the people on the other side; not the members of the Howard government. It appears that there is no-one in the Howard government who is prepared to acknowledge this indisputable fact.

The ALP, and our new leader Kevin Rudd, have said that we believe that David Hicks should be repatriated to Australia with the utmost speed and that he should be subjected to the force of Australian law. That is the reason we are now able to agree with this amended motion of Senator Stott Despoja’s, which provides in the last line that he be ‘repatriated immediately for trial in Australia’.

I must congratulate Senator Stott Despoja on the motion that she has prepared today and on the work she has done on this issue. In fact, she and I have worked together. We have put aside political differences to work together as South Australian senators, in Adelaide in our home state of South Australia, to advance this matter and to attempt to get justice for our constituent David Hicks. In fact just last month in January she and I called on the Howard government to facilitate a cross-party delegation of MPs to visit Guantanamo Bay. The purpose of our visit would be to provide support to Mr Hicks and also to inspect the conditions of his detention and to report back to the parliament. What
response did we receive from the government? Absolutely none.

I have previously applied to visit my constituent David Hicks in Guantanamo Bay. In fact it was 18 months ago. Not surprisingly, I received a response from the US Department of Defense in July 2005 informing me that, with only a few exceptions, non-US nationals are not permitted to visit Guantanamo Bay and parliamentarians from third countries have not been permitted to visit the facility. I was disappointed by this response because, at that point, many members of the US congress, including their staff and members of the press, had gone to Guantanamo Bay.

Senator Ferguson—It’s an American facility, for God’s sake, Linda!

Senator KIRK—Senator Ferguson points out that that is because it is a US facility. He may be interested to learn that, subsequently, in May last year a delegation from the European parliament visited and a delegation from the UK parliament—in fact, the House of Commons Foreign Affairs Committee—visited the facility in September last year.

Senator Ferguson—And never spoke to a prisoner.

Senator KIRK—Senator Ferguson says they did not speak to a prisoner, which is true. However, we would still like to—

Senator Carr—All the Britons have been taken back to England.

Senator KIRK—That is true. Senator Carr indicates that it is because the British have been returned to their own country. Our government has not been prepared to insist that our citizen David Hicks be returned, yet the UK members of parliament visited the facility, got a briefing about it and had a good chance to look around. We also would like to be able to do this, especially as we still have one of our own citizens in Guantanamo Bay.

Anyway, as Senator Stott Despoja’s motion alludes to, there are really two issues that are particularly pertinent at the moment, and I will deal with the second of them first. Senator Stott Despoja says in her motion that Mr Hicks’s mental and physical health has deteriorated in recent months, particularly after 11 months in solitary confinement, and he should be repatriated immediately for trial in Australia. I want to deal with the second aspect of Senator Stott Despoja’s motion—that is, the mental health of David Hicks. Many South Australians are very concerned about the mental health of Mr Hicks. Of course, most concerned would be Terry Hicks, with whom we are all familiar, and the other members of his family. The Minister for Foreign Affairs, Mr Downer, recently conceded that his recent statement that David was ‘fit and well’ was made on a five-minute assessment of David that was made by a US embassy staff member without any medical training.

Senator Ferguson—That’s rubbish! It was 25 minutes.

Senator KIRK—Maybe it was 25 minutes. That is not what I understand to be the case, but, even if that is so, this person does not have any medical training, so how could they possibly form an opinion?

Senator Ferguson—She is a psychiatrist.

Senator KIRK—This is all news to me.

In relation to Mr Hicks’s welfare, the Australian people want to see an independent medical opinion, not that of somebody from the US embassy. This government should be demanding that an independent psychiatrist go into the facility and assess the mental health of one of Australia’s citizens, David Hicks.

In the time I have available I also want to briefly address the first part of Senator Stott
Despoja’s motion, which goes to the nature of the military commission process and how flawed it is. In her motion Senator Stott Despoja referred to the fact that the military commission process allows convictions to take place on the basis of evidence obtained by coercion and hearsay and strips away habeas corpus. The Military Commissions Act 2006, passed by the US congress last year, is the second attempt by that legislature to put in place a military commission system that will meet constitutional standards. Of course, the first attempt was found to be unconstitutional by the US Supreme Court in Hamdan v Rumsfeld.

All this act effectively does is replace the illegal military commission system that existed before with a system that simply fails to comply with the standards set down by the Supreme Court. What does it do? It attempts to remove the application of the Geneva conventions, which, the Supreme Court found, the old system violated. It bars aliens held as enemy combatants from filing a suit by the writ of habeas corpus to challenge the legality of their detention or to raise claims of torture and other mistreatment. This provision covers all noncitizens and even applies after the detainees are released. As a result, detainees who have been tortured or otherwise mistreated are forever barred from going to a court to seek redress and have heard what happened to them whilst they were in detention.

There are many other problems with the Military Commissions Act. As I mentioned, it allows military judges to admit coerced statements. It creates a national security privilege, which allows the government to keep classified information secret from military defence counsel. It permits a military commission judge to admit hearsay evidence that would not be admissible in a court martial. Finally, but certainly not least, the act gives the Secretary of Defense unprecedented power to prescribe military commission procedures, rules and regulations for the manner in which the military judges are selected.

The Military Commissions Act 2006 has been criticised in the United States and elsewhere as unconstitutional. Besides authorising substandard military trials for suspected terrorists, the new laws bar detainees from asserting their rights to habeas corpus and they attempt to render the Geneva conventions unenforceable in court. I, like many South Australians, am extremely angry that this government believes Mr Hicks will be given a fair trial under this system. All Australians have the right to know that, if they get into trouble with the law overseas, the Australian government will stand up for their right to be tried through a fair process. In this case, the Howard government has failed this basic test.

Senator FERGUSON (South Australia) (5.51 pm)—I think Senator Ludwig has made the statement of the year, already, when he said that the government is in total disarray over this issue. Senator Stott Despoja came into the chamber with an urgency motion and gave a very confused speech to start with. Senator Nettle then spoke in support of the motion. Senator Ludwig then came in and said the opposition could not support the motion because it did not suit their particular needs. We had Senator Carr interjecting incessantly—and we know he hates America and all things American—and then the boss must have sent a message for Senator Ludwig. The boss is very right wing and purports to love everything American. And you say we are in disarray!

I cannot believe you, Senator Ludwig; I just cannot believe you. We are ‘in disarray’ yet you have a motion before the chair which you will not support and then, after a little bit of argy-bargy, you come back with a motion
that you can all now support—and we did not hear either Senator Ludwig or Senator Kirk speak to the additional words—‘to face justice in Australia’. What I want to know is: how can David Hicks face justice in Australia? He has committed no crime in Australia that I know of, no crime whatsoever in Australia, so what justice is David Hicks going to face in Australia? It is just impossible. You have not thought this through. You have made your policy on the run.

Senator Carr interjecting—

Senator FERGUSON—You have put this down here: ‘to face justice in Australia’. Madam Acting Deputy President, I think that we gave Senator Ludwig a pretty fair run. If Senator Carr could keep his mouth shut, the rest of us might be able to too. Senators opposite—Senator Kirk in particular—talked about a delegation to Guantanamo Bay. The Americans decide who will go to Guantanamo Bay; we don’t as it is their facility. The UK foreign affairs committee that went there saw the facility—nobody knows how far they got into the facility—spoke to no prisoner and then came back and passed their judgement. If you care to read their report, you will find that it was not very critical of Guantanamo Bay at all.

Senator Stott Despoja said that senators on this side must state clearly where they stand on this issue. We intend to, Senator Stott Despoja; we intend to state quite clearly where we stand on this issue. When it comes to visiting other prisons around the world, I presume that Senator Kirk would like to go overseas to every other prison where the at least 180-odd Australians are held in custody and see what conditions they live in as well—but, no, it is just David Hicks, the martyr of the day; that is the one that you are going to put all your effort and concentration into. I never hear you complaining about the conditions that the Bali nine are facing up in Indonesia. All we hear about is what might be happening to David Hicks.

Senator Marshall wants to bring him home and try him. Under what law do you want to try him, Senator Marshall? Under what charge and under what law do you want to try David Hicks in Australia? There is simply no provision to charge David Hicks in Australia. Australian law applies to Australian jurisdiction. I have always been of the view that when you leave Australia’s shore you are subject to the law of whichever sovereign country you are visiting. In the case of David Hicks, he entered what was a theatre of war. He is a prisoner of war—that is all he is.

The ACTING DEPUTY PRESIDENT (Senator Crossin)—Order! Senator Carr!

Senator FERGUSON—Madam Acting Deputy President, I think I should be allowed to speak so that I can at least hear myself.

The ACTING DEPUTY PRESIDENT—Senator Ferguson, you have the call.

Senator FERGUSON—The Australian government has made no assumption in relation to Mr Hicks’s guilt or innocence. It has made no assumptions whatsoever.

Senator Carr interjecting—

Senator FERGUSON—Senator Carr, the Australian government has made no assumptions in relation to his guilt or innocence. We say that the process that has been put in place must be allowed to go on because it is important. It is the only way that David Hicks can be put before a court. He is in America because he is their prisoner, not ours. We in the Australian government—and the Prime Minister has repeated this—have been concerned all along at the delays in progressing the
case. But we need to remember that the first charges were laid after he had been held for two years, Hicks’s lawyers then appealed, the Supreme Court upheld their appeal and so they started again. David Hicks has no need to be in detention. If he had not been in Afghanistan in the first place, he would not be in detention.

Opposition senators interjecting—

Senator FERGUSON—He would not be there if he had not been in Afghanistan in the first place. So when he goes to another country and is captured—

Senator Carr interjecting—

Senator FERGUSON—It is not against the law to be in Afghanistan. Under our law now it is illegal to train with a terrorist organisation. As for you people who would be prepared to defend David Hicks, those of you who want him to go scot-free—that is your real intention; you want him to go scot-free—

Senator Marshall—That’s not true, and you know it.

Senator FERGUSON—It is. That is your intention, because you know—

Opposition senators interjecting—

Senator FERGUSON—If you do not want him to go scot-free, you tell us what you are going to charge him under if you bring him back to Australia—and that is what you want; you want him repatriated to Australia to face justice in Australia. Tell us under what law and on what crime he has committed he can be brought to justice in Australia. Not one of you can answer that question. It is all to do with the process where you feel some public sympathy, and a lot of Australians feel some sympathy for someone who has not undergone a trial after this period of time. But I tell you this: not one of you who have added this—to face justice in Australia’—can say under what law he will be charged. How can he face a court in Australia when there is no charge to answer in Australia? Can you please tell us what you want to charge him under.

Opposition senators interjecting—

Senator FERGUSON—If you want him to come back to face justice, you have got to be able to tell us what crime he has committed and what part of Australian law would allow him to face justice in Australia. I will be opposing this motion and I hope so will be all of my colleagues. (Time expired)

Question put:

That the motion (Senator Stott Despoja’s), as amended, be agreed to.

The Senate divided. [6.03 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes…………… 34
Noes…………… 36
Majority……… 2

AYES

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

NOES

Abetz, E.  Adams, J.
Barnett, G.  Bernardi, C.
Boswell, R.L.D.  Brandis, G.H.
Calvert, P.H.  Campbell, I.G.
Chapman, H.G.P.  Colbeck, R.
Tuesday, 6 February 2007

COMMITTEES

Rural and Regional Affairs and Transport Committee

Report: Government Response

The PRESIDENT—In accordance with the usual practice and with the concurrence of the Senate, the government’s response to the Senate Rural and Regional Affairs and Transport References Committee’s report Rural water resource usage of 2004 will be incorporated in Hansard.

The document read as follows—

SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE REPORT

‘Rural Water Resource Usage’

GOVERNMENT RESPONSE

October 2006

GOVERNMENT RESPONSE TO SENATE RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE REPORT:

‘Rural Water Resource Usage’

Preamble

The Australian Government has considered the ‘Rural Water Resource Usage’ report from the Senate Rural and Regional Affairs and Transport References Committee and is pleased to provide the following response. The Government would like to acknowledge the efforts of the Committee in preparing the report that seeks to address a range of issues relating to future water supplies for Australia’s rural industries and communities.

The Australian Government is committed to the efficient and effective management of Australia’s water resources as its role in developing the National Water Initiative (NWI) and the Murray Darling Basin Agreement attests. On 25 June 2004 the Council of Australian Governments (COAG) agreed to the NWI which contains a number of national water reform actions to be implemented as priorities by the Australian, State and Territory governments over the next 10 years.

Implementation of the NWI will be overseen by the Natural Resource Management Ministerial Council in line with detailed implementation plans to be developed by each State and Territory and the Australian Government and accredited by the National Water Commission.

Consistent with the National Water Initiative, the Australian Government has established the National Water Commission as an independent statutory body. The National Water Commission Act 2004 came into effect on 17 December 2004. The Commission will accredit State and Territory implementation plans, assess progress in implementing the NWI and advise on actions required to better realise the objectives of the Agreement.

The Commission also undertook the 2005 assessment of progress with implementing water reform commitments under National Competition Policy and administers the Water Smart Australia and Raising National Water Standards programmes under the Australian Government Water Fund.

The Committee’s recommendations are addressed in turn below.

A copy of the Intergovernmental Agreement on a National Water Initiative is at Annex A.

COMMITTEE’S RECOMMENDATIONS

Recommendation 1

The Committee recommends that a cap for water extractions in the Queensland part of the Murray-
Darling Basin should be decided by the beginning of 2005.

Response: Supported.

The Murray-Darling Basin Ministerial Council discussed the establishment of a Cap for water extractions in the Queensland part of the Murray-Darling Basin at its meeting on 26 November 2004.

The Council noted the progress being made by Queensland towards the establishment of its Cap and acknowledged that the establishment of a Cap forms an integral part of Queensland’s water resource planning process, a prescribed process in accordance with Queensland’s Water Act 2004.

Queensland has now gazetted water resource plans for all its Murray-Darling Basin valleys. Resource Operations Plans, on which Caps will be based, are currently being developed with an expectation that they and their relevant Caps will be finalised over the next two years.

In the meantime the moratorium imposed by Queensland in September 2000 effectively places a cap on works and diversions. The moratorium prevents further storages or pumps from being constructed or works authorised under licence which would increase the take of surface and overland flow water.

Recommendation 2

The Committee recommends that COAG should negotiate an ongoing shared program for funding the reforms in the Intergovernmental Agreement on a National Water Initiative.

Response: Noted.

Recommendation 3

The Committee recommends that COAG should develop a policy on rules to control the water market to prevent profiteering or speculation by non-users, including foreign interests, to the detriment of water users or the environment.

Response: Not Supported.

The risk of profiteering or speculation by non-users was considered during the development of the National Water Initiative, which includes a staged approach to removal of barriers to open trade and close monitoring of impacts.

The Australian Government considers that the Trade Practices Act 1974 and related State and Territory Fair Trading Acts already provide an appropriate national framework capable of addressing any concern in relation to anti-competitive or unfair trading practices in relation to water entitlements.

Recommendation 4

The Committee recommends that COAG should commit to a jointly funded program of structural adjustment assistance to communities whose economies are contracting because of water trading, and agree to provide adequate financial support for projects to promote environmental recovery in degraded areas.

Response: Noted.

Under Clause 97 of the NWI, all parties have agreed to address significant adjustment issues affecting water access entitlement holders and communities that may arise from reductions in water availability as a result of implementing the reforms outlined in the National Water Initiative. States and Territories will consult with affected water users, communities and associated industries on possible appropriate responses to address these impacts, taking into account factors including:

- possible trade-offs between higher reliability and lower absolute amounts of water;
- the fact that water users have benefited from using the resource in the past;
- the scale of changes sought and the speed with which they are to be implemented (including consideration of previous changes in water availability); and
- the risk assignment framework referred to in Clauses 46-51.

States and Territories have also agreed that in relation to facilitating intra and interstate water trade, they will implement measures to facilitate the rationalization of inefficient infrastructure or unsustainable irrigation supply schemes, including consideration of the need for any structural adjustment assistance as noted in Clause 60 (vi).

With respect to the provision of financial support for projects which promote environmental recovery in degraded areas, the Australian Government
and the Southern Murray Darling Basin States and Territories have committed $500 million ($200 million from the Australian Government) over five years to the Murray-Darling Basin Intergovernmental Agreement which will consider a range of measures to recover water for the environment including investment in water infrastructure. In addition, the Murray-Darling Basin Commission (Commission) has made available $1 million to fund pre-feasibility studies of cost effective infrastructure improvement projects that would recover water for the environment. The Australian Government also announced in its 2006-07 Budget, additional funding of $500 million to the Commission for expenditure between the period 2006-07 and 2010-11. This additional funding will boost the capacity of the Commission to undertake essential works in the Basin that are necessary for the river systems to operate at optimal efficiency. The Commission will also fund further projects under the Living Murray Environmental Works and Measures Programme to make best use of recovered water. The additional funding will also assist Governments to meet the water recovery targets of the Living Murray Initiative by 2009.

The Living Murray Works and Measures Program is an eight year $150 million programme to deliver works and measures to improve the health of the system by making the best use of water currently available, optimising the benefits of any water recovered in the future and targeting investment towards the best environmental outcomes.

In addition, the $2 billion Australian Government Water Fund will support the achievement of the principles, outcomes and actions of the National Water Initiative through its three programmes: Water Smart Australia, Raising National Water Standards, and Australian Government Community Water Grants.

The Raising National Water Standards programme will invest in Australia’s national capacity to measure, monitor and manage its water resources, including through working with local communities to improve the conservation of water systems with high environmental values through measures such as planning, voluntary conservation agreements and improved knowledge.

Under the $200 million Australian Government Community Water Grants programme, community organisations will be provided with grants for on-the-ground work to increase water use efficiency, improve river or groundwater health or improve community education on water saving.

$1.4 billion has been committed over seven years under the National Action Plan for Salinity and Water Quality to tackle salinity and improve water quality in 21 priority regions.

The Rivercare programme of the $3 billion Natural Heritage Trust invests in activities that contribute to improved water quality and environmental condition in our river systems and wetlands.

In December 2000, the New South Wales, Victorian and Australian Governments signed a Heads of Agreement outlining a plan to boost the Snowy River’s flow to 28% of its original level. The plan includes a target of restoring 21% of the original flow to the Snowy River within 10 years. The Australian Government agreed to contribute $75 million, in particular to secure environmental releases of 70 GL for the River Murray. Water for environmental flows will be acquired primarily through investing in water savings projects and if necessary, through purchasing water entitlements and water rights.

Recommendation 5

The Committee recommends that water management authorities should take steps to properly assess in all catchments the amount of water necessary to maintain environmental health and the amount available for trade.

Response: Noted.

Under the NWI, State and Territory Governments have agreed to planning frameworks that, once initiated, will be characterised by planning processes in which there is adequate opportunity for productive, environmental and other public benefit considerations to be identified and considered in an open and transparent way (Clause 25 (iii)). Parties to the NWI have agreed to undertake water planning that, broadly, will provide for:
secure ecological outcomes by describing the environmental and other public benefit outcomes for water systems and defining the appropriate water management arrangements to achieve those outcomes; and

resource security outcomes by determining the shares in the consumptive pool and the rules to allocate water during the life of the plan (Clauses 36-37).

The Raising National Water Standards programme of the Australian Government Water Fund will support the development of a nationally consistent system for collecting and processing water related data to create confidence in decisions by investors in the water market and the water industry more broadly, and to improve the setting of sustainable flow levels in rivers. Such a system could involve automatic data collection at monitoring stations, national standards for water accounting and metering, and improved hydrologic modeling of priority water sources.

**Recommendation 6**

The Committee recommends that water management authorities should give priority to establishing the systems necessary to account for the total water balance of catchments to allow better management of water-intercepting activities.

**Response:** Noted

Parties to the NWI have agreed to water resource accounting with the outcome of ensuring that adequate measurement, monitoring and reporting systems are in place in all jurisdictions, to support public and investor confidence in the amount of water being traded, extracted for consumptive use, and recovered and managed for environmental and other public benefit outcomes (Clause 80). To achieve this outcome, Parties have agreed, among other things, to develop and implement water resource accounts that include:

- a water balance covering all significant water use, for all managed water systems;
- systems to integrate the accounting of groundwater and surface water use where close interaction between groundwater aquifers and streamflow exist; and
- consideration of land use change, climate change and other externalities as elements of the water balance (Clause 82 (iii)).

The parties to the NWI have also recognised that land use change activities have potential to intercept significant volumes of surface and/or ground water now and in the future (Clause 55). Parties recognise that if these activities are not subject to some form of planning and regulation, they present a risk to the integrity of water access entitlements and the achievement of environmental objectives for water systems. The intention of the NWI is therefore to determine whether the volume intercepted from any land use change activity is ‘significant’ in the catchment of the water system in which it occurs. This assessment will necessarily be based on an understanding of the total water cycle, the economic and environmental costs and benefits of the activities of concern, and to apply appropriate planning, management and/or regulatory measures where necessary to protect the integrity of the water access entitlements system and the achievement of environmental objectives (Clause 56).

State and Territory Governments that are signatories to the NWI are responsible for implementing the Agreement in their respective jurisdictions.

**Recommendation 7**

The Committee recommends that relevant Commonwealth funded research programs should give priority to researching the total water balance of catchments to allow better management of water-intercepting activities, with particular reference to the effects of large scale plantation forestry on runoff.

**Response:** Noted.

The Parties to the NWI recognise that a number of land use change activities, such as intercepting and storing of overland flows and large scale plantation forestry, have potential to intercept significant volumes of surface acid or ground water now and in the future. The NWI recognises that if these activities are not subject to some form of planning and regulation, they present a risk to the future integrity of water access entitlements and the achievement of environmental objectives for water systems. The Parties have committed to assessing the significance of such
activities on catchments and aquifers, based on an understanding of the total water cycle, the economic and environmental costs and benefits of the activities of concern, and to applying appropriate planning, management and/or regulatory measures where necessary to protect the integrity of the water access entitlements system and the achievement of environmental objectives (Clauses 55–57). As noted above, State and Territory Governments that are signatories to the NWI are responsible for implementing the Agreement in their respective jurisdictions.

- The NWI recognises that there are significant knowledge and capacity building needs associated with ongoing implementation, including in the areas of regional water accounts, assessment of availability through time and across catchments and changes to water availability from land use change (Clause 98). Parties to the NWI have agreed to:
  - identify the key knowledge and capacity building priorities needed to support ongoing implementation of the Agreement; and
  - identify and implement proposals to more effectively coordinate the national water knowledge effort (Clause 101).

The Australian Government and other jurisdictions make significant investments in knowledge and capacity building in water, including through: the Cooperative Research Centres programme; the CSIRO, including through its flagship program, Water for a Healthy Country; Land and Water Australia and direct investment by State agencies, local government and higher education institutions.

The Bureau of Rural Sciences’ Water 2010 project will provide information on the relationships between rainfall, evaporation, transpiration, runoff, and drainage to ground and surface water, or on the linkages between catchments and storages. The project will capture information on the water balance (water availability, reliability and use) at the finest scale possible for the continent (including groundwater); construct a national water balance and identify catchments of concern; investigate the impact of likely or desired changes in land use, demography, climate and policies/practices on water resources; and identify the challenges (risks and opportunities) for communities, industries and regions, to underpin policy development.

Recent research into effects of plantations upon the total water balance of catchments includes CSIRO Forestry and Forest Plantations Report ‘Water Use By Tree Plantations in South-East South Australia, (Technical Report No 148, 2004); the Bureau of Rural Sciences ‘Plantation Impacts on Stream Flows- the need for a whole of landscape approach’ report and the Forests and Wood Products Research and Development Corporation ‘Plantations and Water Use: a review’ paper.

**Recommendation 8**

The Committee recommends that the Commonwealth should, as a matter of urgency, address the impact of Commonwealth-licensed oil drilling on the Latrobe aquifer and propose solutions which respect the rights of groundwater users.

**Response:** Noted

The Australian Government notes the report by the CSIRO, Falling Water Levels in the Latrobe Aquifer, Gippsland Basin: Determination of Cause and Recommendations for Future Work, published in September 2004. The report concludes that water levels in this aquifer have been falling for several decades, impacting on irrigators and potentially on the wider community through land subsidence.

Whilst acknowledging the impacts of withdrawals by the mining (including coal), irrigation and offshore oil and gas industry, the report was unable to accurately determine the proportion of impacts due to offshore or onshore abstraction and recommended further analysis be undertaken.

The Government has made a commitment, as part of the $2 billion Australian Government Water Fund, to provide funding for research and structural adjustment for the Yarram Irrigators adversely affected by the fall in water levels of the Latrobe Aquifer. Funding would be subject to matching Victorian Government funding. This commitment supports the CSIRO report recommendations, which identify a need for additional scientific research into this issue. The proposed further research will determine how best to an-
swer the problem of declining water levels in the aquifer.

Senator SIEWERT (Western Australia) (6.07 pm)—by leave—I move:

That the Senate take note of the document.

This inquiry was referred to the committee on 21 October 2002. It received 78 submissions and held 11 hearings, in Sydney, Canberra, Melbourne, Darwin, Kununurra, Griffith, Moree, St George and Berri. The inquiry dealt with the important topic of the state of rural industry based water resource usage and options for optimising water resource usage for sustainable agriculture—an issue that I note we are talking about yet again.

The report addresses the issue of water access entitlements, environmental management needs, water trading arrangements, structural adjustment assistance, unintended consequences of water trade and the recovery of overallocated water. Does this sound familiar to anybody? These are all clearly important and outstanding issues.

The committee report was tabled in August 2004, but it was January 2007 before the government response was tabled out of session, which leads me to question whether the government was truly interested in water before the issue became a political hot potato in the polls. Does this seem like the actions of a government that had its eye on the ball and, until very recently, had been taking the issue of water resources seriously?

Senator Heffernan—Yeah.

Senator SIEWERT—It has taken 2½ years to respond, and this is all of a sudden an issue, is it? So it was not an issue until it became a poll issue. Looking at the response to the committee’s recommendations, it strikes me that the government have not been engaging with the substantive issues. There is an air of defensiveness and reference to a number of recent initiatives that do not directly address the committee’s concerns. In fact, they list a range of initiatives that have not been fully implemented, or implemented at all, such as returning any environmental flows to the Murray. Not one drop has yet been returned. They have not even found the 500 gigalitres they are supposed to find.

It is worth noting that the committee raised the issue of speculation and profiteering in water markets. The government response denies there is an issue and that it is likely to be a problem. I very strongly suggest that they revisit this response, given their announcement of $3 billion being made available for buying back water entitlements and the comments that there will be a need for a strategy to deal with this so that profiteering does not occur. I strongly suggest that they need to rethink this.

Around the time that this inquiry commenced in 2002, another Senate inquiry into another aspect of water concluded. The Senate Environment, Communications, Information Technology and the Arts References Committee inquiry report into urban water management was entitled *The value of water.* That report dealt with the management and resource security of water supplies for our cities, including projected population growth and consumption, sustainable water use and demand resource strategies, urban stormwater management, improving water quality, water recycling initiatives and the effectiveness of market mechanisms for achieving efficiency gains. Again, these are all outstanding and important issues. What was the government’s response to this inquiry? How much did they value it? The answer is: I do not know, because four years later they have still not responded to it.

What about the 2004 report of the House of Representatives Standing Committee on Agriculture, Fisheries and Forestry entitled *Getting water right(s)—the future of rural Australia?* This report dealt with important
issues of water policy, frameworks, water rights, water trading et cetera. This has still not been responded to. Can we conclude from these remarks that the government has not been taking the issue of water in Australia seriously—and, as an aside, the role of the Senate committee seriously? But the ultimate outcome is that the government has still not seriously come to grips with the issue of water resource management. It has only jumped on the bandwagon lately when it has been under so much pressure that it can no longer ignore the issue.

If you take the time to look through the issues covered and the recommendations made by this series of parliamentary inquiries—and it appears that the government has failed to do so—it becomes clear that many people have been giving consideration to the water resource issues of this country for a long time, but the government has consistently failed to deal with the oncoming water crisis. It has not just appeared all of a sudden; it has been growing for years. The response—and we saw it again today—was: ‘Let’s just blame the states. Let’s blame the states, focus on them, and not actually acknowledge that the Commonwealth had a role to play as well.’

Last year we again saw an increase in the number of people raising the issue. The Murray-Darling Basin Commission repeatedly told the government that our storages were getting to dangerously low levels. They reported very frequently. In October, Wendy Craik from the Murray-Darling Basin Commission told the Senate Standing Committee on Rural and Regional Affairs and Transport that, if the situation continues, it looks as though we will be effectively emptying our storages by the end of the irrigation year—that is, by April-May this year, which is three months away, by the way. Did the government respond to this? No, they did not respond to anything until the beginning of November when they called a water summit for three hours on Melbourne Cup Day—where, by the way, one of the solutions canvassed by the Prime Minister was that we could drain wetlands. That is in the face of the fact that 90 per cent of the wetlands of the Murray-Darling system have been degraded. I believe they are likely beyond repair. This is again policy on the run.

The report that came out in January does not at all canvass the government’s new policy initiatives announced on 25 January, committing $10 billion to an uncosted plan. There was no consultation with either the states or, as it now turns out, major government departments who could (a) provide advice and (b) do the costings. We have not been told how much water is going to be returned to the Murray. The Prime Minister’s 10-point plan makes no comments about commitments to how much water will be returned to the Murray. Five hundred gigalitres is the very minimum, the lowest common denominator, that all the states and the Commonwealth could agree to. The Commonwealth was a party to that. It did not stand by like Pontius Pilate and wash its hands and say to the states, ‘You make up your mind.’ It was part of the process of deciding on 500 gigalitres.

But the Prime Minister’s plan does not commit to a target for returning any further water to the Murray. The panel of scientific experts recommended that 3,500 gigalitres of water was needed to give the Murray a good chance of recovery. The Prime Minister’s statement makes no comment on how much water is going to be returned to the Murray. The government want to take control of the states, presumably to try to manage the situation better. But they had a chance in December when the Environment Protection and Biodiversity Conservation Act was being amended through the Environment and Heritage Legislation Amendment Bill (No. 1)
2006. A number of proposed amendments to that bill related to giving the government a trigger for matters of environmental significance. But did they want this trigger? No, they did not. Under legislation they could have had that trigger, with no fighting with the states about whether it is constitutional or not. They did not have to fight with the states; they could have simply added a trigger to the Environment Protection and Biodiversity Conservation Act to give them the power to make assessments and get involved in water management. On 7 December we were debating that very thing in this chamber. The government did not want controls then, but on 25 January they wanted controls. Now they are going to be embroiled in a long fight with the states.

Yesterday the Treasurer made it quite clear that no money will be delivered to this water plan unless the states agree. No money will flow—pardon the pun—until the states agree. By the way, very little money has flowed to the Murray to date. None of the $2 billion has been spent; not one drop of water has been returned to the Murray. Now we have yet another promise of $10 billion for the Murray that is uncosted, with no evaluation yet given on how much water we are going to return to the Murray. We are spending $6 billion on water efficiency, with half of that saving going back to the agriculturalist and the farmer. So we are spending $6 billion to only get back half of the water that is saved in efficiencies. Why aren’t we getting all that water back for environmental flows? We are only getting half of it back—$6 billion for half of the water that is saved.

There is no timetable; in fact, already Minister McGauran is backing away from buying water entitlements. Two days after the Prime Minister made his statement, Minister McGauran was already backing away from the question of how they are going to implement this plan and how they are going to buy back water allocations. No commitment has been given to the urgency of returning environmental flows to areas in crisis, such as the Macquarie lakes and the Gwydir wetlands. There is no timetable set. (Time expired)

Senator HEFFERNAN (New South Wales) (6.17 pm)—Thanks very much for this unexpected pleasure. Senator Siewert, thank you for your contribution. I am sure that you believe what you say, but I do not. I think it is an absolute disgrace that somehow there would be a view around that water and climate change is a Greens issue. It is not a Greens issue at all; it is our issue. It is every Australian’s issue. You do not have to be green to believe. As to some of the things that you dated back to 2002 that suggest there has been some sort of knee-jerk reaction, I think most people know that I have been on this case since the first day I stood up in this parliament in December 1996. These things do not happen overnight, and I am very proud of the fact that the government has made a $10 billion gesture to sort out the Murray-Darling Basin. The Murray-Darling Basin has been completely mismanaged over many years by governments of all persuasions—and nothing the Greens, the Democrats or any other plaited armpit party that came along could do would do anything about it.

The government are doing something about it. There is no use in any rhetoric that returning 3½ thousand gigalitres to the Murray is going to fix the Murray when Mother Nature is going to take another 3,000 gigalitres out of the catchment of the Murray-Darling Basin. You are talking about returning 6½ thousand gigalitres to have any consequence for the environmental outflows and the long-term outlook for Mother Earth in the Murray-Darling Basin. I have to say that the states do not have the capacity to do that. They simply do not have the capacity,
and people like Craig Knowles have acknowledged that to me over the years. There are a lot of people genuinely concerned. Senator Siewert is genuinely concerned. We are genuinely concerned, but we do not have to be green to be concerned.

These are issues that will not be fixed by more speeches in this place. They will only be fixed by addressing some of the things that have to be done. As Senator Campbell said to me today, the Barmah Choke could have been fixed ages ago but the Victorian government could not come up with the engineering plan to do it, or they might have funded it.

There are smart alec politics in all of this for everyone, and I hope you all have a wonderful time, but the fact remains that the government has put its money where its mouth is. It is the first government to do that, and hopefully we will fix things like the evaporation of the Menindee Lakes. The Menindee Lakes evaporate two or three times, they tell me—though I always say that for every litre they pump up the river a litre evaporates, so the water evaporates more. Everyone knows my view on the disgusting water plan of the Lower Balonne, and I was pleased to see Peter Beattie today put the kibosh on the auction of that water on the Warrego. I think he has shown some leadership on things like recycling. Certainly, I know what the federal government’s view is on the Lower Balonne—it ought to be sorted out.

I have a very strong view, as you know, on overland water harvesting: I think the system cannot stand it. I am aware and you are aware of our ‘latest’ water hearing, as you referred to it, in 2002. I have been on three of these water hearings since 2002, so to say that we have not done some homework would be a misrepresentation of the facts. I am aware that there are certainly a lot of things that we can do to improve the system. I am aware that, if we do not remove some activity from the Murray-Darling Basin, the sums are never going to add up. I am aware that climate change is going to have a detrimental effect on the rainfall and run-off of southern Australia. I am aware that there are great opportunities in the north. So I hope that you and everyone else in Australia will get behind the federal government’s determination to sort out Australia’s water issues. I had a discussion with Senator Colbeck today about the potential of Tasmania’s water. I am also aware that they do not have any idea about water trading or any other damn thing down there—but, anyhow, they have made great strides in Tassie with laser surgery.

Things like water and climate change, Senator Siewert—I was compelled to get up—are our issues. They are not the preserve of some green party or some other group; they are every Australian’s issues. All Australians ought to be informed that we are not the global culprits in climate change. Someone ought to take a camera and go to the Amazon and see what is happening in the top end of Brazil, go to China and see what they are doing there or go to India. The most telling thing of the report out of London the other day, which I do not see getting a run anywhere, is that within 50 years half of the world’s population is going to be water poor. I keep saying that 600 million people in northern China are going to run out of water not because of anything to do with climate change; they are actually mining the aquifer, which means they are mining their future food resource. These are all our issues if we are going to have a planet we can still live on.

With great respect to you, Senator Siewert, the government has shown a lot of leadership in this, and I am pleased that some of the premiers are coming on board. Perhaps Premier Rann in South Australia spent
too much time dreaming with his former boss, Dunstan. Premier Rann can be a big winner out of this, and it will not be the preserve of any political party to hijack the process. It is an issue for all Australians. It is important that we all get together as a team and resolve these issues. I am sorry to have to say, Senator Siewert, that we do have the courage to put the money where our mouth is and to spend it wisely. I just hope that you are part of the solution and not part of the problem.

Senator WONG (South Australia) (6.24 pm)—I rise to speak to the government’s response to the Senate Rural and Regional Affairs and Transport Committee’s report. I want to start by briefly responding to a couple of things Senator Heffernan said. I hope he was not speaking of former Premier Dunstan in disrespectful terms. He was a Premier much loved by many South Australians, whose legacy in social justice and reform across a range of areas led the nation. One thing that was interesting about the contribution of Senator Heffernan was that he did not defend the response to the report. The reason he could not defend the response to the report is that the response is outdated.

Senator Heffernan interjecting—

Senator WONG—You have not read it, Senator? I will take that interjection. He says he has not read it, and fair enough. The point is that the response is outdated. It reflects government policy as it was just over a month ago but apparently does not reflect government policy anymore. That is the issue I want to speak on, because I am sure my colleagues may want to speak more directly on the issue of water. Certainly Senator O’Brien has had some involvement in these issues. The point I want to make is: we are currently debating a response to a report—and I think Senator Siewert indicated the incredibly delayed time line associated with this response—received in December and tabled I think out of session, which is now completely out of date. Despite the fact that as at December 2006 the government had one position, now all of a sudden magically as at January we have another position.

Senator Heffernan—Not magically; it took a lot of hard work.

Senator WONG—Senator Heffernan says it was not magical, and so I ask this: when the response was signed off, was someone lying? Was someone misleading the Senate? If it is the case that you were already planning to do your big $10 billion initiative, which you say was not cobbled together very quickly, how is it the case that the parliamentary secretary agreed to have a response to a report tabled that did not reflect the government’s position? I suggest that the reason is that that was your position then but your position, after a significant period of public debate and public discussion about the water crisis that is affecting so much particularly of southern Australia—

Senator Heffernan—More by me than anyone else.

Senator WONG—You can take that view if you want, but I might make my contribution to the Senate, because Labor has actually been talking about the Murray-Darling Basin for some time. I recall that at the last election we went with a commitment to restore 1,500 gigalitres to the river. As a South Australian, I am keenly aware of the need to restore the Murray to health. Those of us in Adelaide have a very direct understanding of the importance of that river system’s health to our families, to our homes and to the state economy, obviously.

This government has belatedly become aware of the importance of doing something major on water. We know that it announced on 25 January this $10 billion package. That is a good step. We are glad that the govern-
ment wants to do something in relation to water, but it is indicated by the response to this report that as at December you were still saying that it was essentially business as usual. We can see this if we look at the preamble. We have a statement such as:

The Australian Government is committed to the efficient and effective management of Australia’s water resources, as its role in developing the National Water Initiative (NWI) and the Murray Darling Basin Agreement attests.

Implementation of the NWI will be overseen by the Natural Resource Management Ministerial Council in line with detailed implementation plans to be developed by each State and Territory and the Australian Government and accredited by the National Water Commission.

Page 4 of the response goes on to say:

Under the NWI, State and Territory governments have agreed to planning frameworks that, once initiated, will be characterised by planning processes in which there is adequate opportunity for productive, environmental and other public benefit considerations to be identified ...

That is completely not the position now. Your announcement of 25 January completely superseded that, and that may well be appropriate. But we want to know, if you are saying that this has been in the pipeline for ages, why it is that Senator Minchin is unable to confirm when the costings were provided to his department. Why is it that in your announcement you cannot provide detailed costings, including the time line of the expenditure? Why is it that when the Treasurer is asked why he cannot provide detailed costings he comes up with—may I suggest an extremely lame excuse—‘We don’t know how much it will cost until the states sign up’?

The problem with that argument is that—as Senator Sherry interjected in question time today—if you know what the aggregate cost is, surely you know the bits that make up the aggregate. If you know that it is going to cost $10 billion, surely you know a bit about what makes up the $10 billion. But, no, the government just comes up with a figure; it is not able to say where it is going to be spent and how it is going to be spent nor the time line. We have the minister for finance unable to say when the Department of Finance and Administration actually obtained the costings and we have a report in December which is completely contrary—

Senator Heffernan—You want us to go to your climate change summit to help you work it out.

Senator WONG—Senator Heffernan, you actually had your opportunity to make a contribution to this debate. As I understand it, I have the call at the moment.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! Senator Wong.

Senator WONG—Thank you. We had the government in December saying, ‘It is essentially business as usual’—the framework that has been in place for a number of years—and then on 25 January we had a completely different approach. The government want us to believe that this has been properly costed, properly considered and properly thought through, and they want us to believe that this is nothing to do with politics. It is a very difficult position for the government to take and, as I said, I did not see or hear Senator Heffernan defending the government’s response, which is usually what happens in the context of government responses to reports. Perhaps the parliamentary secretary will do so. Perhaps Senator Joyce will do so. We will wait and see. What we have is yet another indication that the 25 January Murray-Darling Basin plan was hastily prepared for political reasons. We on this side of the chamber have real concerns that it has not been properly planned and properly costed. We know, for example, that at the 7 November meeting the Prime Minister said:
We’ve agreed that we have to collaborate and have a basin wide approach to the problem. We’ve quite specifically asked a group of officials to be convened by my Department to report by the 15th of December to us on contingency planning to secure urban and other water supplies during the water year 2007-08. We’ve also agreed to accelerate the implementation of proposals under the National Water Initiative...

What is extraordinary is that just over a month ago the formal response to a government report on rural water usage stated that the way forward on water was business as usual. In November last year—just a short time ago—we had the Prime Minister articulating the same view, saying that we are going to work through this collaboratively. Then we had a 25 January announcement. All this evidence suggests that until at least mid-December 2006 it was clear the Commonwealth was not planning to take over the Murray-Darling Basin. If the government did envisage the direction of the January statement then you would have to ask why the response to the Senate committee report was prepared and tabled in the terms that it was.

We do not want policy on the run on these important issues. Yet we have a Howard government that is very politically clever—very clever at making the announcement when it thinks that there is sufficient public pressure to do so and when the politics are right. What we do not have, with due respect, Senator Heffernan, is a government that thinks long term about the long-term sustainability challenges facing this country. The government is interested in short-term political solutions and that is why we have comments from climate change sceptics such as Minister Macfarlane last year when he dismissed the Al Gore film as entertainment. We now have a government that is trying to portray itself as being serious about issues such as water and climate change. I think people will become increasingly aware of the way in which the government seeks to respond with a political fix rather than with a long-term policy position in the long-term interests of the nation to address long-term challenges into the future.

Senator O’Brien (Tasmania) (6.34 pm)—I will not detain the Senate for an inordinate period of time, and I understand I may have a limited amount. I also want to draw the Senate’s attention to the fact that the Senate Standing Committee on Rural and Regional Affairs and Transport has a reference before it in relation to Murray-Darling Basin legislation. The matter was referred to the committee on 7 December, and it proposes changes to the legislation which are completely inconsistent with the government’s announced approach of taking over control of the Murray-Darling Basin.

Senator Wong has just very clearly indicated the absolute contradiction in the government’s response to the longstanding Senate committee report on rural water usage, which was, as I understand it, prepared and lodged in December and published in January. But on 7 December, the government introduced legislation into the House of Representatives which also confirms that the government’s position in early December was completely inconsistent with the position that the Prime Minister announced in relation to the takeover of the Murray-Darling Basin. When the government gets it wrong, when the government breaks the rules in relation to the time it takes to respond to reports, as it did with this response, and when it produces the response out of session, it is ironic that the production of that response, and indeed the legislation that I refer to, proves absolutely that this government throughout December did not consider its proposal to take over the Murray-Darling Basin and that it has lately come to that view.
Frankly, it is about time that the Prime Minister came clean and admitted that this is an election year plan—a plan to announce spending which they have not properly considered nor properly costed because it gives a good media burst. Frankly, it is not good enough for a government that has been in power for approaching 11 years to now say, ‘We have a solution.’ It is about spending money some way. We are going to explore that. The solution is the important thing. We are also aware that this is a very politically clever Prime Minister and this is a politically clever ploy. It is not in the interests of the Murray-Darling Basin at all; it is in the interests of the Liberal Party. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Tabling

The PRESIDENT—Pursuant to standing order 166, I present documents as listed below which were presented to me, the Deputy President and Temporary Chairmen 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—


CSS Board—Commonwealth Superannuation Scheme—Report for 2005-06 (presented to the Deputy President on 12 December 2006, 2.20 pm AEST).

PSS Board—Public Sector Superannuation Scheme—Report for 2005-06 (presented to the Deputy President on 12 December 2006, 2.20 pm AEST).

Department of Finance and Administration—Consolidated financial statements for the year ended 30 June 2006 (presented to the Deputy President on 14 December 2006, 1.14 pm AEST).


Productivity Commission—Report no. 38—Waste management (presented to the Deputy President on 19 December 2006, 2.47 pm AEST).


Export Market Development Grants—List of grant recipients for 2005-06 (presented to the President on 20 December 2006, 12.05 pm).

Department of the Treasury—Tax expenditures statement 2006 (presented to the Deputy President on 21 December 2006, 9 am AEST).

Research Involving Human Embryos Act 2002—National Health and Medical Research Council—NHMRC Licensing Committee—Report for the period 1 April to 30 September 2006 (presented to the Deputy President on 21 December 2006, 10.17 am AEST).


Torres Strait Protected Zone Joint Authority—Report for 2003-04 (presented to temporary chair of committees, Senator Barnett, on 22 December 2006, 11.35 am).

Torres Strait Protected Zone Joint Authority—Report for 2004-05 (presented to temporary chair of committees, Senator Barnett, on 22 December 2006, 11.35 am).


Airservices Australia—Corporate plan July 2006 to June 2011 (presented to the Deputy President on 10 January 2007, 2.43 pm AEST).

Torres Strait Regional Authority—Report for 2005-06 (presented to the Deputy President on 15 January 2007, 11.31 am AEST).

Migration Agents Registration Authority—Report for 2005-06 (presented to temporary chair of committees, Senator Forshaw, on 23 January 2007, 3.25 pm).


Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2006 (presented to the Deputy President on 5 February 2007, 11.38 am).

Reports of the Auditor-General


Tabling
The ACTING DEPUTY PRESIDENT (Senator Barnett)—On behalf of the President, I table the following documents:

Supplement to the 11th edition of Ogdens’ Australian Senate Practice—Updates to 31 December 2006

Business of the Senate: 1 January to 31 December 2006

Questions on Notice summary: 16 November 2004 to 31 December 2006

Work of Committees: Year statistics: 1 January to 31 December 2006; and half-year statistics: 1 July to 31 December 2006

Register of Senate committee reports: 41st Parliament: January to December 2006

Response from the Minister for Community Services [NSW] (Ms Meagher) to a resolution of the Senate of 13 September 2006 concerning Foster Care Week
Senator PARRY (Tasmania) (6.37 pm)—I move:

That the Business of the Senate and Work of Committees for the year 2006 be printed

Question agreed to.

AUDITOR-GENERAL’S REPORTS
Report Nos 22 and 23 of 2006-07

The ACTING DEPUTY PRESIDENT (Senator Barnett)—In accordance with the provisions of the Auditor-General Act 1997, I present the following reports of the Auditor-General:


Report No. 23 of 2006-07: Performance Audit: Application of the outcomes and outputs framework

DOCUMENTS
Indexed Lists of Files

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

Indexed lists of departmental and agency files for the period 1 January to 30 June 2006—Statements of compliance—

Australian Agency for International Development (AusAID).

Department of Health and Ageing.

AIRSPACE BILL 2006
AIRSPACE (CONSEQUENTIALS AND OTHER MEASURES) BILL 2006
CUSTOMS TARIFF AMENDMENT (INCORPORATION OF PROPOSALS) BILL 2006
ENERGY EFFICIENCY OPPORTUNITIES AMENDMENT BILL 2006
SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION AMENDMENT BILL 2006
TAX LAWS AMENDMENT (2006 MEASURES No. 6) BILL 2006

First Reading
Bills received from the House of Representatives.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (6.39 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading
Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (6.39 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

AIRSPACE BILL 2006
This bill provides for the transfer of airspace regulation and administration from Airservices Australia to the Civil Aviation Safety Authority (CASA). This will create a new function for CASA of civil airspace regulator. CASA will continue to be subject to its existing primary obligation to regard the safety of air navigation as the most important consideration.

As a nation, Australia is responsible for administering eleven percent of the airspace above the
earth’s surface. It is vital to the aviation industry that this airspace is well administered.

The airspace Australia is responsible for is divided into blocks, with the level of air navigation services for each particular volume of airspace being determined through a classification process. This process takes account of a range of factors - including the local topography and number and type of aircraft that use that airspace.

Since 1995, Airservices Australia has been responsible for classifying each particular volume of non-defence airspace to set the level of services it needs to ensure safety and efficiency of aircraft operations, while also taking account of its other legislative obligations including environmental protection.

However, the Government considers that to progress airspace reform and ensure Australia’s airspace management reflects best management practice, airspace regulatory functions need to be separated from Airservices Australia due to the potential for a conflict of interest between Airservices Australia’s industry and commercial focus and its airspace regulatory functions. The Government wants to ensure that Airservices Australia’s airspace regulatory decisions can not in any way be seen to have been influenced by its commercial relationships and focus on efficiency. The Government has decided that it is time to remove any perception of a conflict of interest by moving airspace classification and designation to the Government’s civil aviation safety regulator – CASA.

CASA will perform this function by establishing a dedicated administrative unit within the Authority – the Office of Airspace Regulation.

This legislation to transfer the airspace regulatory function from Airservices to CASA provides an opportunity for a series of other important changes to airspace regulation and administration. This opportunity comes against the background of important international and domestic developments. The International Civil Aviation Organization has released a global Air Traffic Management Operational Concept: - a vision for an integrated, harmonised and globally interoperable air traffic management system that will take the world beyond 2025. The Australian Government has itself been implementing a substantial change to the way Australian airspace is administered through introducing the National Airspace System, based on the National Airspace System of the United States of America. There has also been a rise of satellite based technologies offering new systems for aircraft navigation and surveillance that will change the way in which airspace is administered in the future. It is important that Australia’s regulatory arrangements enable us to take advantage of new technologies and approaches to improving the safety and efficiency of our airspace administration.

The Government considers it important that clear objectives are set for Australian-administered airspace and that the Australian aviation community is given the opportunity to participate in the process for considering and analysing airspace change. This will provide a solid base for decisions to be made on the future of Australian-administered airspace and the integration of Australian airspace into the global system, while ensuring that Australian-administered airspace continues to make its contribution to a safe, secure and efficient aviation industry.

This bill requires that airspace change be underpinned by an Australian Airspace Policy Statement, which will outline the Government’s objectives for civil airspace administration, and provide assistance for industry in its investment decisions. The Ministerial Statement will be developed in consultation with the Minister for Defence, CASA, Airservices, the Department of Defence and the Australian aviation community. The Statement will describe the processes to be followed for changing classifications and designations of particular volumes of airspace, the policy context for those processes and the Australian Government’s strategy for the future administration and use of Australian administered airspace.

Importantly, the Statement will require that major changes to Australian airspace will be made only after the results of a risk analysis, a detailed examination of the potential costs and benefits, and inclusive consultation with stakeholders to rigorously test proposed changes before they are implemented.

This process will ensure that CASA will continue to have safety as the most important considera-
tion, but that the safety case will always be properly justified. In considering reforms, CASA will also be obliged to look for opportunities to deliver benefits through greater efficiency, environmental protection, equity of access and national security. The Government believes that we should not ignore the scope for benefits on these fronts if they can be obtained while preserving or enhancing safety standards. The assessment process will start with the remaining unimplemented elements of the NAS, and continue for future proposals that fall outside the current NAS framework.

The Australian Government expects that CASA will be an active regulator, undertaking on-going risk reviews of the existing classifications of airspace and the services provided to ensure that they remain appropriate. The Government also expects that CASA will take the lead on airspace system change, proposing and designing and steering the implementation of system changes consistent with the Australian Airspace Policy Statement. All of this activity will be with the aim of ensuring that Australian airspace remains safe, while also seeking benefits in terms of efficiency and the environment, and taking account of access and national security.

While this bill does not impose obligations upon Defence in relation to the decisions it takes, both Defence and CASA have undertaken to work closely together to ensure that the decisions each authority takes are closely coordinated. Airservices and Defence already have a close working relationship as both organisations provide air traffic control services in Australian administered airspace, and the Government expects that Defence will work closely with CASA.

The cost of airspace regulation is currently borne by industry through air navigation charges levied by Airservices Australia. CASA will charge Airservices for the cost of airspace regulation and administration. Airservices will in turn pass that cost on to industry. CASA will establish an administratively separate unit to ensure that the costs of airspace regulation and administration are transparent, and it will be up to CASA to transparently demonstrate to the aviation industry the value of the regulatory role it performs.

The transfer of the airspace regulatory function from Airservices to CASA forms part of a broader governance change for the Australian Government’s civil aviation regulators. The Government will shortly be introducing a Bill to further improve CASA’s accountability and performance by making it subject to the Financial Management and Accountability Act 1997 and by changing the employment arrangements for CASA staff so that they are employed under the Public Service Act 1999. This legislative framework recognises that CASA is a Government regulator and not a commercial business.

The world is changing and this bill is part of a broader change to the administration of Australian administered airspace that will ensure Australia is well placed to take advantage of the benefits the future has to offer. This bill also ensures that the Australian aviation community will have the opportunity to understand and be a part of the process of determining that future.

AIRSPACE (CONSEQUENTIALS AND OTHER MEASURES) BILL 2006

The purpose of this bill is to make a number of consequential amendments to the Civil Aviation Act 1988. These amendments are necessary to allow the effective introduction of the Airspace Bill.

Amendments to the Civil Aviation Act 1988 ensure that airspace regulation is a clear and separate function for the Civil Aviation Safety Authority and that it act consistently with the Australian Airspace Policy Statement. The bill also grandfathers decisions made by Airservices Australia under regulations to be transferred to the Civil Aviation Safety Authority.

The bill also makes a number of technical amendments to the Air Services Act 1995 and the Civil Aviation Act 1988 to accommodate amendments made to the functions of Airservices Australia by the Civil Aviation Legislation Amendment Bill 2003.

CUSTOMS TARIFF AMENDMENT (INCORPORATION OF PROPOSALS) BILL 2006

The Customs Tariff Amendment (Incorporation of Proposals) Bill 2006 contains amendments to the
Customs Tariff Act 1995 that were included in Customs Tariff Proposal No. 4 of 2005 and Customs Tariff Proposal No. 1 of 2006.

First, the bill will alter item 47 of Schedule 4 to the Customs Tariff Act by reducing the rate of customs duty from 3% to Free for goods entered under this item. Item 47 applies to machinery that incorporates, or is imported with, other goods which for technical reasons render the machinery ineligible for a Tariff Concession Order. Item 47 allows such goods to be dutiable at the same rate of customs duty that would apply if the goods were subject to a Tariff Concession Order.

The lowering of the duty rate applying to goods entered under item 47 maintains consistency with the 2005-06 Budget decision to remove the 3% duty on business inputs that are subject to a Tariff Concession Order.

This measure will be of particular benefit to the mining industry, which is the main importer of goods covered under item 47. It will reduce costs to Australian business by $2 million per annum. This is in addition to the approximately $300 million per annum already saved through the original Budget decision to remove the 3% duty on business inputs that are subject to a Tariff Concession Order.

This measure took effect from 11 May 2005.

Secondly, the bill alters item 31 of Schedule 4 to the Customs Tariff. This item allows for duty free entry of certain aircraft parts, materials and test equipment for use in the manufacture, repair and maintenance of aircraft. The bill proposes to alter item 31 by extending duty free entry to certain goods used in the modification of aircraft.

The extension of item 31 to include goods for use in the modification of aircraft will reduce costs to business and will provide a clear incentive to continue heavy maintenance work in Australia. This will strengthen the international competitiveness of Australia’s aviation and maintenance industries, and is consistent with the Government’s policy to improve the international competitiveness of Australia’s aerospace and aviation industries.

The main beneficiaries of this measure will be domestic airline and defence contractors, as well as Australia’s vibrant general aviation aircraft manufacturing and modification industry. Many of the firms in this sector are located in regional Australia and this alteration to the Customs Tariff will provide a new certainty to underpin their competitiveness in the world market.

This measure was announced in the 2006-07 Budget, and took effect from 1 July 2006.

Finally, the bill will alter item 71 of Schedule 4 to the Customs Tariff by expanding the Enhanced Project By-law Scheme to include the duty free entry of qualifying goods for the power supply and water supply industries.

Currently, item 71 underpins the Enhanced Project By-law Scheme offering tariff concessions to major projects in the mining, resource processing, agriculture, food processing, food packaging, manufacturing and gas supply industries, for imported eligible goods that are not available from Australian production.

The inclusion of the power supply and water supply industries in the terms of item 71 will encourage investment, increase opportunities for Australian industry to participate in major projects, and lower business input costs.

The above amendment was also announced in the 2006-07 Budget, and applies to goods imported and entered for home consumption on or after 1 July 2006.

ENERGY EFFICIENCY OPPORTUNITIES AMENDMENT BILL 2006

The purpose of the Energy Efficiency Opportunities Amendment Bill 2006 is to make technical amendments to the Energy Efficiency Opportunities Act 2006 to correct a small number of anomalies to properly align the Act with the original publicly understood policy intent, and to improve its administration.

The bill amends the Act, which took effect on 1 July 2006, to clarify that corporations do not need to register if they are already registered, to make clear that the period allowed for program participants to submit their assessment plans and the consequential timing of the five year assessment cycle starts immediately after the end of the energy-use trigger year, and that for efficient administration, the Secretary’s powers and respon-
sibilities may be delegated to acting Senior Executive Service employees.

These amendments are consistent with the intended obligations explained in the Explanatory Memorandum to Energy Efficiency Opportunities Act 2006, set out in the Energy Efficiency Opportunities Regulations 2006 and published in the Energy Efficiency Opportunities Industry Guidelines. They do not represent new policy, and do not affect the budgeted cost of the program.

Energy Efficiency Opportunities is a significant achievement flowing from the Government’s 2004 energy policy statement, Securing Australia’s Energy Future. It requires Australia’s largest energy using businesses to undertake energy efficiency opportunities assessments and publicly report on outcomes. This applies to an estimated 250 corporations that use more than half a petajoule of energy per year, covering over 40% of Australia’s total energy use.

For the first program cycle, firms that use more than 0.5 petajoules in the 2005-06 financial year of energy per year must register by 31 March 2007, and must complete their first assessment by June 2008 and publicly report by December 2008.

The aim of Energy Efficiency Opportunities is to stimulate the business sector to take a more rigorous and effective approach to energy management, reduce unnecessary demand on energy infrastructure and contribute to reducing greenhouse gas emissions, while improving the competitiveness and productivity of business.

Companies that used over half a petajoule in 2005/06 have until March 2007 to register. By late November 2006, six companies, Alcoa World Alumina Australia, Hanson Australia, New Hope Mining, Qld Alumina, Riotinto Ltd and Leighton Holdings Ltd have registered for the EEO program, and more are expected to be registered shortly. These companies, and others who are preparing to apply, are to be commended for their involvement. There is a high level of interest, with many companies already enquiring about registration, assessment and reporting for the program.

The companies who have been trialling the program assessment have found that they have been able to identify between 30 and 50 energy saving opportunities by following the EEO assessment process. Orica has identified opportunities which could save up to 1.2 million dollars and reduce greenhouse emissions by 30,000 tonnes per year. Xstrata Copper plans to implement opportunities at one site that will save it an estimated $300,000 a year, and is considering opportunities to save an additional $300,000 annually.

I believe that every company that participates will find opportunities that will deliver them cost effective energy savings, and will be able to make very positive changes in how they manage their energy use.

The Government is working with industry and other experts to build on the best of what works for business in identifying significant energy savings. The Government will continue to work closely with industry leaders to develop guidelines, materials, training and support to undertake effective assessments. Recognising and learning from leading companies and their innovative approaches to identifying and implementing energy savings will be an important strategy for achieving a major shift in Australia’s energy efficiency performance.

SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION AMENDMENT BILL 2006

This Bill will amend the Safety, Rehabilitation and Compensation Act 1988 (SRC Act), which is the legislative basis for the Commonwealth workers’ compensation scheme.

The scheme has come under growing pressure in recent years from increasing numbers of claims, longer average claim duration and higher claim costs. This is, in part, a result of court interpretations of the legislation, some of which have departed from the initial intent of the legislation. The principal amendments contained in this Bill are intended to maintain the financial viability of the scheme. The amendments will also improve the administration and provision of benefits under the scheme.

The definitions of ‘disease’ and ‘injury’ are of central importance in the SRC Act. These definitions will be amended to strengthen the connection between the employee’s employment and the
employee’s eligibility for workers’ compensation under the scheme. The Act currently requires a material contribution by employment to a disease before compensation is payable. When originally enacted this provision was meant to establish a test requiring that an employee—and I quote from the then Minister’s second reading speech in 1988—‘demonstrate that his or her employment was more than a mere contributing factor in the contraction of the disease’. The mischief being addressed was—and again I quote from the then Minister’s 1988 second reading speech—‘the Commonwealth being liable to pay compensation for diseases which have little, if any, connection with employment’. Notwithstanding this clear expression of legislative intent, the courts have read down the expression ‘in a material degree’ to emphasise the causal connection between the employment and the condition complained of rather than the extent of the contribution itself. The Bill therefore includes an amendment to restore the initial legislative intent by requiring that an employee’s employment must have contributed in a significant way to the contraction or aggravation of the employee’s ailment.

The current definition of ‘injury’ contains exclusionary provisions which prevent compensation claims being used to obstruct legitimate administrative action by management. These provisions ensure that compensation is not payable in respect of an injury, usually a psychological injury, which arises from reasonable disciplinary action taken against an employee, or a failure by the employee to obtain a promotion, transfer or benefit in connection with employment. The exclusionary provisions are being updated and expanded to include other similar activities which are also regarded as normal management responsibilities—provided, of course, that they are reasonably undertaken. These include matters such as a reasonable appraisal of the employee’s performance, and reasonable counselling action taken in respect of the employee’s employment.

These amendments to the definitions of ‘disease’ and ‘injury’ seek to restore the operative effect of the legislation to what Parliament and the then Government intended in 1988 when Labor was in office.

The Bill also amends the provisions that set out the circumstances in which an injury to an employee may be treated as having arisen out of, or in the course of, his or her employment.

In its March 2004 Report on National Workers’ Compensation and Occupational Health and Safety Frameworks, the Productivity Commission recommended that coverage for journeys to and from work not be provided, and for recess breaks and work-related events should be restricted to those at workplaces and at employer sanctioned events. The fundamental common sense principle underlying the Productivity Commission’s recommendations was, of course, that employers should only be held liable for conduct that they are in a position to control.

Consistent with the Productivity Commission’s approach, the SRC Act will be amended to remove coverage for injuries sustained by employees during journeys between home and work and during recess breaks undertaken away from the employer’s premises, for example lunch breaks during which an employee leaves the employer’s premises to go shopping.

Employers cannot control circumstances associated with journeys to and from work or recess breaks away from employer premises and it is not appropriate for injuries sustained at these times to be covered by workers’ compensation.

The Bill also enhances various entitlements available to employees under the principal Act. The Bill will amend the method for calculating of retirees’ incapacity benefits to take account of changes in interest rates and superannuation fund contributions since the time the Act was first introduced. The change in the interest rate provision would result in increased benefits payable to retirees. Amending the notional superannuation deduction would restore the original policy intent by providing for benefits to affected retirees to be set at 70 per cent of pre-injury normal weekly earnings.

The Bill will also increase the maximum funeral benefits payable under the SRC Act—and its counterpart for members of the defence forces, the Military Rehabilitation and Compensation Act 2004—to bring these closer into line with actual funeral costs.
Finally, the Bill includes a number of minor technical amendments to the SRC Act which correct anomalies that adversely affect the efficient operation of the Act or are inconsistent with the original policy intent behind particular provisions.

TAX LAWS AMENDMENT (2006 MEASURES No. 6) BILL 2006
This Bill amends various taxation laws to implement changes and improvements to Australia’s taxation system.
Schedule 1 amends the list of deductible gift recipients in the Income Tax Assessment Act 1997. Deductible gift recipient status will assist the listed organisations to attract public support for their activities.
Schedule 2 makes a number of technical corrections, amendments and general improvements to the taxation laws.
These amendments include fixing duplicated definitions, missing asterisks from defined terms and incorrect numbering. The most significant of the amendments formalises the transfer of the power to appoint acting Commissioners of Taxation during periods of absence from office, from the Prime Minister to the Treasurer.
While not implementing any new policy, these amendments are part of the Government’s ongoing commitment to improve the quality of the taxation laws.
Full details of the measures in this Bill are contained in the explanatory memorandum. I commend this Bill and present the explanatory memorandum.

Debate (on motion by Senator Colbeck) adjourned.

Ordered that the Airspace Bill 2006 and the Airspace (Consequential and Other Measures) Bill 2006 be listed on the Notice Paper as one order of the day, and the remaining bills be listed as separate orders of the day.
That the 2006/07 SBT Australian National Catch Allocation Determination, made under subclause 17(2) of the Southern Bluefin Tuna Fishery Management Plan 1995, be disallowed.

This motion for disallowance relates to the southern bluefin tuna quota and I seek to disallow this quota. Last October the Australian Fisheries Management Authority announced that the Australian fishing industry was to be allocated a 5,265-tonne quota for southern bluefin tuna. We are now taking a larger catch of this species than any other country. I seek to disallow this quota and I would like to make plain my reasons for doing this.

My case rests on both the survival of this species and the survival of the industry that depends on it. By all accepted measures this species is now in danger of being fished to extinction. The global catch peaked in the early 1960s, and warnings have been issued repeatedly since the 1980s. Most recently, the government’s own Bureau of Rural Sciences published a 10-page update on the southern bluefin tuna in its 2005 Fisheries status report. The status report reads like an obituary for this species. The southern bluefin tuna, commonly known as SBT, is declared to be:

Overfished, and overfishing is occurring; spawning stock severely depleted and current catches severely limit likelihood of rebuilding.

It also notes:
the most recent assessments suggest that the spawning stock is likely to decline further if the global catch remains at recent levels...

Further it states:
The scientists estimated that if catches continue at recent levels ... there is a 50% chance that the spawning stock will be half its 2004 size by 2022.

The Bureau of Rural Sciences, BRS, has classified southern bluefin tuna as overfished every year since it began compiling these reports in 1992. The 2005 report recom-
mended an immediate 5,000 tonne reduction in the assumed global catch, or a 7,160 tonne reduction if governments delayed action until 2007. I appreciate that marine ecology is not an exact science and that uncertainties remain, but the BRS report states:

... data collection and stock assessment procedures for SBT are among the most comprehensive in the world for highly migratory species.

So this time there is no hiding behind gaps in the data or scientific uncertainty—we know.

This report also touched on the unacceptable levels of bycatch, in particular albatross and other seabirds which are hooked when diving on baits. At least one species, the Macquarie Island population of wandering albatross, was listed under the Endangered Species Protection Act 1992, with longline tuna fishing listed as a key threatening process.

The BRS report was written before the real extent of Japanese piracy had been made public. I refer of course to the incidents reported in the media in the latter half of last year about illegal catches. Japan has been taking between 12,000 and 20,000 tonnes a year against an average quota of around 6,000 tonnes. Australia, in a sense, has been no different. We have been earnest in our pursuit of pirate operators and illegal fishing but have avoided taking the harsh measures ourselves, which now leaves Australia in the shocking position of having the world’s largest take of a critically endangered species.

For a long time the Greens have pushed for staged reductions in quotas in exchange for a long-term future of the fishery. Now we face the prospect of the complete collapse of this species, with unknown consequences for the food chains and wider ecosystems of which these creatures are a part. The World Conservation Union, or IUCN as it is commonly known, lists the bluefin tuna as critically endangered. Governments in all the countries who fish this species have been incredibly reluctant to stand up to pressure from fishing interests. I am dumbfounded at the prospect that this government is willing to hammer this species into extinction and throw hundreds of people out of work in the process, all the while accusing conservationists of being anti jobs.

This was certainly the case with the former Minister for the Environment and Heritage, Senator Ian Campbell, who somehow came to the conclusion that listing the species as threatened under the Environment Protection and Biodiversity Conservation Act would hamper conservation efforts. I raise this today because we have a new minister for the environment who will, hopefully, take a science based approach to this issue and take action before this fishery is permanently closed because there are just no fish.

There is some evidence that the Japanese government are beginning to make changes in response to the revelations last year. They accepted a roughly 50 per cent cut, to around 3,000 tonnes per year, in their quota. The decision by AFMA to allocate 5,265 tonnes of this fish to the Australian industry this year is a triumph of politics over science and conservation—and, may I say, rationality. It is time the government stood up to the fishing industry in order to ensure that there is an industry in 10 years time. It is nonsensical to keep fishing for this fish at this quota level.

In Kobe recently, at the gathering of the regional fisheries management organisations with responsibility for managing tuna stocks, there was acknowledgement for the first time that the current system of management is failing. But, unfortunately, that was about all that was achieved at that meeting—‘Yes, so the system is failing, but let’s delay even longer before we do anything.’ Very halting steps were taken, including the issuing of
certificates of origin, to prevent illegal fishing and greater transparency in the setting of regional fishing quotas. However, anyone waiting for a comprehensive plan of action or sharp reductions in the quota was severely disappointed. No concrete actions were agreed as a result of this meeting. There was an agreement to further talks in 2009, but we need to do much more than talk. At the very least, we need to talk much more urgently.

There are three concrete actions that the new minister could take. Firstly, he could list the species as ‘conservation dependent’ under the Environment Protection and Biodiversity Conservation Act. The Threatened Species Scientific Advisory Committee advised the minister to take this step in September 2005, and things have certainly taken a turn for the worse since then. I do not accept the tortured logic that doing this would reduce our influence within the Commission for the Conservation of Southern Bluefin Tuna. In December 2006 the Humane Society International again submitted to have the southern bluefin tuna listed as ‘conservation dependent’. In their application, they note the following: ‘In 2003 it was found that an entire generation appeared to be missing from SBT stocks off Western Australia’—

Debate interrupted.

DOCUMENTS

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

Tax Expenditures Statement

Senator BARTLETT (Queensland) (6.53 pm)—I move:

That the Senate take note of the document.

The document lists the tax expenditures for 2006 and was released just before Christmas Day. It seems a long time ago now, but people may recall that in the lead-up to last year’s budget there was quite a lot of public debate about the need for significant tax reform. A lot of people put forward a range of different ideas for major improvements to our taxation system, to improve its fairness and efficiency. There were indeed contributors from the government’s backbench as well, and for a while there the member for Wentworth, Mr Turnbull—prior to becoming a parliamentary secretary—was also floating some ideas on taxation and ways to improve the system which, from memory, the Treasurer, Mr Costello, was rather dismissive of.

But it is probably timely, on the first sitting day of this year and with the budget coming up in three months time—of course, a pre-election budget—to once again start ensuring that there is some decent community debate about some of the continuing flaws in our taxation system and to look at different ideas that will increase its fairness and its efficiency. The complexity of the whole system is certainly something that still needs addressing.

The tax expenditures document that I am speaking to here is but one part and, in many ways, a small part of the whole taxation system, but it is not a small document; it is a very large document. It gives an idea of the burgeoning nature of tax expenditures. Without launching into a detailed examination of all of them now, not least because I do not have the time, I do think that the time is right to look at the huge range of tax expenditures that are now in place. They are in effect revenue forgone. They tend to be a range of different things, many of which seem like a good idea at the time but can develop a life of their own and operate in ways that have an impact on unexpected matters and interact unexpectedly with other aspects of the tax system—or the market, for that matter. I think, given the huge size of the tax expenditures statement these days, it is certainly time to re-examine some of these.
One area that I have pointed to a number of times in the past, and I single it out in part because it is topical for other reasons, is negative gearing—forgone revenue, if you like. That is now up to over $2 billion a year, a significant part of which is in effect a taxpayer funded subsidy for people who are investing in the property market. I am certainly not suggesting that people should not invest in the property market, but it is no secret that there are enormous problems in many parts of Australia at the moment with housing affordability, both renting and purchasing. There are a range of reasons for that; I do not seek to point to negative gearing as the only factor. But I do not think there is much doubt it is significant. Indeed, the Productivity Commission itself, when it did a report for the Treasurer some years back, pointed to the effect of negative gearing, particularly in conjunction with another, separate change that was made—to introduce a discounted rate for capital gains tax. Those two measures acting together clearly played a role in pushing up the price of housing, due to the flood of investors who moved in.

If we are going to give support and assistance to people in the housing market, I think we should give it to people who are simply trying to buy a home to live in ahead of people who are speculating. So that is one example. In singling out negative gearing, I am not saying it should be scrapped, but I would say, as the Productivity Commission said in a recommendation that was comprehensively ignored by the Treasurer, that it should be examined along with other measures.

In my view, there is scope for reform here. There is scope for potentially reducing some of the tax expenditures, broadening the base, that would generate more revenue that could be available for perhaps a reduction in overall rates of income tax or changing some of the thresholds. Those are the main things that I think we need to have a debate about. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Torres Strait Regional Authority**

Senator BARTLETT (Queensland) (7.00 pm)—I move:

That the Senate take note of the document.

As a Queensland senator it gives me pleasure to speak to this document to highlight the role of this regional authority and the good job that it is doing. I also point to some of the issues for the people of the Torres Strait. I am a senator for Queensland, as people would know. I live in Brisbane, as people will also know, right in the very south-east corner of it. It is a very long way from the bottom corner of Queensland to the top where the Torres Strait is, and it is an area that is often forgotten. Even within the area of Indigenous affairs, the specific and unique role of Torres Strait Islanders and Torres Strait Islander history, culture and heritage is often forgotten within some of the general debate around issues affecting Aboriginal communities elsewhere. There is a unique culture here and there are important issues that we in the wider community need to be aware of.

Given the amount of focus in political debate at the moment around climate change, it is appropriate to point to the fact that Torres Strait Islanders are amongst those Australians who are most likely to feel the immediate impacts of climate change. Any increase in sea levels, any change that means more severe weather events, more storm or tidal surges—those sorts of things—are all issues that are very relevant and immediate to the lives of people living on the islands in the Torres Strait. It is important for us to recognise that climate change is not an academic issue. It is not an issue for decades into the future. For some people, whether they are Pacific Islanders or Torres Strait Islanders, it
is an issue of the here and now. Of course Torres Strait Islanders have been living with the sea and the vagaries of nature for some time, and undoubtedly the impacts of storm surges, tidal surges and the like have always been part of the challenges they have had to meet. But that should not in any way be used as a reason to ignore the potential for increased challenges and difficulties for them if severe climate change were to occur. It is an extra reason—though I am sure we do not need any extra reasons. But, if people need extra reasons, if they need to think about the impact on Australians and all the different issues we have got to balance up, there is a group of Australians who live in the Torres Strait who are very immediately and directly affected, and we should not forget them.

There are also significant issues in that region with regard to housing. I have just spoken about housing affordability in the wider Australian community. Housing availability is a significant issue in the Torres Strait and, without in any way trying to suggest that there is some sort of competition or to pit one group against another, when we do talk about the crisis in housing in many Aboriginal communities we need to not forget that Torres Strait Islanders also have issues with regard to housing—the appropriateness, the adequacy and the amount of housing stock that is available.

I also want to comment on the health challenges facing people in the Torres Strait as well as the issue of adequate access to their own fishing resources. It is a continual challenge to balance the different competing demands for access to fishing resources in the traditional fishing grounds around the Torres Strait Islands and it is very important that the people who are literally indigenous to the area do not have their traditional fishing grounds impacted upon by other people encroaching on their grounds or overfishing in the general region. That also flows across into health because, as in many other remote communities, there are significant health issues. Diabetes is a particular problem, as it is in many other remote areas, and there are many other health related issues. Some of them, not all, come back to the availability of fresh and healthy foods, and fish is one such food for the people of the area. It is important that we do remember the unique issues for the people of the Torres Strait and the work that the Torres Strait Regional Authority does in trying to ensure that these issues are acted upon effectively.

Question agreed to.

Consideration

The following orders of the day relating to government documents were considered:


Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the Government co-contribution scheme for the period 1 July to 30 September 2006. Motion to take note of document moved by Senator
Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.


ADJOURNMENT

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

That the Senate do now adjourn.

Solomon Islands

Senator SANDY MACDONALD (New South Wales) (7.06 pm)—Just before Christmas, as the Parliamentary Secretary to the Minister for Defence I visited the Solomon Islands to thank our Australian members of the Combined Joint Task Force 635 serving as part of Operation Anode on three-month rotations. I was accompanied by Major General Ian Flawith, the Commander of the 2nd Division, our Army Reserve division, and the Chief of Training Command, Major General Dick Wilson. My purpose was to thank them and all Australian members of the Regional Assistance Mission to the Solomon Islands for their contribution to RAMSI, particularly at Christmas time. The Regional Assistance Mission to the Solomon Islands is a partnership between the government and the people of the Solomon Islands and 15 contributing countries of the Pacific region.

RAMSI came to the Solomon Islands in July 2003 following a request from the Solomon Islands government. RAMSI works in the following three broad sectors: firstly, in law and justice with police courts and prisons; secondly, in economic governance, government finance and economic reforms; and, thirdly, in the building of the machinery of government, public service, accountability institutions, electoral commissions and parliament. The contribution Australia will make to RAMSI over the four years 2005-06 to 2008-09 will be about $840 million—a very considerable sum of money. Comprised in that are a number of bilateral projects that AusAID and other aid agencies run.

I was pleased to meet the RAMSI principals: Special Coordinator Mr Tim George, whom I previously met as Ambassador to Israel; Deputy Special Coordinator Mr Paul Ash, who is a New Zealander; Developments Coordinator Mr Blair Exell from AusAID; the commander of the participating police force, Deputy Commissioner Will Jamieson; and the Combined Joint Task Force 635 commander, Lieutenant Colonel Jeff Quirk. The combined task force is the ADF’s contribution to RAMSI and falls under the law and justice sector. The operation’s name is Anode and comprises five nations, namely, Australia, New Zealand, Tonga, Papua New Guinea and Fiji. While Australia and New Zealand provide the bulk of the deployed force, the three Pacific island contingents contribute a platoon of 33 soldiers on a three-monthly rotational basis as well. The combined task force strength is approximately 210, 140 of which are Australians.

Two RAMSI personnel have died while serving in the Solomon Islands: Constable Adam Dunning was ambushed and shot in December 2004 and Private Jamie Clark, of the 3rd Battalion Royal Australian Regiment, fell down a mineshaft on Guadalcanal in March 2005. The combined task force is in the process of constructing a memorial to both individuals, which I was lucky enough to have the opportunity to see.

The combined task force strength has varied considerably since July 2003. Before the April riots last year the force had approximately 60 personnel. This figure swelled to 550 in the six weeks following April last
The government’s biannual review of RAMSI ratifies Defence’s ongoing commitment. I understand the next review is this month. Defence anticipates maintaining current personnel levels until next year. The combined task force is comprised of an integrated headquarters component, a rifle company and two platoons—New Zealand and the Pacific participating countries—and in effect comprises five platoons.

The combined task force mission is to provide military security to the participating police force in order to reinforce the maintenance of law and order in the Solomon Islands. In achieving this the combined task force conducts the following four specified tasks: static security to Rove Prison; patrol support in and around the Honiara area; patrol support in the provincial areas—I was lucky to visit a platoon on Small Malaita; and it also has what is called a TF3 response task, which is a graduated response to an emerging threat situation where the military is called out to provide higher level assistance to police, usually in the form of a cordon. Where possible the military patrols with both participating police force and Solomon Islands police force assets. All planning is conducted in a joint environment and all military patrols are forecast. Patrol reports are fed into the participating police force control joint intelligence group, which is the principal custodian for information maintenance and the pattern analysis in the Solomon Islands.

The 140 Australian members of the joint task force are full-time ADF personnel. These personnel support the AFP by accompanying them on patrols and coordinating the multinational military effort with the participating police force. Of particular relevance to my visit and the reason why Major-General Flawith accompanied me was that the next rotation of the Australian soldiers will be that of Army reservists. The ADF Reserve consists of around 21,000 active reservists who are utilised in various employment categories both in Australia and overseas and are fundamental to our ongoing military success. This next rotation will be a unique opportunity for Australian Army reservists to be deployed doing identical tasks as regular ADF and returning to civilian employment having done a good job. They will be able to be deployed again in the future. It really is a unique opportunity. There are opportunities for them to be deployed overseas with Rifle Company Butterworth each year, but this is an ongoing commitment because the rotations take place every three months.

I would like particularly to thank the commanding officer of the Combined Joint Task Force 635, Lieutenant Colonel Jeff Quirk, for making my visit so worthwhile. I consider him, along with so many others in the ADF, an outstanding person. He shows leadership, inspiration and enthusiasm for the tasks that are set, and I wish him well in his military career. I was particularly impressed with his ideas for running joint operations between the ADF, police and other agencies. This is an area of activity that will require considerable intellectual horsepower in the future, particularly for Australia in view of our geographic position with responsibility for much of the security in our region and the increasing importance of joint operations generally.

I would also like to make my appreciation known of Lieutenant Andrew Cullen, the platoon leader on Small Malaita, where I visited. His professionalism and the leadership of his platoon of diggers appeared outstanding. Finally, I would like to congratulate all the officers and enlisted ranks of Combined Joint Task Force 635. I was delighted to present a number of Australian service medals as well as a soldiers medal-lion. Australians are proud of our ADF doing those jobs that need to be done for the secu-
rity of Australia, the security of our region and the security of the world. The members of Combined Joint Task Force 635 did an outstanding job, particularly well led by their CO, Lieutenant Colonel Jeff Quirk. I would like to thank them and their families for allowing them and other members of the ADF to serve abroad, and to serve in very difficult situations.

Pioneer Women’s Memorial Trust

Senator WONG (South Australia) (7.14 pm)—I rise to record my experience of and appreciation for an Australia Day ceremony that I attended earlier this year. I have been attending this ceremony for a number of years. It is organised by the National Council of Women and it is held at the Pioneer Women’s Garden in Adelaide. I want to speak briefly on some of the history associated with the ceremony and the memorial garden in which it is held. It is a quite remarkable story about the involvement of women in the celebration of the centenary of South Australia, and subsequently it is about women’s contribution and women’s celebration of that contribution, something which is probably told less than it ought to be in our discussions of our nation’s history.

The Pioneer Women’s Garden contains a memorial which was unveiled on 19 April 1941. It also contains a time capsule, to be opened in 2036, which contains messages from the women of 1936 to the women of 2036. There were a number of women associated with ensuring that the memorial was established, including the president of the women’s centenary council, Adelaide Miethke, who was the first chair of the Pioneer Women’s Memorial Trust and also a pioneer unionist for the teachers association, which succeeded in establishing better conditions for female teachers.

The memorial grew out of discussions in relation to the centenary of South Australia celebrations. Obviously, pioneer themes dominated at that time, and the government sponsored a South Australian women’s centenary council in 1935. That council, of which Ms Miethke was president, discussed an appropriate memorial. Interestingly, because of the emphasis on practical and functional memorials, there was a decision to fund a Flying Doctor Service base at Alice Springs. It was quite an unusual decision to place outside South Australia a memorial for South Australia, although the Flying Doctor Service obviously services northern South Australia from Alice Springs.

In addition, the committee decided to erect a symbolic memorial in Adelaide. It requested the use of city parklands, set beside the Torrens Parade Ground, near the Torrens River in Adelaide, to establish a garden of remembrance. A memorial statue was commissioned in 1938. The person chosen was a Melbourne sculptor, Ola Cohn. She chose to use a three-tonne piece of Waikerie limestone. It was too large for her studio, so she worked on it in her courtyard in all sorts of weather. The opening ceremony of the garden coincided with the opening ceremony at the Flying Doctor Service base in Alice Springs, and a radio link was made between the two ceremonies. The garden has today grown into a picturesque haven which is sheltered by towering poplars planted in honour of the five trustees. Ms Miethke was further honoured, in her death, with the addition of a stone seat. Faithful to its purpose, the garden has become the site of the memorial ceremony, which I described earlier, which is organised by the National Council of Women and held on Australia Day each year.

When I requested from some of the current trustees some information about the history of the garden, they sent me a range of very interesting information, including an address given by Ms Miethke in 1961 which
describes the centenary celebrations and the discussion among women about how to record the contribution of pioneer women and the memorial. I was also sent a copy of a speech given by Mrs CE Dolling, the then chairperson—or, as they said then, chairman—of the Pioneer Women’s Memorial Trust to the Country Women’s Association. In that speech, she talked about the fact that it was almost 30 years since the centenary of South Australia. She said: ‘Thirty years is a generation, and we of the trust—there are five members of us—are most apprehensive that some of our early history of our pioneer women in this state, and the manner in which that early history was celebrated at our centenary in 1936, will be lost.’

When I read that, it seemed to me that it is very important for women, certainly of my generation and younger, to be aware of some of this history, because these women really made an enormous contribution. In 2036 we will receive the messages to the women of 2036 which were placed in the capsule by these women of 1936, which will no doubt be a great occasion. We do not know everything that is in there, but we do know from the archives which are described in this letter that there is a first copy of Ms Miethke’s message. Her draft message reads in part:

To you who celebrate the second centenary of South Australia, greetings from the women who saw the close of the first hundred years. We who have played our part and passed beyond, leave for you these records …

I want to acknowledge the ongoing work of the five trustees and the National Council of Women, who each year organise the Australia Day ceremony. It is a pity that more people, particularly the younger generation, do not attend. It is well attended by women who understand the history of the garden and the memorial. We probably need to do a bit more work to encourage some younger women to attend, although a number of Girl Guides groups and other organisations attend—and that is a good thing—to get some sense of the ongoing contribution that women make to South Australia.

After reading Mrs Dolling’s speech, I thought it would be a good thing to incorporate these two speeches into Hansard because they give an insight into what occurred at the first centenary celebrations in 1936 and the work that women did, not only to establish this memorial but also to fund and establish the Flying Doctor Service base in Alice Springs.

It is interesting to note that—as I understand it from the letter sent to me—Mrs Dolling’s daughter is a current trustee of the Pioneer Women’s Trust. It is wonderful to see a mother handing down to her daughter the responsibility for being the legal guardian of the Pioneer Women’s Garden. I seek leave to incorporate into Hansard two speeches, one given by Ms Miethke in 1961 and the other given by Mrs CE Dolling on 18 October 1965.

Leave granted.

*The speeches read as follows—*

**COUNTRY WOMEN’S ASSOCIATION**
**MONTHLY CLUB LUNCHEON AT C.W.A. HEADQUARTERS**
30 Dequetteville Terrace, Kent Town : 18th October 1965.

You are now to hear a talk by Mrs. C.E. Dolling the Chairman of the Pioneer Women’s Memorial Trust.

Mrs. E.G. Darling and fellow members of the Country Women’s Association.

This Pioneer Women’s Memorial Trust was established in the year 1936, that is the year of the Centenary of the State, and as you can reckon quickly it is almost thirty years old.

Well, thirty years is a generation and we of the Trust, there are five members of us, are most apprehensive that some of our early history of our Pioneer Women in this State and the manner in
which that early history was celebrated at our Centenary in 1936 will be lost.

I take the opportunity then of speaking to you today as I would like to speak to many, many other groups of women to try to instil, the, what shall I say, the systems of keeping the memory of our Pioneer Women green.

Now this Trust was appointed by the Women’s Centenary Council and the Women’s Centenary Council was established in the year before our Centenary, in March 1935 with 72 women’s organisations represented on it, one of them of course was The Country Women’s Association and I see by looking at the list here that Mrs. Alan Colvin was the first representative but then she left Adelaide and Miss I. Ritchie was then our representative until the end of the Centenary Celebrations.

During the rest of that year and 1936 the Women’s Centenary Council was very busy raising money to establish some kind of a memorial to the Pioneer Women of the State, and indeed the women of the State’s first 100 years. And some of you are old enough to remember what was done that year, some of you aren’t.

The main ways of raising money were the publication of this Book. Now some of you may have this Book. It is called “A Book of South Australia: Women in the First 100 years” and it is an extremely precious book. It’s been out of print for many, many years and I have asked the second-hand dealers to save me or let me know when any copies come in and I don’t hear from them once a year. In fact I haven’t heard from them now for about three or four years. So this is the Book in which there are articles written by our women of 1936 on many, many aspects of life within that hundred years, for instance, the first University women, the first schools in the State, the Governor’s wives right through, the history of Queen Adelaide and the Queen Adelaide Room, extracts from letters that were written way back in the 1830’s by the first Pioneers. Those are just some of the annals that are in this Book. Also paintings by our painters of 1936, scriptures, even music that was written by our women. So it is a worthy record of our first hundred years and as I say take care of your copy if you have a copy. Incidentally the names of the 72 Associations which were assembled in the Centenary Council are here in the back of the Book.

Another means that we had of raising money that year, was the establishment of the Book of Remembrance, the Leaves of Remembrance they were called, and any woman in South Australia was asked to put as many names of women as she wished in the Book at the cost of 1/- per name, and the names that were put in were all the names of the women’s ancestors; she might have 50 or 60; it might cost her £2.10.0 or £3.0.0 to put the names in. She put her own name in too because she was of the first hundred years. Well that Book had tens of thousands of names in it, every one bringing in a shilling, and that Book as I will be telling you later is now buried under the Statue in the Pioneer Women’s Memorial Garden.

Another way of making money we had was a Pageant. The Pageant of the First Hundred Years, Women’s part in it, written by Ellinor Walker. We booked Her Majesty’s Theatre for a week and in the end, I am not absolutely certain how long it did run but it was more than a fortnight. We had to get the extension of booking of the theatre because it was brimful every night, and amongst our archives we have the complete script of that Pageant and we have the Programme of the Pageant and we have many Press reviews and other matters dealing with that Pageant.

The greatest amount of money of all came from a drive, right throughout the State, among the women of the State, a drive to get money for a Memorial to the women of the first hundred years. I can’t tell you the exact money it brought, I’ll tell you how much money we had altogether in a minute, but I do know that there was a prize for the suburban area which raised the most money and there was a prize for the country area which raised the most money and those two prizes went to Burnside and Mount Gambier. I have one photograph here which I will be passing round later and it was taken at the Ball that we had to culminate all this money-raising in 1937 and the Premier’s there all right, Mrs. Sidney Ayers is there but there are other women there and I have an idea, there is nothing written on the back of this photograph, and I have an idea that they’re the representatives of Mount Gambier and Burnside and so I am going to pass it around and
if anyone can identify those two I will be quite glad. I’ll give it time to get right around the whole room. There’s the Premier there and I think that is Mrs. Sidney Ayers and two other women and one man. So round it goes and if anyone can solve the mystery I’d like to write it on the back.

Another angle that was very interesting that year, though it didn’t bring us in money, was a Women’s Congress that we had and for this Women’s Congress the Government paid for either two or three women prominent overseas visitors to come, and it was an extraordinarily good Congress; women came from all parts of Australia to it, as well as the overseas speakers. That was to mark our Centenary.

Well eventually the money raised by the Women’s Centenary Council was somewhere round about £6,250. Now that may not sound much to you now, but believe me £5,250 took a great deal of raising in 1936, and it was for the Women’s Centenary Council to decide what was to be done with it.

I can remember we went to the meetings, and the meetings were a little bit hectic. One big section of the women wanted to have a large hall in Adelaide for women’s organisations to hold their meetings. But the consensus of opinion of the whole delegation from the various organisations was that because it was a Memorial for the Pioneer Women of the State, it should be a Memorial for the Pioneer Women of 1936, and those were the people pioneering in the Outback. And so eventually it was decided that there would be established at Port Augusta a Flying Sister Base and that in the City of Adelaide there be some small tangible Memorial of the fact that this Flying Sister Base was the Memorial to the women of the First Century.

And since the Women’s Centenary Council couldn’t go on forever the members appointed five of its number as Trustees. Indeed they formed the Pioneer Women’s Memorial Trust. These five were the noble three that did so much work together during the war years (that was local of course) and had worked together before this time so extremely efficiently. Miss Adelaide Miethke as the Chairman, Miss Phebe Watson as the Secretary and Miss Gisela Siebert as the Treasurer. They had been in those same positions for the Women’s Centenary Council (we didn’t actually have Secretary and Treasurer on the Trust, but the three of them were appointed to the Trust) and the other two who were appointed to the Trust were Mrs. Paul McGuire and myself.

I’ll never know why I was appointed. As a matter of fact I wasn’t in at the beginning of this. I’d been in England and I arrived back in August 1935 and I’d only been back a couple of days when Miss Miethke rang me on the telephone and she said “I’m glad you are home again. I’ve been waiting for you to come home. You’re on the Women’s Centenary Executive”. “Oh, I said what is the Women’s Centenary”. That was all I knew about it. However it wasn’t long before I was well in it and of course very enthusiastic about it. And eventually as I say I was chosen as one of the Trustees.

Well, we couldn’t exactly do what we had been asked to do, because when we went into this matter about this Flying Sister at Port Augusta, we discovered that the cost and the responsibility was beyond us. That was the cost of running it. But the whole idea behind the Flying Sister had been to bring companionship to the women of the Outback. It was not necessarily the medical angle so much although she would be able to attend to the medical needs as well as the nursing angle, but it was to bring some contact to the women of the Outback, the lonely women of the Outback.

And when we realised that we couldn’t actually establish this Flying Sister at Port Augusta, Mrs. Warnes our own State President, our own Pioneer, had just been to Darwin for a trip with her son Jimmy.

Now Darwin in those days, this would be perhaps in 1937 or 1938 by now, Darwin in those days was up the track and up the track it was. It was up the track where you had sugar bags and a bit of netting and boughs to get you over the sand and something else to pull you over the gutters.

Well at any rate they had been to Darwin and back and Mrs. Warnes was extremely conscious of the fact that those women were so lonely and more than being lonely, that they were so insecure. And she said something must be done for the women of the Territory and just at that time John Flynn had been to Alice Springs and he came back to Adelaide and we chatted with him.
and he said that the great need was for a sixth Flying Doctor Base throughout Australia and the need was at Alice Springs.

Mrs. Warnes met John Flynn and the five of us, the Trustees, and we discussed this and then we had to write back to all these Council representatives to ask them if they were agreeable that the money should go to the establishment of the Royal Flying Doctor Base at Alice Springs instead of the Flying Sister Base at Port Augusta and explained the reason and there wasn’t a dissident vote and that is the way the present Royal Flying Doctor Base at Alice Springs was established.

It was established as a Memorial to the Women of the first hundred years of South Australia and it cost us £5,000. Nowadays £5,000 doesn’t turn over there, but it cost £5,000 to establish that Base. That was to build the house and to put in the necessary transcievers and all the equipment for its operation as a Base.

I think now sometimes when I realise what the activities are through our Flying Doctor Bases two of which we ourselves in South Australia have begun, one of course our own C.W.A. of the Air and two the School of the Air of which Miss Miethke was the founder and then when you think that there are now Flying Dentists and in some Bases Flying Sisters, you realise (and of course all this had happened before Miss Miethke died, so she knew) that the whole idea of the Women’s Centenary Council in bringing friendship to the lonely women was covered by the Flying Doctor Bases with these various organisations.

So that it is very, very satisfactory that our gift as a Memorial should be now used for the very purpose that we wanted it to be used.

Now that was a number one job we had to do. We had to establish that Base at Alice Springs.

Number two job was that we had to put somewhere in Adelaide a tangible sign that the Base at Alice Springs was the real Memorial. As far as that was concerned we had to approach the City Council and the City Council gave us a plot of land as you probably all know on the flat behind Government House.

That Pioneer Women’s Garden of Remembrance as we call it stands there today.

It’s entirely I think, I would say, is due mainly to three people.

One was Miss Cornish, Miss Elsie Cornish.

Now it’s Miss Elsie Cornish who was a landscape gardener who designed that garden and I can remember the meetings (we had our certain amount of space allotted to us) we used to have down there with Miss Cornish. She could walk around without a hat from North Adelaide with an apron and a trowel and perhaps a fork in the other hand and just walk down Pennington Terrace and across the Bridge to our garden. You would see her there day after day digging about in this garden getting ready, planting the little plants, planting the bigger plants.

I remember going there one day and she said to us “Do you think you could afford it if we paid thirty five shillings for a very special type of pine that I can get from Mount Lofty". “Ooh no!!! Thirty five shillings, OOOH NO!!! We’d never have enough to pay thirty five shillings for a pine”. “Well” she said “it is a very special one, and I would never get anything else like it and she said I don’t think there is another available in South Australia.” And we said, “Well, would you like it very much Miss Cornish?” and she said “Well I would. It would just make that corner of the garden” and so we said “Alright spend the thirty five shillings.” So she spent the thirty five shillings and she bought this particular pine. And I can remember going down there on the day of the opening of that garden with Mr. Bone the City Gardener and this was about a couple of years later or perhaps 18 months later and he walked along, and he said “Goodness me where did you get that Conifer Pine?” We said “It cost us thirty five shillings”. He said “I’ll give you three pounds ten for it”. So we didn’t sell the pine but every time I go there now I always think of that as being Miss Cornish’s Pine Tree.

Well Miss Cornish was one and she had her plants that she planted, they were sweet smelling, or they were some particular natives of Australia. She had some reason for every one and she had reasons for five poplars. We all took part in this, she planted five poplars at the back of the garden, those two in here are a bit awkward to see because they’re Candle Pines but those are the five poplars behind the Statue and when she planted...
them she had Miss Miethke dig in the first one (that was Miss Miethke) and then on Miss Miethke’s right she had Miss Watson the Secretary dig in that one and then Miss Siebert did this one and then Margaret McGuire did that one and I did this one. So that pine, that’s my poplar, that one, and mine grew so slowly, year after year, it never got up anywhere near the others and look at this photograph, look. See that little bit there. It’s got them all.

While I am talking about this I’ll just hand those three round because, those are three pictures of the garden, (some of you may know it well) that’s taken from behind the Statue and this one is taken at the side. There are the poplars, one, two, three, four, one’s behind this and there is the Statue there, so those pictures can go round too now.

Now I said that there were three people who were responsible for the garden and the second one was Mr Dodwell.

Now Mr. Dodwell was an old man, even then, (at least I thought he was, although he came twenty two years later when we put a seat in the garden in memory of Miss Miethke and he died very, very soon after that, that was a year ago last April, but he was very thrilled to be there on that day.

Well Mr. Dodwell was the Government Astronomer and he lived down in West Terrace by the old Observatory. Miss Miethke knew him and she asked him if he could design a sun-dial for us. He was so excited, because all his life he’d wanted to design a sun-dial which would tell the exact time of the day at every day of the year. Now a normal sundial doesn’t do that at all. A normal sundial has the shadow in a certain place, say in the middle of summer it has it at the extreme and around the middle of winter and in between it varies, because of course the sun moves much longer space in the summer than it does in the winter. And Mr. Dodwell wanted to do this sun-dial that would read the exact time on every day of the year. He covered sheets and sheets and sheets, we saw them, of figures, to try to get this sun-dial right, and eventually after working on it for about six months he perfected that sundial. And that sun-dial (I am using a very strong word here) is unique. I wouldn’t be a bit surprised if it isn’t unique in the whole world. At the time Mr. Dodwell said it was.

I have here a photograph of the sun-dial and I will now pass that round to you, and I would like you, if you are down at the Garden to (it looks funny) down at the Garden to have a look at this sun-dial. You see it looks strange. It’s a funny looking sundial, isn’t it? But the months are all written along here at the top and the place where the shadow falls (no the months are there I beg your pardon) it shows the exact place along that side. One for the morning sun and one for the afternoon sun. So, so much for Mr. Dodwell.

And the third person was another woman and that was Miss Ola Cohn.

Now we asked Miss Ola Cohn, the Melbourne sculptress, to sculpt a statue of the Pioneer Woman.

We had some fun over that statue.

First of all we had to get the stone there. We wanted South Australian stone and we had a piece of Waikerie limestone. You probably don’t know this anyway this Waikerie limestone, but we sent it over to Melbourne for Miss Cohn to sculpt this statue, and then over the period of time when the statue was being created from this one solid block of stone, the five of us, the five trustees went over to Melbourne perhaps three or four times at the weekend to examine the statue and to see what was happening to it, and we had most memorable weekends.

In the winter time because we wanted to get to Melbourne at night we had to leave home at five o’clock in the morning and I remember one Saturday morning it would be, one Saturday morning leaving town at five o’clock and it was extremely foggy in the hills and we went up – and I was driving this car and Miss Watson was outside standing at the edge of the road holding a white flag and a torch and we did that for two or three miles up that hill. I don’t remember what time it was when we go on further.

But then on another occasion we started off early in the morning and when we were going through Hahndorf it was just coming light and I said, “Whatever is that!” and I stopped the car and I said “It looks like an elephant looking in that window”, and they said “Ooh well where
have you been”. “Well,” I said, “it looks like one”. So I drove the car up and it was an elephant!!!!!! So there aren’t many people who can say that they’ve seen an elephant looking in a window at Hahndorf, can they?” But previously that morning it had escaped from a circus nearby and it chose to look in the window just as we were going past about six o’clock in the morning in the half light.

Another occasion I remember we had something wrong with the car coming back from Kaniva. So we went into a hotel there and we hadn’t had anything to eat, and they had a big sports day, that day, so they brought in sausages which we cooked in a kerosene tin on the open fire in the hotel and that was our meal. We did get going later on in the evening.

We had some really good fun, but best of all was when we arrived at Miss Cohn’s studio. Now Ola Cohn had a most delightful studio in East Melbourne. She called it “Ola’s Home”. She converted it from an old stable. I’d been to it often, I went to it the last time when we were over there for a C.W.W. Conference. In the courtyard of this, she was sculpting this enormous statue.

Well of course the first time we went over and saw it, we thought, we weren’t quite sure how we were going to like this statue, and each time we went over it’s getting a little bit more like a statue, but Miss Miethke in her quiet little way would go along and she’d rub down the statue and she’d say “Ola don’t you think there should be a little more off here”, or she’d look at the neck and she’d say “Don’t you think she could have just a little bit off there Ola” and Ola would say “Who’s sculpting this statue”, and Miss Miethke would say “Well you are, but I think perhaps the women of South Australia would like it to be a little more off there”. And then she’d get to the hands and she’d say “You know I wouldn’t like a thumb as big as that”. And in the end there’s what the statue was eventually and there are two closeups of the face. It is a very beautiful face.

Oh I might also say about the statue, I’ve just remembered one other point, it was that we had to get it back, of course, in time for the opening.

The Opening by the way of that garden and the Base at Alice Springs took place in 1941 on April the 19th.

We had to get the Statue back for the Opening, and we couldn’t come back by train, because it would have been decapitated under the bridges and in those days there was very little road transport and if we brought it back by ship it wouldn’t be here in time for the Opening. Eventually we were fortunate enough to get road transport which brought it over, we took it straight to a Mason’s Works in Mile End as he had to put it on a pedestal and it was put in the Garden late in the afternoon of the Friday when the Garden was opened on the Saturday and it was an absolute rush work to get it there.

I might tell you that Ola Cohn was very very hard to tie down as far as a date was concerned as to when the Statue would be finished and when we eventually made the date for the Opening of the Garden, we thought we’d left her plenty of time.

Now I have here amongst my archives, various cuttings from the Advertiser taken at the time of the Opening of the Garden.

There are some leading up to it, there is one January ’41 there’s one February ’41, then April the 15th ’41 (that’s the week before it’s opened) and then there is this one which is written the week after it’s opened. I wrote all of these myself and in this one here that I evidently wrote for the 22nd April 1941 I’m two people, I am a bit of a Jekyll and Hyde, because I’m myself and I’m the other woman as well, you see? This is one of the secrets of journalism. So I’d like to read you this because it really is most amusing. Evidently I’d been to the Garden on the Sunday to see how the Statue was looking you see, it had opened on the Saturday and I’d been there on the Sunday.

“Sunday saw a steady stream of interested visitors at the Pioneer Women’s Memorial Garden of Remembrance which was handed over to the City of Adelaide on Saturday afternoon and their interest centred mainly in the statue sculptured by Miss Ola Cohn (whose name by the way is Carola, after a Danish ancestor) and the novel sun-dial planned by the Government Astronomer, Mr. G.F. Dodwell. Photographs of the statue published from time to time and criticism of it, both...
favourable and adverse, had created more than normal desire for personal inspection and consensus of public opinion was “a beautiful piece of sculpture and a memorial worthy of our pioneer women”. I heard one very frank opinion from a man as I stood by. He looked up at the statue and then said “that is not my idea of a pioneer woman, I see her bending over a cooking stove trying to make the fire light, while water drops in from the roof of her wattle and daub hut, with a couple of children hanging onto her skirts; but perhaps that would have cost more?” A member of the Memorial Trust happened to be standing near-by and she tried to explain the symbolism in the statue. The courage, the determination the resourcefulness, and that Miss Cohn had produced this woman as a symbol of the pioneer women of all time, and the man said “yes I see what you mean even though I do not understand, but isn’t it a lovely bit of stone? I did not know we had such stone in S.A.” The stone came from Waikerie which surprised more than this one spectator, and I heard many more remarks about the fineness of its texture for limestone. A well known Adelaide architect, who had been consulted about the size of steps, had expressed his surprise at its quality, so perhaps we shall see more of it used in our Adelaide buildings. It was disappointing that the sun shone for only about an hour at the weekend and that most of the visitors to the Garden had no opportunity of checking their watches with the sun-dial, but workmen on Saturday morning had a better innings and many were the times that hours on the watch were compared with the shade on the dial; and many were the expressions of amazement that the shade was true to the time of the watch. Inscriptions of the novel dial tell clearly how to read its time – forenoon on the left hand and afternoon on the right-hand side of the centre bar and the curved calibrations marking quarter hours opposite the months hand side of the centre bar and the curved calibrations.

The unveiling of the Statue was really quite amusing. The man from the Mason’s yard, he’d come up on the Saturday morning and we were all there and we had a dress rehearsal, and the idea was that the Trustees were to stand on one side and Lady Muriel was to be up in front and she was to pull the long cord and then the veiling would drop off the Statue. Well, in the morning the Mason came and he fixed the veiling on the Statue, and we had practice with this pulling the cord. Well, that was alright, but there was a little bit of wind and he thought that it might have blown off by the afternoon.

So we decided that we’d put a little pin at the back, to hold it together, and since I was at the

CHAMBER
end of the row, when Lady Muriel was just about to pull the cord, I was to get up and undo the pin and then it would come off more easily.

Well, what really happened, despite all our practice in the morning was, that I ran up, took out the pin and just walked back, Lady Muriel pulled the cord and nothing happened. So I was the nearest to the Statue and I immediately thought to myself, now what would she have done or what would the men have done if when she pushed the button the boat didn’t go. Well I thought, if they’d any sense they’d give it a push. So I thought, well here goes, and I just slipped up the back and gave the thing a tug and down it came. I unveiled that Statue. I’ve got a photograph here to prove it. Lady Muriel having pulled the cord and finds that the thing’s still there and she’s looking up at it like that and Miss Miethke and Miss Siebert and Miss Watson (they’re all there aren’t they? – behind).

This is another interesting picture in connection with the Garden. I should have shown you this when I was talking about it, but that is a picture of Miss Ola Cohn, she was a marvellous woman, Miss Ola Cohn, Miss Miethke, Miss Watson, Miss Siebert, Mrs. McGuire, Miss Cornish (the one who did the garden) and I’m on the edge you can see my nose, my big hat and my cigarette. But, that’s a very valuable picture that, all our names are on that.

Now that’s a very valuable historical picture too. This is the handing over of the £5,000 for the Royal Flying Doctor Base at Alice Springs. Miss Miethke, Miss Watson, Mr. Churchill-Smith, then the Secretary, Miss Siebert, myself, Sir Simpson Newland, who was the President of the Royal Flying Doctor Service, and Mr. Edmonds who was an Executive member and has since died. So, as I say these are the photographs, that must come back to me.

Oh another, I’d forgotten, one other point on that day, I’ve told you three, the unveiling, the opening of the Base at Alice Springs and the handing over of the Garden to the City Council.

But another ceremony that day, was performed by Miss Watson. At the back of the Statue, now what would it be, on the south east corner. Now that is very important that South east corner, because unless you know where under which slab of stone our box is buried and that we have a crypt down there, then you wouldn’t know which one to lift, would you? So we have to be very careful to remember that it is the south-east corner and we have that on all our records. The stone was loose, the flagstone, and Miss Watson buried under there on that day, a leaden casket preserved against all the winds and storm and rain, moisture and so on, well moisture mainly of course, under there, and so that it should be preserved there until 2036 and we left instructions with the Town Hall and with the Archives that the women of 2036 are to open, lift that stone and to open that leaden box.

And in that leaden box they will find, first of all these Leaves of Remembrance I’ve told you about. The Leaves that had all those names of all the women of the first hundred years. There are all our Minute Books and all our Records of all the work done during the, by the Women’s Centenary Council. There are photographs, there would be copies of all these photographs here that I am showing you. They’re all put under there too. Well they can’t all be there too, can they? Because I think it was closed that day and that one of me won’t be there pulling the chain. But it has all the records of that Centenary Council. It has the Programme of Heritage and so on Oh! and a copy of this Book, a copy of this Book is in it, it’s a big box. And that’s ready there for the women of 2036 to open.

There’s a poem that E.H. wrote and to this day I don’t know who E.H. is. I might say that that is done by Dr. Helen Mayo. It’s a triptych the actual picture of the Statue and then a triptych and that poem was written by Dr. Helen Mayo at the time and that is a copy of it which has been caught by the mice there, but it is still valuable. It reads:-

Faith In Our Destiny
Pioneer Woman Sundial Memorial
At a distance
the figure stands out
a woman
with her head turned to the
North, her hands by her sides.
The dress falls clear from
the square neck revealing
the firm breasts and the slight
prominence of a knee under
the folds.
The carving is simple & austere.
The hands & feet with digits
large and square give the feeling
of strength capacity & restfulness.
As one comes nearer the
flow of hair from head to
shoulders and a clear cut profile
is seen and then
One looks into the face.
It has an expression which
defies definition.
No selfconsciousness is in that
steadfast look which seems to see
far off as well as near
Intelligence is there and deep
understanding : that primitive
acceptance of life
   its joy and sorrow
   its grief and pain
   its hope and triumph
   its faith in its destiny
which must underlie all full
and vigorous life.
So is embodied in this statue.
The Pioneer Spirit
of the women of our race
who daring greatly found
their arduous way here.
Who
through sufferings & deprivations
helped to rear families
to build up an
Oasis in the wilderness

a colony and so
a commonwealth.
Who will pass on a message
to their descendants
of courage and fortitude,
self-forgetfulness
And above all
FAITH
IN THEIR
DESTINY
The Hours Vanish
Yet Are they Recorded
Sculptor – OLA COHN – A.R.C.A.
Described by Helen M. Mayo
Unveiled in Adelaide 19th April 1941.
And then this poem was written by E.H. and if
anyone can solve the mystery of who E.H. is, I
would like to know.
The poem reads:-
“Written on the Statue to the Pioneer Women”.
Impressive with your dignity and grace,
and the calm beauty of your carven face,
You mark this young achievement of our race.
Strong hands and heavy, hewn with fingers square,
That tell of patient labour, pain and care;
Hands that with fortitude have toiled their share.
Far seeing eyes that turn with eagerness,
Beyond all pity for the moment’s stress,
To distant years that bring, at last, success.
With head that bows in attitude benign,
as if to follow, on the path of Time,
Future of women in this infant clime.
Feet firmly planted on the soil they tread,
With simple gown, hair flowing round your head,
Your stone enshrines the spirit of the dead.
To the earth’s end they bore the living flame,
Mingled their dust with that from which you came,
Hewn out of rock in homage to their fame.
E.H.

I think it’s a beautiful poem, but I don’t know who E.H. is. And E.H. wrote the poem. It’s not Mary Harris. You’d think it might have been she, but it’s the only copy I have too, of that.

This is a facsimile of the message that has gone into the crypt to the Women of 2036. It’s the one that Miss Miethke wrote on the same parchment, (this parchment by the way was used for the Leaves of Remembrance and it was this one, as far as I can see it is perfect, but Miss Miethke was a perfectionist and she said it wasn’t good enough to go in the crypt and she did it again. And so in the Archives we have her first copy, It reads:

“To You
Who celebrate the Second Centenary of South Australia –
Greeting from the women who saw the close of the first hundred years!
We, who have played our part and passed beyond, leave for you these records, (those are the records in the crypt)
On this Nineteenth Day of April, in the Year Nineteen Hundred and forty-one, we commit them to the crypt.
Whence you, a hundred years hence, shall bring them forth, wondering perhaps at names familiar, pondering over this story of the past, thinking of the women of our day.
In our Centenary Year of Nineteen Hundred and Thirty-Six, we joined in happy rejoicing.
Today, we face again the grim tragedy of War.
Even as we write, Australia’s sons are hastening to take their place in the ranks of democracy, to stand shoulder to shoulder with the nations of the Empire.
By land, by air, by sea, they serve in the name of freedom.
May you, who follow with the years, realise how grim and anxious is our present task.
But this, too, you may know.
Whatever our Empire must endure, before Peace comes at last, our peoples stand firm in resolution, and, with God’s help, - they shall win through.

Were this our only word to you who come after, still would we pass on the watchword of democracy – “For Liberty! For Freedom! For Peace.”
May you, the Women of the second century who gather round this little garden in the years to come – be happy in that inheritance of freedom, which Australia’s sons have defended.
May your days be those of international peace – at last.
Signed for the Women of the First Centenary, at Adelaide, 19th April, 1941.
ADELAIDE L. MIETHKE.”

So that, anyone can look at that afterwards, I won’t pass that round.

Our Trust has met, not very often, not more than once a year, at the most in the intervening years.
But we did have one function and at that function we had a seat, (we put it there ourselves, the members of the Trust) a seat, a stone seat to the Memory of Miss Miethke and Lady Bastyan was gracious and she came and declared this a Memorial to Miss Miethke.
Incidentally she wouldn’t say the word dedicated, and I looked it up in the Dictionary afterwards, and I found that it didn’t necessarily mean dedication, didn’t necessarily mean dedicate to God, you can dedicate to others. In fact you dedicate books to people, don’t you?
However she declared the seat a Memorial to Miss Miethke.
That lovely picture was taken of her that day.
This is a picture of the gathering and I’m here speaking, (It’s not very good of me) but there’s a very nice one of Mrs. Walker there with a little blue frilly hat on and along here there’re the three other Trustees (next to the Mayor and Mayoress, Lord Mayor and Lady Mayoress) and then the whole of the Miethke family in a row. The two nieces and the nephew and the nephew’s wife, so you may like to look at that too.
As far as the Trust goes, our job is to do exactly what I said at the beginning and that is to try to keep the memory of our pioneer women green.
There is only one way we can do it and that’s by talking about it and telling others, and everyone can do it.

You can do it in your own home, you can do it in your own district, you can record your own family history, of your own grandmothers and your great grandmothers. And you don’t do it do you? And they die and then you haven’t it and you say, “I wish I’d spoken to Granny more.” You can do it in your own district. You can get the stories of the elder women of your district and the pioneering days and their wise sayings and their stories and someone says “Oh yes but old Mrs. Brown knew,” but old Mrs. Brown can’t tell you.

Well, all those individuals, every woman, has an obligation I feel, to keep the history of our pioneer women green.

Now we in the Trust are trying to do this from the broader angle. Each one of us has a little archive, (there’s this general archive) but some of these features I’ve shown you today, such as those cuttings from the Advertiser and that Book, and another cutting that I have here and several others and some pictures. We have five copies of each of them, and everyone of us in the Club has our own little archives, personal archives and when any member of the Trust dies, we appoint another member to follow her and her little personal archive (the one who died) goes to her successor on the Trust. So that she in her turn will learn from these records that we have, and of course she has access to all the other archives of which we’ve only the one copy.

Miss Miethke was the first to die and after she died I was made the Chairman of the Trust and in her place the other four Trust members elected Mrs. Howard Zelling. Of course it’s our ambition to get someone who is younger than what we are, we’re none of us you know, in the prime of life, I mean the original Trust members, but Mrs. Zelling is.

Well then our next loss from the Trust was Miss Phebe Watson and for Miss Phebe Watson, in her place has been appointed Miss Audrey Morphett. Now Miss Audrey Morphett of course has a pioneering history, her people came out in the Buffalo and she’s extremely interested in anything to do with pioneering, this is her brother who is the Chairman of the National Trust. But we’re hoping that in her case that some of her, not her own descendants, but I mean some of her family will follow her to keep a pioneer Buffalo on the Trust, right up until 2036.

We’ve been, each one of us has been asked if we would like to suggest a successor for ourselves on the Trust, but the Trust is under no obligation whatever to follow our suggestion, but they declare that they are all in favour of following my suggestion, because I was the only one in the original Trust to have any progeny, there were three spinsters and Mrs. McGuire who never had any children. So I have requested, at least I have chosen as my successor, my own daughter who has two daughters and the Trust is the...2036 is what? Seventy one years ahead, so that one of my grand-daughters, now aged four and six, might be, at the Garden in 2036 to say that her grandmother was one of the original Trustees. I am hoping that that will be the case.

But, ours as I say, is the broader culture, we’re just holding these reins together and hoping that that Garden above all, shall not be forgotten, that Garden and its meaning shall not be forgotten.

So as I said before, if each one of you can do your little bit, either at home or in your own district, or further afield if you can, do so, because we must all keep the memory of our pioneer women green.

THE PIONEER GARDEN OF REMEMBRANCE

South Australia celebrated its first centenary in 1936.

The celebrations were organised by the State Centenary Committee with Sir Richard Butler as President.

Lady Bonython and I were appointed as members of the State Committee. The women of South Australia, following the pattern of the State Centenary of Victoria wished to make some special contribution as the women of the State, in addition to giving every possible help to the State projects.

A meeting was called through the N.C.W. (which took the lead) of two representatives of all women’s societies (whether affiliated with the
N.C.W. or not) to meet at the Institute Building North Terrace. That room holds about 333+, the societies represented were over 100, and the room was filled with enthusiastic delegates. It was decided that whatever we did should be a tribute to the early women settlers who endured so much isolation from their homelands, and such primitive living in the early days. I was unanimously nominated as President of the “S. A. Women’s Centenary Council” (probably because at that time I was President of the State N.C.W., and also of Australia).

The Council meetings were very live meetings. Various Societies had delegates of all their Branches, and views were freely expressed. The Women’s Non-Party Association—now the Federation of Women Voters, was emphatic on the point that whatever we decided to do should in some way be helpful to the natives “from whom we had wrested their country”—some project which made no distinction or colour—There was also very strong support for the erection of a Women’s Institute, with spacious hall and amenities which would serve as a centre for women’s organisations. But gradually the feeling of the outback and the privations and loneliness of those early days prevailed, and we began to mould the outline of a scheme wherein “Flying Sisters” — kindly, friendly homely women should go into the various outposts, spend such time as circumstances dictated to bring a feeling of companionship to the mother, advice re the health of her family, books, handicrafts and news and gossip from the outside world the break down of isolation—something for the white woman at an outlying station to look forward to. These “Sisters” were to operate from a Base at Port Augusta, and serve our northern inland areas. It meant a terrific amount of organisation, and a special Committee consisting of myself as Chairman, Phebe Watson (Secretary) Gise Siebert (Treasurer) Mrs. Dolling and Mrs. Paul McGuire was appointed to go into the details of requirement. Before we could get very far, the Rev. John Flynn was in contact with Miss Watson and myself, begging and pleading that our project should live at the heart of the Continent, as an urgently needed Flying Doctor Base to serve the whole of that vast Central region. He admired our idea for “Flying Sisters” but felt that the Flying Doctor should come first and the Sisters could form an auxiliary development of the greater scheme. The South Australian Section of the Flying Doctor Service of Australia was at that time co-operating with the N.S.W. Sections to finance the Base at Broken Hill, and they too, met with us and added their argument for the S.A. Section to have its own Base to administer, since the Northern Territory was formerly a part of South Australia. The more we went into the responsibilities of an aerial service and the expense of carrying such an enterprise indefinitely the more we felt that our women’s pioneer memorial would fare more securely in experienced hands and we called a special meeting of all the delegates to bring the suggestion made by the Rev. John Flynn, the S.A. Section of the Flying Doctor Service, and our own convictions re costs and maintenance for their further consideration. It was marvellous the way the meeting showed its confidence. They appointed those 5 women as “The Pioneer Women’s Memorial Trust” with myself as Chairman, and left it to our discretion to decide upon the form of the Memorial. At Alice Springs stands the Flying Doctor Base (Residence and Radio Centre) which the S.A. Section of the F.D.S. administers for the women of South Australia and finances as well. The Section has just spent many hundred of pounds having the whole place painted inside and out and refurnished, and the work which is carried on from that Centre, medical, social and commercial would fill the hearts of our pioneer women settlers with joy. I have visited the Base many times, so has Mrs. Dolling (she goes again this year) and both being Executive members of the S.A. Section Executive Council (we have each of us served our turn as President) we take an earnest and lively interest in the Pioneer Women’s very active Memorial.

But that Memorial is out of sight of the South Australian Women who in the Centenary year brought it into being.

It was therefore decided to commemorate what had been done, by some simple memorial in the city of Adelaide, Hence the Garden of Remembrance - or rather the Pioneer Women’s Garden of Remembrance at the rear of Government House. We could not attend to this until we had financed the main project at Alice Springs (and we were in
It was planned by Miss Elsie Cornish, known for her beautiful garden effects especially at the University Grounds. She sort of based the idea of the layout from an inspiration she received while in St. Peters Cathedral. Originally every plant was native and had a special meaning and significance, and the shrubs lacked gaiety, they were gradually replaced. The main figure, the figure of the pioneer woman - was carved from Mount Gambier stone by the Australian sculptor Ola Cohn. As is so often the case with artists, we found it difficult to bind her down to the opening date. Then it was found that, coming from Melbourne by railway transport, she would be decapitated passing under railway bridges and at last to our very great relief she arrived by road transport, was rushed to the monumental masons for finishing treatment, rushed to the site, and mounted without a day to spare??!! (We pushed back our grey hairs and prepared to face the ceremony).

Meanwhile the Government Astronomer Mr. George Dodwell had designed as his contribution to the memorial a sun-dial which is unique in any part of the world; within the crypt which lies beneath the figure on her left, (on the right of the figure for anyone advancing up the central aisle in a specially constructed metal case and casket is the story of the first Centenary and how it was celebrated. The Leaves of Remembrance a beautiful book in which are written the names of the families who lived in South Australia during the first hundred years often the date of the ship etc, newspapers of the day, and last, but not least a letter written by the women of 1936 to those who will open the crypt in 2036. It is signed on behalf of the women of South Australia by Adelaide Miethke but as I have only one married brother, who has only one son, who also has only one son, it is doubtful whether anybody of my name will be present at that gathering. But can you imagine the excitement of those who trace their ancestors in that beautiful Book —the Leaves of Remembrance! At any rate the Garden was officially opened by Lady Muriel Barclay Harvey, except for the fact that there was a hitch in the rope which uncovers the Statue —Mrs. Dolling rushed forward to give it a twitch and down fell the covering before Lady Muriel could grasp it, and the photographer showed Mrs. Dolling in the Act!! We had to look perturbed, but how we laughed when it was over especially as Lady Muriel hadn’t been an easy co-operator (as you may well know). In the end we handed such remains of the fund as there were to the Lord Mayor, Sir Arthur Barrett, who promised on behalf of the City Council, that every care should be taken of the Memorial. They do look after the garden itself, but I do feel that, although water was hard to come by in the early days, there is no need to be so realistic as to leave the Pioneer figure unwashed for such long periods. Do you think you could get the Council to give her a bit of a bath, before you lay a wreath to her memory?

I have given you everything I could recall, Mrs. Zelling, although it all happened about 20 years ago. I am grateful to the National Council for what they are doing. Miss Jenkins invited me to be present (I think it was Miss Jenkins, but our ‘phone was out of order and I could not hear properly) and I did appreciate being asked to come, but circumstances, I am afraid, will prevent me from being present.

I wish you a very happy ceremony. Please ring me if there is any further information you require.

Yours Sincerely

Adelaide Miethke
responsibility in a lawful sense, as, for example, has been suggested with the Murray-Darling Basin and as has been done with the workplace relations laws. What I am talking about is recognition at the federal government level that these issues are crises in the Australian community that need urgent national focus, action and leadership at the federal level.

The first of these issues is the affordable housing crisis. The second of these issues is the crisis in child protection. I will speak firstly about the affordable housing crisis, something I have spoken about a number of times in the Senate over the years, although the stats, the figures, the stories and the reality at the community level have continued to get worse and worse. We would all know of and would all have seen over the last couple of months, and even prior to that, the increasing number of stories pointing to severe problems with housing affordability and access to houses, not just in the capital cities but increasingly in many regional centres as well.

I know that in Queensland, for example, many of the cities up the coast, particularly those that are feeder cities to some of the mines in the area, have even greater availability problems than Brisbane has. It is a simple fact that the cost of housing, whether you are talking about trying to purchase a home or renting a home, has been increasing dramatically, far out of proportion to any increase in earnings. The simple fact is that for a person to be able to afford a house it now takes a much larger amount of that person’s total income or a much greater number of years of that person’s average income than it took even a decade ago. During the last decade average house prices relative to income have almost doubled. The proportion of first home buyers has fallen dramatically. Average monthly payments on new loans have increased by about 50 per cent. Opportunities to rent public housing have fallen by about 20 per cent. More than 1½ million lower income Australians, especially renters and recent purchasers, are incurring housing costs above 30 per cent of their income.

I point to some reports out today. For example, the Housing Industry Association’s chief economist was quoted as saying that the gap between the cost of new housing and what median- and low-income households can afford to pay is wider than ever. Stable interest rates will not bridge that gap. Only government action will. It is similarly the case in the rental area, and these figures are from Melbourne but they are similar to those for many other cities. According to the Tenants Union of Victoria, the median weekly rent in Victoria has risen to its highest level ever and, despite Melbourne’s inner area holding more than a fifth of all rental properties available, less than one per cent of those properties are affordable, putting them off limits to a whole section of the Australian community. That means opportunities to rent them are also being kept off limits.

There needs to be national action in this area. There needs to be a national agenda for it. There needs to be an attempt to work together in a much more forceful way in this area, with much greater leadership and in conjunction with the states. We have got to have an end to the blame shifting and finger pointing between the state and federal governments. We have the ridiculous scenario of story after story of extreme affordability problems, of people not being able to find accommodation anywhere close to where their work is, for example, or where there education is. The response we get is state government ministers blaming the federal government for not putting enough money into public housing or for their tax regime distorting the market in favour of investors and speculators, and the federal government blaming the states over stamp duty and for
not releasing enough land. There is no one single reason why housing affordability has become such a crisis. There are a range of things that need to be done. That is why it needs a cooperative effort and that is why it needs a national effort. Until there is recognition of it, a willingness to accept that this is a serious problem for a large number of people in the Australian community and we get some leadership at a national level, it is going to continue to worsen. There was an affordable housing summit held in Parliament House in mid-2004 because of the housing crisis then. Since then we have had no action and the crisis has got worse. We need action in this area.

I also want to point to the appalling figures with regard to child abuse and neglect in Australia. I believe this area can also quite legitimately be called a national crisis. It is not being alarmist to call it that. Looking at recent figures from the National Association for the Prevention of Child Abuse and Neglect, I note that up to 20 per cent of Australian children are being neglected or sexually, physically or mentally abused every year. That is more than 550,000, to quote a figure from NAPCAN. Reports of child abuse in Australia have almost doubled in the past four years. That is due in part to greater awareness and to greater encouragement for people to report suspected child abuse.

Not all reports are validated of course. Suspected child abuse does not always mean actual abuse, and it is important to be accurate about that sort of statement. Nonetheless, when you drill down into the figures, there is no doubt that there are hundreds of thousands of Australian children who are quite clearly being subjected to abuse and neglect around the country and in all parts of society: in cities and in regional areas, and in poor areas and in wealthy areas. Every abused child is not only a tragedy but a long-term cost to our community, both in lost opportunity through the damage done to that child and in wider, long-term costs dealing with the consequences of the damage. It is an economic issue as well as a social issue, and it is a serious issue.

Clearly, for a range of reasons, state government authorities have not been able to adequately handle the issue, despite some genuine efforts and significant increases in funding. That to me says that there is a wider problem here. There is a wider issue that needs a non-partisan national approach. Again, this is something I have spoken about a number of times in this chamber. In Child Protection Week last year we had an urgency debate about it. We had a resolution that was eventually passed unanimously by the Senate calling on this to be made a national priority. That is all good, but agreeing to statements that it should be made a national priority is not much good unless there is follow-through action.

I am not saying that nothing is being done. There are bits and pieces of things being done at the federal level. There are some individual funding packages going in different places. That is all welcome. I fully accept that in large part this is the responsibility of the states, so I am not calling for a national takeover. I am not even calling for a massive bucket of money. Clearly, whilst resourcing is an issue, it is not going to be solved just by putting more and more child protection workers on. We have got to have much more focus on prevention and we have got to have, frankly, a much more honest look in the mirror at our whole society to try to figure out what is going on here, because it simply cannot be allowed to continue at this rate. The damage done to the fabric of our society, to the fabric of our future, is very serious and really cannot be underestimated. Again, it is an area where I do not think the national government can just say, ‘It’s the states’ problem. Go talk to them.’ It needs national
leadership. It needs people working together. I repeat my call and the Democrats’ call for that to happen on this issue and the other crisis issue of housing affordability.

**Wheat Marketing Legislation**

**Senator ADAMS (Western Australia)** (7.32 pm)—I rise this evening to speak on an exposure draft of the Wheat Marketing Legislation Amendment Bill 2007, which calls for changes to the Wheat Marketing Act 1989. It is a bill to be introduced later this session to amend the Commonwealth legislative framework applying to the Australian wheat industry and for related purposes.

As all those present are fully aware, the wheat industry has gone through quite a lot of turmoil in the last few months with the Cole report being handed down and the Australian Wheat Board having problems as well as poor harvests throughout Australia. I declare my interest here in the Senate tonight. I am a wheat grower from Western Australia.

The government have looked at what they can do to sort out this problem. I congratulate the Australian government on announcing the appointment of the Wheat Export Marketing Consultation Committee on 12 January 2007. This committee is currently undertaking extensive consultation with the Australian wheat industry, particularly growers, about their wheat export marketing needs. It is due to report to the government by 30 March 2007.

The consultation process includes public meetings in major wheat growing regions of Queensland, Victoria, New South Wales, South Australia and Western Australia throughout the month of February 2007. The evidence gained from these 25 public meetings will help inform the government in deciding the future of Australia’s wheat export marketing arrangements. The appointment of this committee delivers on the government’s commitment to put in place a consultative process that allows growers and industry stakeholders to express their views on future marketing arrangements for the export of wheat.

In November last year Senator David Johnston and I proposed the introduction of the Wheat Marketing Legislation Amendment Bill 2006. Today, we have postponed the introduction of this bill and have released an exposure draft of the bill to facilitate greater public consultation and discussion on the issue prior to the introduction of the bill later in the session.

The exposure draft has four government sponsors: Senator David Johnston, Western Australia; the member for O’Connor, the Hon. Wilson Tuckey, who represents Australia’s largest wheat-producing electorate; the member for Hume, Alby Schultz; and me, a farmer and wheat producer from Kojonup in Western Australia. My co-sponsors and I believe our exposure draft reflects a viable solution to the current wheat marketing crisis. It is my view that, whilst many wheat growers still support the single desk concept, a large number no longer support AWB Ltd and its subsidiary, AWBI, as the manager of the system.

In my home state of Western Australia, some 95 per cent of the wheat produced is exported. This is also true of the vast majority of wheat produced in South Australia. This means that wheat growers in these two states are almost totally dependent upon the export market for their annual income. The dependence upon exports is not shared to anywhere near the same extent by wheat growers in other states, as most of that wheat is produced for the domestic market. Therefore, wheat growers in Western Australia and South Australia are left with no choice but to pay the fees extracted by AWB Ltd as the service agent for its fully owned subsidiary company, AWB International.
Whilst the Cole inquiry has brought significant media attention to the export wheat monopoly, I believe the system has been failing growers for many years. There is an inherent conflict of interest for AWBI between satisfying its shareholders and maximising grower returns. This conflict, combined with excessive supply chain costs and marketing costs—particularly in low-production years such as this year—and an underinvestment in the industry, has led to a situation where wheat growers are at the bottom of the food chain in terms of receiving the true market value for their crops.

The exposure draft, which I released today, allows for the single desk to be retained in the hands of the statutory regulator and recommends that a newly constituted Wheat Export Authority become the sole controller of exports by repealing the control now exercised by AWBI. This does not prevent AWB Ltd from conducting its present services, but to obtain export licences from the Wheat Export Authority it would have to prove that it was genuinely operating to maximise grower returns. Here I would like to mention that this should maximise net grower returns. The amendments to the act would remove AWB’s right to prevent others from obtaining licences. This power would reside with the Wheat Export Authority. The Wheat Export Authority would have the power to issue licences to other operators, provided they were confident that they were maximising grower returns—and, once again, I state that is net grower returns. Other amendments in the bill remove the Wheat Export Authority’s obligation to the Grains Council.

We suggest that the membership of the authority consist of a chairperson, one member who is an export wheat grower operating in Western Australia or South Australia, one member who is an active participant in export wheat marketing, a government member and one other member. Each of those members will be appointed by the minister in writing for a specified term of up to three years. The members will hold office on a part-time basis, and the performance of the functions or the exercise of powers by the authority is not affected by vacancy or vacancies in its membership.

I think the most important thing with this is that the Wheat Export Authority would be responsible to only the parliament and would be required to provide the parliament with a report on its actions annually. This report, unlike the current secretive arrangements, would be tabled in parliament and available to all. The issue of AWBI’s inability to pay growers delivering an internationally competitive price to the 2006-07 pool is now well established. Current legislation prevents public reporting of mismanagement by AWBI or AWB Ltd. The exposure draft would ensure that, like all other applicants, AWBI will have to supply adequate evidence of the bona fides of each reported sale to satisfy the Wheat Export Authority that in issuing a licence it has met its legal responsibility to maximise grower returns.

Upon the passing of these amendments, the Wheat Export Authority could no longer refuse to answer questions or plead in Senate estimates inquiries that it has no power or legal right to obtain or provide information relevant to the wheat export trade. As a member of the last Senate estimates committee, I found that trying to get information was impossible and very frustrating. Delivery statistics show that for the 2006-07 harvest 80 per cent of growers at one stage were not committing their wheat crop to AWB International. Growers who continue to participate in the traditional pooling operation, where they assume the entire risk, have no special protection from the changes contained in the exposure draft. However, all growers will have alternative choices and the right to know the full details of the pooling
operation. To me, this forms the basis of all coalition party policy: full disclosure and freedom to gain the best deal for your circumstances.

A copy of the exposure draft has been sent to the recently formed Wheat Export Marketing Consultation Committee, which is a Commonwealth initiative that undertakes consultation with key industry players and growers. My co-sponsors and I clearly express our disappointment with the current system in a covering letter to this committee, highlighting the conflict of interest between the director’s responsibility to shareholders and the constitutional requirement to maximise net grower returns. The exposure draft reflects the popular public belief that, whilst many growers remain committed to a single wheat desk, a large proportion no longer has faith in AWB Ltd and its subsidiary, AWBI, in managing the system. The purpose of this bill is to introduce important reforms to the legislative framework governing the marketing of Australia’s wheat crop. My co-sponsors—Senator Johnston; the member for O’Connor, the Hon. Wilson Tuckey; and the member for Hume, Alby Schultz—and I believe our exposure draft reflects a viable solution to the current wheat marketing crisis.

Australia Day Awards

Senator STEPHENS (New South Wales—Parliamentary Secretary to the Leader of the Opposition) (7.42 pm)—

Awards in the Australian honours system represent the highest level of recognition that can be accorded by our nation for attainment of outstanding achievement and service. The honours announced on Australia Day this year recognise and promote community values and celebrate what is important and unifying in national life. So I was delighted when Dr Tim Flannery was awarded 2007 Australian of the Year, recognising his contribution in several fields: his efforts in trudging through the highlands of New Guinea, risking his life in discovering five unknown tree kangaroos; his book The Future Eaters, raising the attention of the world to the unsustainability of rampant consumerism; and as a passionate and convincing advocate for the reality of climate change and the dire and unavoidable science revealed in his more recent work, The Weather Makers. Those of us who have had the privilege of meeting Tim Flannery know that he is an exceptional person, vitally passionate about our planet and well deserving of this honour.

Australia Day began with the announcement of the Australian of the Year award for an outstanding environmental warrior and was followed by the general Australia Day honours list. Perth scientists Robin Warren and Barry Marshall won a Nobel prize for their work on a humble stomach bacterium, and, as well as being Western Australia’s Australians of the Year, joined another 575 people honoured in the Australia Day honours list, ranging from the business elite, philanthropists and doyennes of the arts to volunteer firefighters and religious leaders. It was interesting to see that women made up less than a third of the list. Of the 158 women named, Wimbledon champion Reverend Margaret Court was awarded an AM, as was RMIT Vice-Chancellor Margaret Gardner and champion aerial skier Alisa Camplin.

Susan Alberti’s daughter died from a diabetes related illness in 2001, which compounded her conviction as an advocate for diabetes research and care. She is the National President of the Juvenile Diabetes Research Foundation and a well-known philanthropist and fundraiser. Many of us in this chamber were inspired by Susan last year when she spoke at the Kids in the House event organised by the Juvenile Diabetes Research Foundation. Her award was justly deserved.
Joy Hruby, a regular but, at 79, the oldest entrant in the Tropfest short film competition, has been recognised for more than half a century of involvement in the arts and entertainment industry. As well as her filmmaking forays, Mrs Hruby is a stalwart of community television. Working from her home studio she films and edits Joy’s World, 1,000 episodes of which have been broadcast on Channel 31 since 1989. She started Studio J actors’ agency in 1969 and has published a book, Dubbo Dazzlers, about her time entertaining soldiers in World War II. She was joined by Neil Armfield, the Artistic Director of Company B Belvoir. Company B’s production of Keating! continues to be a sell-out everywhere it is performed, and the national season is being extended. As well, The Adventures of Snugglepot & Cuddlepie and Little Ragged Blossom, a musical directed by Armfield based on May Gibbs’s stories, had extra shows added to its Sydney Festival season to meet the demand.

But the awards also recognised the efforts of lesser known community workers, and I would like to extend my congratulations to them in recognition of their service to their communities. John Weatherstone from Gunning has been a tireless advocate for sustainable farming and a Landcare activist. His property, Lyndfield Park near Gunning, was used to showcase sustainable farming practices to Prince Charles during his visit here in 2005. John is a wonderful community champion, providing leadership, advice and counselling to farmers struggling to cope with the current drought. He is deputy captain of the local bushfire brigade and patron of the Goulburn Field Naturalist Society and is involved in the Jerrawa Creek Landcare Group and the Yass River Valley Revegetation Project. In his spare time he is an active volunteer with the Kairos prison ministry program at the Goulburn jail.

Terry Crooks, another Goulburn identity, was awarded for his contribution to the funeral industry and for his community work. Terry is a life member of the Australian Institute of Embalming and serves on the board of the Australian Funeral Directors Association. As well, Terry has been the backbone of the Goulburn Lions Club and a volunteer with the Waminda aged-care complex and the Salvation Army for many years. These are local heroes whose contributions to our communities so often slip under the radar. Theirs is a passion for community action—for giving and for doing what they can to assist others.

The environment featured strongly in the awards. I was delighted to learn that Garth Dixon, a former lecturer at the Bathurst CAE, and then, prior to his retirement, the Goulburn CAE, received an honour for his long-time work in nature conservation. He too is a founding member of the Goulburn Field Naturalist Society and a long-serving member of the Conservation Council of the South Eastern Region. Dr Ken Henry, best known for his work in Treasury, was also recognised for his service to the community in the area of welfare and care of native wildlife. Warren Somerville from Bathurst was honoured for his work in developing a significant and valuable collection of minerals and fossils which he donated to the Australian Mineral and Fossil Museum.

But community services were recognised across all sectors of society. John MacKenzie from Eumungerie, near Bathurst, was recognised for his service to the community through the RSL. Janis Gerard, also from Bathurst, was awarded for her contribution to the New South Wales Secondary Principals Council and as Principal of Bathurst High School.

Our rural communities have shown remarkable resilience through the current...
drought, and it is in large part because of the work of people like Dr John Dyce from Forbes, who has been working as a general practitioner there for 54 years. Dr Dyce has served his entire career as a GP and obstetrician in that community. We can only imagine what he has seen in that time. Apart from his front-line work in general practice and obstetrics, Dr Dyce also sat on the board of the Forbes ambulance service and is an honorary lecturer and former examiner for St John Ambulance.

Recognising the importance of local community services, Dr Dyce is a foundation member of Forbes Preschool. He believed that country practice offered the opportunity of a much wider range of work and the obligation to follow the patient all the way through the system, providing a continuity of care that is not available in city practices. In his time, Dr Dyce has delivered about 3,500 babies—often over three generations of babies from local families have been delivered by him. He has been a strong supporter of the decision by the School of Rural Health at the University of Sydney to establish a medical training facility at Forbes as a way of encouraging more rural doctors into the health system.

Natalie Armstrong from Delegate is a stalwart of her community. She is involved in a series of local committees: the Hospital Auxiliary, the MPS steering committee and the Delegate Tennis Club. However, it was particularly in recognition of Natalie’s contribution to the Delegate Progress Association over 20 years, and her hard work to secure a credit union for Delegate through the credit care initiative and then to establish their combined rural transaction centre and community technology centre, that she was honoured this year. Natalie is indefatigable—a human dynamo who has also been the driver of several local projects, including refurbishing the old Nurses Cottage for accommodation purposes and establishing the Platypus Walk and the Federation Walk. Natalie is someone who has had the flair and skills to draw together the efforts of local volunteers.

There were several notable honours awarded to members of religious organisations, and I would like to mention two of those this evening. Richard Menteith was honoured for his work with Wesley Mission and Sister Margaret Mary Cameron for her service to the Catholic Church. Mr Menteith and Sister Margaret have used their talents to make a profound difference to people’s lives. Dick’s work at the Wesley Mission for 26 years, as corporate services chief since 1986 and prior to that as director of finance, has transformed the way in which the Wesley Mission can work among the homeless and those disadvantaged in fundamental ways. Sister Margaret’s contribution to the leadership of the Congregation of the Dominican Sisters of Eastern Australia, her work in the Solomon Islands, her commitment to education programs to assist children with hearing impairments and her leadership and pastoral formation in the diocese of Wilcannia-Forbes demonstrate the important contribution of religious organisations and individuals to our society.

I was delighted to see that the work of the Country Women’s Association was recognised through the award to Mrs Gillian Richardson of Grafton. We all know of the work of the CWA and the important role that it is playing in communities all over Australia during the current drought. Sir James Gobbo, Chairman of the Council for the Order of Australia, said: ‘These people serve the community but do not seek accolades for themselves. By their actions they demonstrate the qualities of positive role models who are not only worthy of respect but encourage emulation.’ (Time expired)
Suicide

Senator FIELDING (Victoria—Leader of the Family First Party) (7.52 pm)—Over the Christmas holiday break I read that euthanasia doctor Philip Nitschke had recently published a suicide manual and that the Attorney-General had asked the Classification Review Board to consider banning this dangerous book. Family First is pleased the federal government is taking action to ban a book that gives people with suicidal thoughts the information to end their lives. That is not the help they need. They do not need lethal help; they need life-saving assistance. Books promoting terrorism are banned or restricted in Australia, so it is quite reasonable to ban books that promote terminating life.

When we think of the tragedy of suicide, we often think of teenagers and older Australians who are ill. We think of teenagers facing the difficulties of adolescence and we mourn their suicides because of all the promise their young lives held. We think of older Australians who are ill, and perhaps this also prompts us to think about our own lives and what lies ahead.

Every suicide is devastating—another precious life lost—but the reality is that more than 50 per cent of people who commit suicide are between the ages of 25 and 50, and more than 80 per cent of that group are men. As a 46-year-old I fall into that age group. For me this is a rich time in my life, juggling my challenging family roles as husband to Sue and father of my kids, James, Campbell and Gabrielle, with my professional responsibilities as Family First senator and Leader of the Family First Party. Many men in this age group are in a similar situation. For many, it is the most productive and satisfying period of their lives; yet it is also a time when many end their lives. Those numbers shock me. Those men are my peers. They are the blokes I grew up with and went to school with—how very sad that they are more likely to die as a result of suicide than from a car accident.

Suicide is tragic enough, but there are also all the people who have made an unsuccessful suicide attempt. If they get hold of this book, there may not be so many who are unsuccessful. There are a range of government programs to reduce the road toll and to reduce the suicide rate, and Family First applauds them all; yet here we have a medical practitioner who has published a book on how to end your life rather than save it. One of the main factors experts highlight to reduce the suicide toll is restricting access to the means of suicide. If you want to reduce the suicide toll, you have to make it harder for people to commit suicide, not easier. That means making sure suicide promoters like Philip Nitschke do not have a chance to incite vulnerable people to suicide.

The Australian Institute for Suicide Research and Prevention says reasons for suicide include: a personal crisis often linked to a major life transition, such as losing a loved one or a job; a psychological disorder that can magnify such distress; and alcohol and substance abuse. There are many ways we can help people struggling with such issues. When we invest so much to provide such help, why do we also allow someone to promote suicide rather than solutions?

The good news is that suicide numbers have declined by 20 per cent since 1997, but there are still over 2,000 suicides a year and there is a long way to go. Sadly, a paper published last year showed that suicides on Dr Nitschke’s home turf in the Northern Territory had increased significantly over the past 20 years. Family First supports the National Suicide Prevention Strategy, but the federal government provides just over $10 million a year on suicide prevention projects, which is
nowhere near enough. Compare that to the $45 million a year the government allocates to the Black Spot Program to fix high-rate road accident areas. In 2005 there were just over 1,600 deaths on our roads, 25 per cent fewer than by suicide in 2004, but just one road safety program gets four times the funding of suicide prevention. Until the federal government gets serious about addressing the problem of suicide, extremist fringe dwellers like Dr Nitschke will continue to put people in lethal danger.

Senators may have seen a newspaper report in last Saturday’s Age about the Swiss suicide group Dignitas. Dr Nitschke has taken a number of people to Switzerland, where the organisation has helped them commit suicide. However, it is reported that one of the staff from Dignitas has resigned because:

Clients, most of them foreigners, would arrive in Zurich, have a doctor confirm in the morning that they were ill but sound of mind ‘and by 4pm— the same day—

they would be dead.

The former Dignitas worker asks:

In that time, how can you be sure they really wanted to die?’

She also expresses her concern that some clients were not terminally ill but suffered from depression. The head of Dignitas argues:

... every person ... has the right to choose to die, even if they are not terminally ill.

Is that the sort of Australia we want? Certainly it is the Australia that Dr Nitschke wants. We saw that with Nancy Crick and Lisette Nigot, both of whom were not terminally ill and died after having sought suicide advice from Dr Nitschke. Dr Nitschke should be deregistered for his dangerous and irresponsible behaviour. His book should not be allowed to threaten the lives of vulnerable Australians.

Senate adjourned at 8 pm

Documents

Tabling

The following government documents were tabled:

Copyright Agency Limited—Report for 2005-06.
High Court of Australia—Report for 2005-06.
IIF Investments Pty Limited, IIF (CM) Investments Pty Limited, IIF BioVentures Pty Limited, IIF Foundation Pty Limited and IIF Neo Pty Limited—Reports for 2004-05.

Native Title Act 1993—Native title representative bodies—Reports for 2005-06—

Aboriginal Legal Rights Movement Inc.
Carpentaria Land Council Aboriginal Corporation.

Pooled Development Funds Registration Board—Report for 2005-06.
Tourism Australia—Report for 2005-06.

Treaty—Bilateral—Text, together with national interest analysis and annexures—


Tabling

The following documents were tabled by the Clerk:

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

Aged Care Act—
Accountability Amendment Principles 2006 (No. 1) [F2006L04227]*.
Accreditation Grant Amendment Principles 2006 (No. 1) [F2006L04226]*.
Aged Care (Conditions of Allocation) Determination 2006 (No. 2) [F2006L04240]*.
Community Visitors Grant Amendment Principles 2006 (No. 1) [F2006L04141]*.
Records Amendment Principles 2006 (No. 1) [F2006L04140]*.
Air Services Act—Air Services Regulations—Instrument No. AERU 06-066—Temporary Reclassification of Airspace [F2006L04089]*.
Australian Federal Police Act—
Australian Federal Police Categories of Conduct Determination 2006 [F2006L04145]*.
Select Legislative Instruments 2006 Nos—
326—Australian Federal Police Amendment Regulations 2006 (No. 1) [F2006L03972]*.
327—Australian Federal Police (Discipline) Repeal Regulations 2006 [F2006L03973]*.
Australian Land Transport Development Act—Determination of Charge Rate for the financial year 2004-05 [F2006L04048]*.
Australian Meat and Livestock Industry Act—Australian Meat and Livestock Industry (Standards) Amendment Order 2006 (No. 4) [F2006L04087]*.
Australian National University Act—
Discipline Statute 2005—Discipline Rules (No. 4) 2006 [F2006L04112]*.
Information Infrastructure and Services Statute 2006 [F2006L04092]*.
Information Infrastructure and Services Statute 2006—Information Infrastructure and Services Rules 2006 [F2006L04120]*.
Programs and Awards (Amendment) Statute 2006 [F2006L04090]*.
Programs and Awards Statute 2006—
Academic Progress Rules 2006 [F2006L04091]*.
Examinations Rules 2006 [F200700001]*.
Graduate Coursework Awards Rules 2006 [F2006L04142]*.
Graduate Handbook Rules 2006 [F2006L04124]*.
Higher Doctors Rules 2006 [F2006L04093]*.
Honorary Degrees Rules (No. 2) 2006 [F2006L04097]*.
Research Awards Rules 2006 [F2006L04116]*.
Undergraduate Awards Rules 2006 [F2006L04118]*.
Undergraduate Handbook Rules 2006 [F2006L04123]*.
Australian Participants in British Nuclear Tests (Treatment) Act—Instrument—
Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—
15 of 2006—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2005) [F2006L05739]*.
1 of 2007—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2005) [F2007L00168]*.
2 of 2007—Information provided by general insurers under certain reporting standards [F2007L00220]*.
Australian Research Council Act—Funding Rules for funding commencing in 2008—Discovery Projects—[F2006L03744]*.
Banking Act—
Banking Exemptions Nos—
3 of 2006 [F2006L04018]*.
4 of 2006 [F2006L05757]*.
Banking (Prudential Standard) Determination No. 15 of 2006—Variation to Prudential Standard APS 510 Governance [F2007L00041]*.
Broadcasting Services Act—
Licence Area Plan for NSW Community Radio — No. 1 of 2006 [F2006L04081]*.
Variations to Licence Area Plans for—
Sydney Radio — No. 1 of 2006 [F2006L04066]*.
Wollongong Radio — No. 1 of 2006 [F2006L04076]*.
Building and Construction Industry Improvement Act—Select Legislative Instrument 2006 No. 337—Building and Construction Industry Improvement Amendment Regulations 2006 (No. 1) [F2006L04078]*.
Child Support (Registration and Collection) Act—Select Legislative Instruments 2006 Nos—
347—Child Support (Registration and Collection) Amendment Regulations 2006 (No. 2) [F2006L04042]*.
348—Child Support (Registration and Collection) (Overseas-related Maintenance Obligations) Amendment Regulations 2006 (No. 1) [F2006L04043]*.
Civil Aviation Act—
Civil Aviation Regulations—
Civil Aviation Order 29.10 Amendment Order (No. 1) 2006 [F2006L03718]*.
Civil Aviation Order 100.16 Amendment Order (No. 1) 2007 [F2007L00153]*.
Instrument Nos—
CASA 479/06—Approval under subregulation 207(2) of CAR 1988 [F2007L00040]*.
CASA 01/07—Authority and permission – helicopter winching operations [F2007L00155]*.
CASA 02/07—Instructions – use of RNAV (GNSS) approaches by RNP capable aircraft [F2007L00156]*.
CASA EX61/06—Exemption – from take-off minima inside and outside Australian Territory [F2006L03652]*.
CASA EX64/06—Exemption – Lloyd Helicopters Pty Ltd and S-92A endorsements [F2006L03797]*.
CASA EX65/06—Exemption – refuelling with passengers on board [F2006L03763]*.
CASA EX68/06—Exemption – from take-off minima inside Australian Territory [F2006L04233]*.
CASA EX01/07—Exemption – maintenance release [F2007L00162]*.

Civil Aviation Safety Regulations—
Airworthiness Directives—Part—
105—
AD/A109/38 Amdt 1—Tail Rotor Blades [F2007L00126]*.
AD/A320/86 Amdt 1—Toilet Systems – Rinse Valve Replacement [F2007L00102]*.
AD/A320/196—APS3200 APU Exhaust Tailpipe [F2007L00101]*.
AD/A320/197—Landing Gear Gravity Free Fall Control Mechanism [F200700100]*.
AD/A320/198—Ram Air Turbine Actuator [F2007L00099]*.
AD/A330/70—MLG Rib 6 Aft Bearing Lugs [F2006L04028]*.
AD/A330/71—Slide Rafts Fitted on Type A Doors – Modification [F2007L00125]*.
AD/A330/72—Fuselage Skin Inspection/Repair [F2007L00124]*.
AD/AS 355/67 Amdt 4—Main Gearbox Lubrication Pump [F2006L00576]*.
AD/AS 355/92—Starter Generator [F2007L00098]*.
AD/AT/20 Amdt 4—Wing Lower Spar Cap Safe Life [F2007L00123]*.
AD/AT/21 Amdt 3—Wing Lower Spar Cap Safe Life – 2 [F2007L00122]*.
AD/B737/297 Amdt 1—De-Icing Fluids and Main Wheel Well Electrical Connectors [F2007L00097]*.
AD/B747/143 Amdt 1—Fuselage Section 41 Skin Stringer Joints [F2007L00121]*.
AD/B747/205 Amdt 2—Lower Lobe Fuselage Frames [F2007L00120]*.
AD/B747/353—Fuselage Skin Cracks aft of Left Main Door [F2007L00119]*.
AD/B767/227—Bulkhead Structure at STA 1809.5 [F2007L00116]*.
AD/B/Ae 146/126 Flight Deck ECS Grilles [F2007L00115]*.
AD/BEECH 55/62 Amdt 5—Wing Main Spar Centre Section [F2007L00114]*.
AD/BEECH 1900/49—Wing Rear Spar Lower Cap Inspection – 2 [F2006L04122]*.
AD/BELL 206/165—Main Rotor Latch Bolts – Replacement [F2006L04146]*.
AD/BELL 206/166—Main Rotor Latch Bolts [F2007L00113]*.
AD/CAP 10/10 Wing Main Spar Wooden Centre Block [F2007L00201]*.
AD/CRESO/9—MLG Lower Torque Links [F2007L00112]*.
AD/CRESO/10—MLG Axles [F2007L00111]*.
AD/CRESO/11—Nose Wheel Steering Assembly [F2007L00110]*.
AD/DAUPHIN/90—Main Rotor Mast Nut [F2006L04023]*.
AD/EC 135/13—LH and RH Cable Channel Wire Harnesses [F2007L00205]*.
AD/ECUREUIL/123—Rotor Flight Controls—Load Compensator Lever [F2006L04015]*.
AD/ECUREUIL/124—Start Generator [F2007L00096]*.
AD/GA8/5—Horizontal Stabiliser Inspection [F2007L00095]*.
AD/JETSTREAM/100 Amdt 1—Landing Gear Radius Rod Cylinder Cracking [F2007L00108]*.
AD/JETSTREAM/103—External Baggage Pod Restraint Net [F2007L00107]*.
AD/LC40/1—Thermawing Deice System [F2006L04085]*.
AD/S-92/2—Main Gearbox Lubrication Pump Vespel Spline Adapters [F2006L04100]*.
AD/S-92/3—Main Gearbox Upper Housing [F2006L04101]*.
AD/S-92/4—Tail Gear Box [F2006L04102]*.
AD/S-PUAMA/64 Amdt 1—CPI 503 Emergency Locator Transmitter [F2007L00091]*.
AD/S-PUAMA/68 Jettisonable Window Panel Seal and Cabin Trimming [F2007L00105]*.
AD/TB10/20 Amdt 3—Exhaust System Clamp Locknuts [F2007L00090]*.
106—
AD/ARRIEL/24—Constant Delta Pressure Valve Diaphragm [F2007L00197]*.
AD/CFM56/24—Fuel Filters Manufactured by Western Filters or PTI Technologies [F2007L00003]*.
AD/LYC/102 Amdt 3—Crankshaft Internal Inspection [F2007L00094]*.
107—
AD/RAD/87—Thales VHF Data Radios [F2007L00093]*.
AD/SEATS/28—Passenger Seat Backrest—Inspection/Replacement [F2007L00106]*.
Instrument No. CASA EX72/06—Exemption—display of markings [F2006L05743]*.

Class Rulings—
Notice of Withdrawal—CR 2004/73.

Commonwealth Authorities and Companies Act—Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 1 July 2006) [F2007L00141]*.


Copyright Act—Select Legislative Instrument 2006 No. 328—Copyright Amendment Regulations 2006 (No. 1) [F2006L04029]*.

Corporations Act—
Accounting Standards—
AASB 1048—Interpretation and Application of Standards [F2006L05744]*.
AASB 2006—4—Amendments to Australian Accounting Standards [F2007L00078]*.
ASIC Class Orders—
[CO 06/682] [F2006L04175]*.
[CO 06/1012] [F2006L04138]*.
[CO 07/18] [F2007L00192]*.
Select Legislative Instrument 2006 No. 362—Corporations Amendment Regulations 2006 (No. 5) [F2006L03961]*.
Currency Act—
Currency (Royal Australian Mint) Determination 2006 (No. 4) [F2006L05738]*.
Currency (Royal Australian Mint) Determination 2007 (No. 1) [F2007L00118]*.
Customs Act—
Customs By-Laws Nos—
0618799 [F2006L04136]*.
0618807 [F2006L04133]*.
0618808 [F2006L04137]*.
0619031 [F2006L04132]*.
Select Legislative Instruments 2006 Nos—
329—Customs Amendment Regulations 2006 (No. 5) [F2006L04006]*.
330—Customs (Australia–US Free Trade Agreement) Amendment Regulations 2006 (No. 1) [F2006L04004]*.
373—Customs Amendment Regulations 2006 (No. 6) [F2006L04073]*.
Tariff Concession Orders—
0613540 [F2006L04108]*.
0614826 [F2007L00173]*.
0615049 [F2006L04255]*.
0615050 [F2006L04106]*.
0615054 [F2006L04256]*.
0615111 [F2007L00025]*.
0615134 [F2006L04208]*.
0615139 [F2007L00130]*.
0615141 [F2006L04209]*.
0615149 [F2007L00009]*.
0615150 [F2007L00010]*.
0615151 [F2006L04247]*.
0615152 [F2007L00011]*.
0615362 [F2006L04246]*.
0615397 [F2007L00012]*.
0615398 [F2007L00013]*.
0615399 [F2007L00014]*.
0615442 [F2006L04249]*.
0615443 [F2006L04248]*.
0615519 [F2007L00057]*.
0615520 [F2007L00015]*.
0615521 [F2007L00030]*.
0615522 [F2007L00029]*.
0615551 [F2007L00028]*.
0615592 [F2006L04105]*.
0615603 [F2007L00026]*.
0615604 [F2006L05733]*.
0615641 [F2007L00058]*.
0615690 [F2007L00017]*.
0615754 [F2007L00018]*.
0615760 [F2007L00019]*.
0615784 [F2007L00020]*.
0615794 [F2007L00021]*.
0615795 [F2007L00131]*.
0615796 [F2007L00022]*.
0615825 [F2007L00059]*.
0615826 [F2007L00060]*. 0617301 [F2006L04111]*.
0615847 [F2007L00132]*. 0617302 [F2006L04114]*.
0615904 [F2007L00062]*. 0617303 [F2006L04251]*.
0615932 [F2007L00063]*. 0617304 [F2006L04113]*.
0615933 [F2007L00064]*. 0617404 [F2006L04250]*.
0616187 [F2007L00133]*. 0617402 [F2006L04107]*.
0616283 [F2006L03965]*. 0617405 [F2006L04115]*.
0616285 [F2007L00065]*. 0617406 [F2006L05734]*.
0616501 [F2006L03963]*. 0617439 [F2006L04119]*.
0616597 [F2007L00134]*. 0617441 [F2006L04104]*.
0616832 [F2006L04254]*. 0617442 [F2006L04121]*.
0616833 [F2006L03985]*. 0617772 [F2007L00174]*.
0616834 [F2006L03986]*. 0617786 [F2007L00066]*.
0616835 [F2006L03987]*. 0617787 [F2007L00067]*.
0616926 [F2006L03962]*. 0617788 [F2007L00069]*.
0616953 [F2006L03966]*. 0617790 [F2007L00175]*.
0617001 [F2006L03969]*. 0617806 [F2007L00176]*.
0617003 [F2006L03967]*. 0617923 [F2007L00177]*.
0617063 [F2006L03988]*. 0617924 [F2007L00180]*.
0617064 [F2006L03989]*. 0617925 [F2007L00135]*.
0617065 [F2006L03990]*. 0617936 [F2007L00023]*.
0617066 [F2006L03968]*. 0617946 [F2007L00181]*.
0617067 [F2006L03991]*. 0617969 [F2007L00136]*.
0617068 [F2006L03992]*. 0618025 [F2007L00182]*.
0617091 [F2006L03964]*. 0618026 [F2007L00183]*.
0617154 [F2006L04210]*. 0618047 [F2007L00024]*.
0617155 [F2006L04211]*. 0618422 [F2007L00184]*.
0617185 [F2006L04212]*. 0700804 [F2007L00190]*.
0617186 [F2006L04213]*. Tariff Concession Revocation Instruments—
0617300 [F2006L04220]*.
Tariff Concession Revocation Instruments and Explanatory Statement—

HS2007/1 to HS2007/15
[F2006L04989] to [F2006L05003].

HS2007/17 to HS2007/73
[F2006L05004] to [F2006L05060].

HS2007/74 [F2007L00214].

HS2007/75 to HS2007/118
[F2006L05062] to [F2006L05105].

HS2007/119 [F2006L05106].

HS2007/119 [F2006L05107].

HS2007/120 to HS2007/138
[F2006L05107] to [F2006L05125].

HS2007/139 [F2006L05126].

HS2007/139 [F2006L05293].

HS2007/140 to HS2007/160
[F2006L05127] to [F2006L05147].

HS2007/161 [F2006L05148].

HS2007/161 [F2006L05150].

HS2007/162 to HS2007/195
[F2006L05149] to [F2006L05182].

HS2007/197 to HS2007/213
[F2006L05184] to [F2006L05200].

HS2007/215 to HS2007/244
[F2006L05201] to [F2006L05230].

HS2007/245 [F2006L05183].

HS2007/245 [F2006L05231].

HS2007/246 to HS2007/307
[F2006L05232] to [F2006L05293].

HS2007/308 to HS2007/423
[F2006L05294] to [F2006L05409].

HS2007/424 to HS2007/431
[F2006L05410] to [F2006L05417].

HS2007/432 [F2006L05409].

HS2007/432 [F2006L05418].

HS2007/433 to HS2007/440
[F2006L05419] to [F2006L05426].

HS2007/442 [F2006L05427].

HS2007/442 [F2006L05428].

HS2007/443 to HS2007/511
[F2006L05429] to [F2006L05497].

HS2007/513 [F2006L05498].

HS2007/515 to HS2007/589
[F2006L05500] to [F2006L05574].

HS2007/590 to HS2007/636
[F2006L05575] to [F2006L05621].

HS2007/637 [F2006L05723].

HS2007/639 [F2006L05624].

HS2007/641 to HS2007/659
[F2006L05626] to [F2006L05644].

HS2007/660 [F2006L05721].

HS2007/661 to HS2007/704
[F2006L05646] to [F2006L05689].

HS2007/705 [F2006L05499].

HS2007/705 [F2006L05690].

HS2007/705 [F2006L05691].

HS2007/707 to HS2007/735
[F2006L05692] to [F2006L05720].

Customs Tariff Act—Select Legislative Instrument 2006 No. 331—Customs Tariff Amendment Regulations 2006 (No. 1) [F2006L04077]*.

Defence Act—Determinations under sections—

58B—Defence Determinations—

2006/71—Defence Housing Authority—title amendment.

2006/72—Completion bonus scheme—Navy Electronic Warfare Linguist.

2006/73—Post indexes—implementation of price review.

2006/74—Completion bonus scheme—Naval Police Coxswain categories.

2006/75—Health support allowance—Reserves.

2006/76—Pet relocation—amendment

2006/77—Overseas conditions of service—amendment.

2006/78—Completion bonus scheme—Naval Police Coxswain categories—amendment.

2007/1—Post indexes—amendment.

58H—Defence Force Remuneration Tribunal Determination No. 19 of
2006—Army Mechanic Recovery Categories Correction.

Defence Housing Australia Act—Defence Housing (Performance of Additional Functions) Determination 2006 [F2006L04126]*.


Do Not Call Register Act—Select Legislative Instrument 2006 No. 335—Do Not Call Register Regulations 2006 [F2006L04011]*.

Energy Grants (Cleaner Fuels) Scheme Act—Select Legislative Instrument 2006 No. 363—Energy Grants (Cleaner Fuels) Scheme Amendment Regulations 2006 (No. 1) [F2006L03951]*.

Environment Protection and Biodiversity Conservation Act—Adoption of State Plans as Recovery Plans [F2007L00161]*.

Environment Protection and Biodiversity Conservation Act—Amendment of list of threatened species, dated 23 November 2006 [F2006L04088]*.

Kakadu National Park Management Plan 2007 [F2006L04148]*.


Export Control Act—Export Control (Orders) Regulations—Export Control (Fees) Amendment Orders 2006 (No. 4) [F2006L03936]*.

Export Control (Fees) Amendment Orders 2006 (No. 5) [F2006L04086]*.

Livestock Export (Merino) Orders (Amendment) No. 1 of 2007 [F2007L00104]*.

Export Inspection (Establishment Registration Charges) Act—Select Legislative Instrument 2006 No. 321—Export Inspection (Establishment Registration Charges) Amendment Regulations 2006 (No. 1) [F2006L03932]*.


Federal Court of Australia Act—Select Legislative Instrument 2006 No. 377—Federal Court Amendment Rules 2006 (No. 3) [F2006L04239]*.


Financial Management and Accountability Orders (Financial Statements for reporting periods ending on or after 1 July 2006) [F2007L00137]*.

Select Legislative Instrument 2006 No. 351—Financial Management and Accountability Amendment Regulations 2006 (No. 9) [F2006L04063]*.

Financial Sector (Collection of Data) Act—Financial Sector (Collection of Data) Exemption No. 1 of 2006 [F2006L04125]*.


Business – Liquidity Support Facilities Obtained [F2006L04152]*.


69 of 2006—Reporting Standard GRS 140.0 (2007) Investments – Direct Interest Rate Holdings and Risk Charge [F2006L04155]*.


Financial Transaction Reports Act—Select Legislative Instrument 2006 No. 332—Financial Transaction Reports Amendment Regulations 2006 (No. 1) [F2006L03890]*.
Fisheries Management Act—
Southern and Eastern Scalefish and Shark Fishery Management Plan 2003—Southern and Eastern Scalefish and Shark Fishery Management Plan Amendment 2006 (No. 2) [F2006L04098]*.
Select Legislative Instruments 2006 No. 322—Fisheries Management (Western Tuna and Billfish Fishery) Regulations 2006 [F2006L03975]*.
Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 90 – 2006 [F2006L03956]*.
Foreign Acquisitions and Takeovers Act—Select Legislative Instrument 2006 No. 364—Foreign Acquisitions and Takeovers Amendment Regulations 2006 (No. 3) [F2006L04021]*.
Fuel Tax Act—
Fuel Tax (Revocation) Determination 2006 (No. 1) [F2006L04131]*.
Select Legislative Instrument 2006 No. 365—Fuel Tax Amendment Regulations 2006 (No. 1) [F2006L04001]*.
Goods and Services Tax Determinations—
GST 2006/6.
Higher Education Support Act—
Commonwealth Grant Scheme Guidelines No. 1 [F2006L04079]*.
Commonwealth Scholarships Guidelines—Amendment No. 2 [F2006L05735]*.
Funding Agreements under section 30–25, dated—
15 November 2006—University of Canberra.
17 November 2006—Australian Maritime College.
Avondale College.
Macquarie University.
22 November 2006—
Batchelor Institute of Indigenous Tertiary Education.
Charles Sturt University.
Christian Heritage College.
La Trobe University.
Monash University.
Royal Melbourne Institute of Technology University.
Southern Cross University.
Swinburne University of Technology.
Tabor College.
The Flinders University of South Australia.
The University of Adelaide.
The University of Melbourne.
The University of New England.
The University of Newcastle.
The University of New South Wales.
The University of Sydney.
University of Ballarat.
University of South Australia.
University of Tasmania.
University of Technology, Sydney.
University of Western Sydney.
29 November 2006—
Edith Cowan University.
The University of Queensland.
30 November 2006—Deakin University.
12 December 2006—The Australian National University.
14 December 2006—Victoria University.
18 December 2006—
Curtin University of Technology.
James Cook University.
Queensland University of Technology.
University of Wollongong.
19 December 2006—
Central Queensland University.
Charles Darwin University.
Murdoch University.
20 December 2006—Australian Catholic University.
21 December 2006—
Griffith University.
The University of Western Australia.
22 December 2006—
The University of Notre Dame Australia.
University of Southern Queensland.
University of the Sunshine Coast.
Higher Education Provider Approval (No. 1 of 2007)—International Conservatorium of Music (Aust) [F2007L00166]*.
Higher Education Provider Guidelines—Amendment No. 2 [F2007L00204]*.
List of maximum amounts of all grants paid in 2007 for each purpose of grant specified in section 41-10 [F2006L03981]*.
Other Grants Guidelines 2006—
Amendment No. 1 [F2006L04080]*.
Amendment No. 2 [F2006L04127]*.
Income Tax Assessment Act 1997—
Income Tax (Effective Life of Depreciating Assets) Amendment Determination 2006 (No. 4) [F2006L04005]*.
Select Legislative Instruments 2006 Nos—
367—Income Tax Assessment Amendment Regulations 2006 (No. 4) [F2006L03995]*.
368—Income Tax Assessment Amendment Regulations 2006 (No. 5) [F2006L04000]*.
Interstate Road Transport Act—Select Legislative Instrument 2006 No. 357—Interstate Road Transport Amendment Regulations 2006 (No. 3) [F2006L04095]*.
Jervis Bay Territory Acceptance Act—Administration Ordinance—Fee Determination No. 1 of 2007 [Electricity Supply] [F2007L00203]*.


Migration Act—
Migration Agents Regulations—MARA Notices—
MN49-06c of 2006—Migration Agents (Continuing Professional Development—Attendance at a Seminar, Workshop, Conference or Lecture) [F2006L03786]*.
MN03-07b of 2007—Migration Agents (Continuing Professional Development—Private Study of Audio, Video or Written Material) [F2007L00157]*.
MN03-07c of 2007—Migration Agents (Continuing Professional Development—Attendance at a Seminar, Workshop, Conference or Lecture) [F2007L00159]*.
MN03-07f of 2007—Migration Agents (Continuing Professional Development—Miscellaneous Activities) [F2007L00158]*.

Migration Regulations—Instruments—
IMMI 06/019—Bridging Visa A—Certain Applicants Exempt from Condition 8101 [F200700005]*.
IMMI 06/020—Bridging Visa C—Satisfaction of Criteria by Certain Applicants [F200700006]*.
IMMI 06/021—Bridging (General) Visa—Satisfaction of Criteria by Certain Applicants [F2007L00004]*.
IMMI 06/080—Places and Currencies for Paying of Fees [F2006L04172]*.

IMMI 06/081—Payment of Visa Application Charges and Fees in Foreign Currencies [F2006L04173]*.
IMMI 06/086—Regional Certifying Bodies and Post Codes Defining Regional Australia for Certain Visas [F2006L04047]*.
IMMI 06/089—Organisations that may sponsor Short Stay Business Visitors [F2006L04128]*.
IMMI 06/091—Working Holiday Visa—Definitions of ‘Seasonal Work’ and ‘Regional Australia’ [F2007L00075]*.

Select Legislative Instrument 2006 No. 354—Migration Amendment Regulations 2006 (No. 7) [F2006L04033]*.

Military Superannuation and Benefits Act—Military Superannuation and Benefits Amendment Trust Deed 2006 (No. 1) [F2006L04096]*.

Military Rehabilitation and Compensation Act—
Military Rehabilitation and Compensation (Members) Determination 2006 (No. 2) [F2006L04135]*.
Military Rehabilitation and Compensation (Pay-related Allowances) Determination 2006 (No. 2) [F2007L00164]*.
Select Legislative Instrument 2006 No. 336—Military Rehabilitation and Compensation Amendment Regulations 2006 (No. 2) [F2006L03946]*.

Miscellaneous Taxation Rulings—
MT 2006/1.
Notice of Withdrawal—MT 2000/1.

Motor Vehicle Standards Act—
Vehicle Standard (Australian Design Rule 2/00—Side Door Latches and Hinges) 2006 Amendment 1 [F2007L00169]*.
Vehicle Standard (Australian Design Rule 4/00 – Seatbelts) 2006 Amendment 1 [F2006L04050]*.
Vehicle Standard (Australian Design Rule 5/00 – Anchorages for Seat Belts and Child Restraints) 2006 Amendment 1 [F2006L04054]*.
Vehicle Standard (Australian Design Rule 6/00 – Direction Indicators) 2005 Amendment 1 [F2006L04059]*.
Vehicle Standard (Australian Design Rule 14/01 – Rear Vision Mirrors) 2006 Amendment 1 [F2006L04064]*.
Vehicle Standard (Australian Design Rule 18/00 – Instrumentation) 2006 Amendment 1 [F2006L04065]*.
Vehicle Standard (Australian Design Rule 19/00 – Installation of Lighting and Light-Signalling Devices on L-Group Vehicles) 2006 Amendment 1 [F2006L04070]*.
Vehicle Standard (Australian Design Rule 23/00 – Passenger Car Tyres) 2006 Amendment 1 [F2006L04071]*.
Vehicle Standard (Australian Design Rule 25/00 – Anti-Theft Lock) 2006 Amendment 1 [F2006L04072]*.
Vehicle Standard (Australian Design Rule 80/02 – Emission Control for Heavy Vehicles) 2006 [F2006L04051]*.
Vehicle Standard (Australian Design Rule 80/03 – Emission Control for Heavy Vehicles) 2006 [F2006L04062]*.

National Health Act—
Arrangements Nos—
  PB 4 of 2007—Chemotherapy Pharmaceuticals Access Program [F2006L03993]*.
  PB 10 of 2007—Highly Specialised Drugs Program [F2007L00083]*.
  PB 11 of 2007—Special Authority Program (Imatinib Mesylate) [F2007L00084]*.
Declarations Nos—
  PB 2 of 2007 [F2006L03977]*.
  PB 3 of 2007 [F2006L03978]*.
  PB 7 of 2007 [F2007L00081]*.
Determinations Nos—
  HIB 01/2007 [F2007L00195]*.
  PB 1 of 2007 [F2006L03974]*.
  PB 5 of 2007 [F2006L03980]*.
  PB 6 of 2007 [F2007L00082]*.
  PB 8 of 2007 [F2007L00079]*.
  PB 9 of 2007 [F2007L00080]*.
  PSO 8/2006 [F2006L04188]*.
Determinations under sections—
  84BA, dated 15 December 2006 [F2006L04252]*.
  84HA, dated 7 December 2006 [F2006L04041]*.
National Health and Medical Research Council Act—Select Legislative Instrument 2006 No. 353—National Health and
Medical Research Council Regulations 2006 [F2006L03519]*.


Navigation Act—Marine Orders Nos—
16 of 2006—Carriage of dangerous goods [F2006L04177]*.
1 of 2007—Solid bulk cargoes [F2007L00050]*.

Navigation Act and Protection of the Sea (Prevention of Pollution from Ships) Act—
Marine Orders Nos—
14 of 2006—Marine Pollution Prevention – Noxious Liquid Substances [F2006L04222]*.
15 of 2006—Marine Pollution Prevention – Oil [F2006L04221]*.

Select Legislative Instrument 2006 No. 359—Navigation (Orders) Amendment Regulations 2006 (No. 1) [F2006L04053]*.


Parliamentary Entitlements Act—

Primary Industries Levies and Charges Collection Act—Select Legislative Instrument 2006 No. 324—Primary Industries Levies and Charges (National Residue Survey Levies) Amendment Regulations 2006 (No. 4) [F2006L04084]*.

Privacy Act—Select Legislative Instruments 2006 Nos—
333—Privacy (Private Sector) Amendment Regulations 2006 (No. 3) [F2006L04002]*.
334—Privacy Regulations 2006 [F2006L04075]*.

Product Rulings—
Addenda—
PR 1999/95.
PR 2006/62.
Erratum—PR 2006/88.
PR 2006/154 to PR 2006/165.

Product Stewardship (Oil) Act—Select Legislative Instrument 2006 No. 343—Product Stewardship (Oil) Amendment Regulations 2006 (No. 2) [F2006L04055]*.


Quarantine Act—
Quarantine Amendment Proclamations 2006—
(No. 6) [F2006L04008]*.
(No. 7) [F2006L04007]*.

Quarantine (Christmas Island) Amendment Proclamation 2006 (No. 2) [F2006L04009]*.

Quarantine (Cocos Islands) Amendment Proclamation 2006 (No. 2) [F2006L04010]*.

Radiocommunications Act—
Radiocommunications (Allocation of Spectrum Licences by Auction or Pre-
determined Price) Determination 2006 [F2006L05750]*.

Radiocommunications (Broadcasting (Low Power Open Narrowcasting) Transmitter Licence – Allocation) Amendment Determination 2006 (No. 1) [F2006L05745]*.

Radiocommunications (Duration of CTV Transmitter Licences) Determination No. 1 of 2006 [F2006L04184]*.

Radiocommunications (Foreign Space Objects) Amendment Determination 2006 (No. 2) [F2006L05748]*.

Radiocommunications Spectrum Marketing Plan (500 MHz Band) 1996 Variation (No. 1) 2007 [F2007L00218]*.

Radiocommunications Spectrum Marketing Plan (500 MHz Band) 2003 Variation (No. 1) 2007 [F2007L00217]*.

Remuneration Tribunal Act—Determinations—
2006/22: Remuneration and Allowances for Holders of Public Office [F2006L04139]*.


Renewable Energy (Electricity) Act—Select Legislative Instruments 2006 Nos—
344—Renewable Energy (Electricity) Amendment Regulations 2006 (No. 3) [F2006L03994]*.

345—Renewable Energy (Electricity) Amendment Regulations 2006 (No. 4) [F2006L03960]*.

Royal Commissions Act—Select Legislative Instrument 2006 No. 375—Royal Commissions Amendment Regulations 2006 (No. 2) [F2006L04083]*.

Sales Tax Rulings—Notices of Withdrawal—
SST 1 and SST 4—SST 18.


Seafarers Rehabilitation and Compensation Levy Collection Act—Select Legislative Instrument 2006 No. 339—Seafarers Rehabilitation and Compensation Levy Collection Amendment Regulations 2006 (No. 1) [F2006L04049]*.

Seas and Submerged Lands Act—
Seas and Submerged Lands (Historic Bays) Proclamation 2006 [F2006L00526]*.

Seas and Submerged Lands (Territorial Sea Baseline) Proclamation 2006 [F2006L00525]*.

Shipping Registration Act—Select Legislative Instrument 2006 No. 361—Shipping Registration Amendment Regulations 2006 (No. 1) [F2006L04082]*.

Social Security Act—
Social Security (Australian Government Disaster Recovery Payment) Determination (No. 1) 2006 [F2006L04144]*.

Social Security (Australian Government Disaster Recovery Payment) Determination (No. 2) 2006 [F2006L04147]*.

Social Security Foreign Currency Exchange Rate Determination 2006 (No. 2) [F2006L04017]*.

Superannuation Act 1990—
Superannuation (PSS) Membership Inclusion Declaration 2006 [F2006L04171]*.

Superannuation (Resolution of Complaints) Act—Select Legislative Instrument 2006 No. 369—Superannuation (Resolution of Complaints) Amendment Regulations 2006 (No. 1) [F2006L04019]*.

Taxation Determinations—
Notices of Withdrawal—
TD 93/143 and TD 93/179.
TD 97/22.
TD 2006/75—TD 2006/79.

Taxation Rulings—
Addenda—
TR 96/15.
TR 2001/14.
TR 2006/13.
Notices of Withdrawal—
Old series—IT 2616.
TR 2006/15.
TR 2006/5 and TR 2006/List.
Telecommunications Act—
Telecommunications (Carrier Licence Exemption) Determination No. 1 of 2001 (Amendment No. 1 of 2006) [F2006L04238]*.
Telecommunications Numbering Plan Variation 2006 (No. 4) [F2006L04030]*.
Telecommunications (Interception and Access) Act—
Declaration of eligible authority as agency – Office of Police Integrity [F2006L04185]*.
Telecommunications (Interception and Access) (Emergency Service Facility – Victoria) Amendment Instrument 2006 (No. 1) [F2007L00077]*.
Telecommunications (Numbering Charges) Act—
Telecommunications (Date of Imposition of Charge) Determination 2007 [F2007L00225]*.
Telecommunications (Exemption from Annual Charge) Determination 2007 [F2007L00223]*.
(No. 2) [F2006L04012]*.
(No. 3) [F2006L04016]*.
(No. 4) [F2007L00152]*.
Torres Strait Fisheries Act—Torres Strait Prawn Fishery—Torres Strait Fisheries Management Notice No. 81—Requirement for use of turtle excluder device [F2006L05746]*.
Trade Marks Act—Select Legislative Instrument 2006 No. 356—Trade Marks Amendment Regulations 2006 (No. 1) [F2006L03976]*.
Trade Practices Act—Select Legislative Instruments 2006 Nos—
370—Trade Practices Amendment Regulations 2006 (No. 2) [F2006L04027]*.
Veterans’ Entitlements Act—
Statements of Principles concerning—
Alpha-1 Antitrypsin Deficiency No. 1 of 2007 [F2007L00031]*.
Alpha-1 Antitrypsin Deficiency No. 2 of 2007 [F2007L00032]*.
Charcot-Marie-Tooth Disease No. 9 of 2007 [F2007L00039]*.
Charcot-Marie-Tooth Disease No. 10 of 2007 [F2007L00044]*.
Depressive Disorder No. 17 of 2007 [F2007L00053]*.
Depressive Disorder No. 18 of 2007 [F2007L00054]*.
Gaucher’s Disease No. 3 of 2007 [F2007L00033]*.
Gaucher’s Disease No. 4 of 2007 [F2007L00034]*.
Hereditary Spherocytosis No. 13 of 2007 [F2007L00047]*.
Hereditary Spherocytosis No. 14 of 2007 [F2007L00049]*.
Huntington’s Chorea No. 5 of 2007 [F2007L00035]*.
Huntington’s Chorea No. 6 of 2007 [F2007L00036]*.
Multiple Osteochondromatosis No. 11 of 2007 [F2007L00046]*.
Multiple Osteochondromatosis No. 12 of 2007 [F2007L00048]*.
Myasthenia Gravis No. 15 of 2007 [F2007L00051]*.
Myasthenia Gravis No. 16 of 2007 [F2007L00052]*.
Plantar Fasciitis No. 19 of 2007 [F2007L00055]*.
Plantar Fasciitis No. 20 of 2007 [F2007L00056]*.
Wilson’s Disease No. 7 of 2007 [F2007L00037]*.
Wilson’s Disease No. 8 of 2007 [F2007L00038]*.
Instrument No. 2006/R32—Veterans’ Entitlements (Repatriation Private Patient Principles 2004 – New Member for NATMOC) [F2007L00200]*.
Instrument No. 2006/R36—Veterans’ Entitlements (Treatment Principles – Veterans’ Access Payment Increase) [F2007L00088]*.
Workplace Relations Act and Workplace Relations Amendment (Work Choices) Act—Select Legislative Instruments 2006 Nos—
340—Workplace Relations Amendment Regulations 2006 (No. 4) [F2006L04068]*.
341—Workplace Relations Amendment Regulations 2006 (No. 5) [F2006L04067]*.
Governor-General’s Proclamations—Commencement of Provisions of Acts
Environment and Heritage Legislation Amendment Act (No. 1) 2006—
Items 605, 837, 839, 852 and 853 of Schedule 1—1 January 2007 [F2006L04046]*.
Item 763 of Schedule 1—15 January 2007 [F2007L00129]*.
Trade Practices Legislation Amendment Act (No. 1) 2006—Schedule 1—1 January 2007 [F2006L04026]*.
* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Abortion**

*(Question No. 325 supplementary)*

**Senator Boswell** asked the Minister representing the Minister for Health and Ageing, upon notice, on 31 January 2005:

(7) Are abortion clinics subject to any form of government accreditation relating to counselling and abortion procedures.

**Senator Santoro**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

There is no Commonwealth Government accreditation process for counselling provided in association with termination of pregnancy.

Where a procedure is performed in a hospital, the hospital is subject to licensing by individual state and territory governments. In 2005, the Department of Health and Ageing wrote to each state and territory health department seeking information regarding accreditation requirements that may apply to counselling and women seeking abortion. The following information has been provided by each state and territory:

**New South Wales**

New South Wales Health advises that: ‘New South Wales does not have accreditation requirements in place for clinics that carry out terminations of pregnancy.

Privately owned and operated health care facilities that carry out surgical procedures (including procedures for termination of pregnancy) under general or regional anaesthesia or intravenous sedation otherwise than for the purpose of simple sedation are required to have a surgical class license under the Private Hospitals and Day Procedure Centres Act 1988.

The Regulations under the Act prescribe licensing standards for surgical class facilities that relate to the safety of patients. The standards include requirements for quality assurance, staffing, infection control, incident reporting, clinical records, building design, equipment and maintenance.’

**Queensland**

Queensland Health advises ‘I am advised by the Chief Health Officer that surgical abortions in the private sector are being performed in facilities that are licensed under the Private Health Facilities Act 1999 (the Act). The licensee must comply with the requirements contained in the Act, Regulations and Standards. The Clinical Services Capability Framework (CSCF) for public and licensed private health facilities, Version 2, July 2005 specifies the minimum requirements for termination of pregnancy procedures. This includes a requirement for termination of pregnancy procedures to be performed in accordance with the Criminal Code Act 1899 and the Australian Medical Association of Queensland Policy Late Second Trimester Termination of Pregnancy. There is also a minimum requirement that patients must have access to counselling prior to the procedure.’

**Victoria**

The Department of Human Services advises that: ‘under the Victorian Health Services Act 1988, private termination clinics are registered as private day procedure centres …

The Private Hospitals Unit (PHU) of the Department of Human Services monitors the safety and quality of the health services provided in all private hospitals and private day procedure centres, under the Health Services (Private Hospitals and Day Procedure Centres) Regulations 2002 (the Regulations).
Both the Act and the Regulations include provision for ensuring the maintenance, monitoring, evaluation and continuous improvement of quality services, to ensure the needs of the patient are met for each type of service provided. In the case of termination of pregnancy, the provision of appropriate counselling services is included in an assessment of a patient’s needs.

**Tasmania**

The Department of Health and Human Services advises: ‘that current Tasmanian legislation does not include the regulation of day procedure clinics. Consequently there is no regulation of abortion clinics, as these generally do not require overnight stay.’

**Northern Territory**

The Department of Health and Community Services advises that: ‘The Northern Territory does not have any abortion clinics. Terminations are conducted through public hospitals, predominantly Royal Darwin Hospital and Alice Springs Hospital and a smaller number at Darwin Private Hospital.

All Northern Territory public hospitals are accredited through the Australian Council of Healthcare Standards.’

**Australian Capital Territory**

ACT Health advises that: ‘Pregnancy termination clinics in the ACT are not subject to government accreditation relating to counselling and termination procedures. …Under the ACT Health Act 1993, terminations may only be carried out by a doctor in an approved facility. These medical facilities must comply with the ACT Health Care Facilities Code of Practice 2001 and must be licensed under the Public Health Act 1997. Licensed health care facilities are inspected by public health officers.’

**Western Australia**

The Department of Health advises that: ‘Public hospitals that provide abortion services in Western Australia are not subject to government accreditation. Private hospitals and private day hospitals are required to be licensed in accordance with the Hospitals and Health Services Act 1927 (the Act) …

Sections 334 (3), (4) & (5) of the Health Act 1911 set out counselling requirements in relation to ‘informed consent’. ‘Informed consent’ means consent freely given by the woman where –

(a) a medical practitioner has properly, appropriately and adequately provided her with counselling about the medical risk of termination of pregnancy and of carrying a pregnancy to term;

(b) a medical practitioner has offered her the opportunity of referral to appropriate and adequate counselling about matters relating to termination of pregnancy and carrying a pregnancy to term; and

(c) a medical practitioner has informed her that appropriate and adequate counselling will be available to her should she wish it upon termination of pregnancy or after carrying the pregnancy to term.

It is also a requirement that any medical practitioner who performs or assists in an abortion must not be the same person who has provided the woman with the counselling and referral information required for informed consent. Therefore the medical practitioner who performs the abortion cannot, by law, provide the counselling associated with informed consent.’

**South Australia**

The Department of Health advises that: ‘Medical termination of pregnancy became legal in 1970 and is governed by Section 82A of the Criminal Law Consolidation Act 1935 and the Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996 … the termination must be performed in a prescribed hospital. Schedule 3 to the Regulations sets out the list of prescribed hospitals. The list includes hospitals that are public and private, metropolitan and country. South Australia does not have ‘stand alone’ abortion clinics …

The Act and Regulations have extensive reporting requirements from which abortion statistics are collated annually by the Pregnancy Outcome Unit of the Department of Health. Since the inception of the
legislation, there has been a Committee which has overseen the annual reporting of abortion statistics. The annual report is tabled in Parliament.

**Foreign Affairs and Trade: Staffing**  
(Question Nos 650 and 652)

Senator Chris Evans asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 4 May 2005:

For each of the financial years 2000-01 to 2004-05 to date, can the following information be provided for the department and/or its agencies:

1. What were the base and top level salaries of Australian Public Service (APS) level 1 to 6 officers and equivalent staff employed.

2. What were the base and top level salaries of APS Executive level and Senior Executive Service officers and equivalent staff employed.

3. Are APS officers eligible for performance or other bonuses; if so: (a) to what levels are these bonuses applied; (b) are these applied on an annual basis; (c) what conditions are placed on the qualification of these bonuses; and (d) how many bonuses were paid at each level, and what was their dollar value for the periods specified above.

4. (a) How many senior officers have been supplied with motor vehicles; and (b) what has been the cost to date.

5. How many senior officers have been supplied with mobile phones; and (b) what has been the cost to date.

6. How many management retreats or training programs have staff attended.

7. How many management retreats or training programs have been held off-site.

8. In the case of each off-site management retreat or training program: (a) where was the event held; and (b) what was the cost of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.

9. How many official domestic trips have been undertaken by staff and what was the cost of this domestic travel, and in each case: (a) what was the destination; (b) what was the purpose of the travel; and (c) what was the cost of the travel, including a breakdown of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.

10. How many official overseas trips have been undertaken by staff and what was the cost of this travel, and in each case: (a) what was the destination; (b) what was the purpose of the travel; and (c) what was the cost of the travel, including a breakdown of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.

11. (a) What was the total cost of air charters used, and (b) on how many occasions was aircraft chartered, and in each case, what was the name of the charter company that provided the service and the respective costs.

Senator Coonan—the Minister for Foreign Affairs, on behalf of the Minister for Trade and himself, has provided the following answer to the honourable senator’s question:

1. (2) and (3) These questions have been referred to Senator Abetz, Special Minister of State, to answer.

4. DFAT

(a) All staff of the Senior Executive Service in DFAT are supplied with a motor vehicle unless they choose to cash out their entitlement. SES staff opt to participate in, or cash out of, the Executive Vehicle Scheme at different times according to personal situations and overseas post-
ings. Promotions, departures, secondments and retirements also have an impact. Accordingly, during the course of each year, the number of senior staff supplied with a vehicle can vary materially.

(b) All costs associated with providing vehicles to SES staff overseas is managed separately by each post. To provide the costs would involve a significant diversion of resources which I do not consider to be justified. The cost of supplying vehicles, including pool vehicles, to SES officers in Australia is managed centrally. The total cost of supplying vehicles to SES officers in Australia was $872,107 for 2004-05 and $853,785 for 2003-04. To provide information on the costs of supplying motor vehicles for financial years 2002-03, 2001-02 and 2000-01 would involve a significant diversion of resources which I do not consider to be justified.

(4) AusAID

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>15</td>
<td>14</td>
<td>14</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>b)</td>
<td>$269,370</td>
<td>$226,143</td>
<td>$208,785</td>
<td>$156,670</td>
<td>$170,786</td>
</tr>
</tbody>
</table>

(4) AUSTRADE

(a) and (b) To provide information for the financial years in question with respect to senior officers would require extensive inquiries in Canberra and overseas and the time and cost involved would create a significant diversion of resources which I consider cannot be justified in this case.

(4) ACIAR

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>b)</td>
<td>$115,288</td>
<td>$106,671</td>
<td>$74,917</td>
<td>$62,752</td>
<td>$59,422</td>
</tr>
</tbody>
</table>

(4) AJF – Nil

(4) EFIC

(a) Between July 2000 and June 2005, at Head of Department level and above, 14 officers have been supplied with motor vehicles.

(b) As the motor vehicles were provided to officers under a salary sacrifice arrangement, this effectively means there was no cost to EFIC for the provision of these vehicles.

(5) DFAT

(a) Mobile telephone allocation and usage is managed by individual divisions, offices and overseas posts. Individual work areas are required to manage the use of mobile phones in accordance with strict departmental guidelines. It would require a substantial use of resources to provide the information requested and I am not prepared to authorise this.

(b) It would require the diversion of substantial resources to provide the information requested and I am not prepared to authorise this.

(5) AusAID

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>30</td>
<td>30</td>
<td>34</td>
<td>41</td>
<td>40</td>
</tr>
<tr>
<td>b)</td>
<td>$25,747</td>
<td>$21,144</td>
<td>$42,009</td>
<td>$28,164</td>
<td>$29,466</td>
</tr>
</tbody>
</table>

(5) AUSTRADE

(a) and (b) To provide information for the financial years in question, with respect to senior officers, would require extensive inquiries in Canberra and overseas and the time and cost involved would create a significant diversion of resources which I consider can’t be justified in this case.
QUESTIONS ON NOTICE

(5) **ACIAR**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>16</td>
<td>14</td>
<td>24</td>
<td>27</td>
<td>26</td>
</tr>
<tr>
<td>b)</td>
<td>$11,533</td>
<td>$13,747</td>
<td>$15,446</td>
<td>$18,639</td>
<td>$17,108</td>
</tr>
</tbody>
</table>

(5) **AJF** – Nil response

(5) **EFIC**

(a) At Head of Department level and above, 28 officers have been supplied with mobile phones.

(b) Compiling cost details would involve a significant diversion of resources.

(6) (7), (8), (9) and (10) These questions have been referred to Senator Abetz, Special Minister of State, to answer

(11) **DFAT**

(a) and (b) The preparation of answers to these questions would require an unreasonable diversion of resources which I do not consider to be justified.

(11) **AusAID**

Because of the underdeveloped nature of transport infrastructure in a number of countries where AusAID is present, air charters are used in the absence of other feasible transport options. The overwhelming majority of these charters are used for domestic travel within the country concerned in circumstances where surface or sea travel is not feasible for reasons such as security, time efficiency or the absence of transport infrastructure (eg trafficable roads).

Such charters are funded as transport costs against the relevant country aid program or project and often through subcontracted arrangements. These small scale charters are not managed or recorded centrally, and given the scale of the usage, providing the information sought would require a disproportionate and unreasonable diversion of resources.

(11) **AUSTRADE**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Nil</td>
<td>One charter - Freebird Aviation, Johannesburg RSA</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>b)</td>
<td>Nil</td>
<td>$A40,772</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

(11) **ACIAR** - Nil

(11) **AJF** - Nil

(11) **EFIC** – Nil

Visas

(Question No. 1804)

Senator Nettle asked the Minister for Immigration and Multicultural Affairs, upon notice, on 22 May 2006:

With reference to the announcement of 3 May 2006 regarding changes to the Working Holiday Visa scheme that allows workers in the forestry industry to apply for a 12-month extension to their visas: On what basis has it been determined that forestry worker is an occupation in short supply.

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

The changes allow Working Holiday Makers (WHMs) who have done 3 months ‘seasonal work’ in an expanded range of primary industries, in regional Australia, to apply to stay for a further 12 months on a second WHM visa. To assist regional Australia to overcome temporary labour shortages, it was decided, following public consultations on proposed enhancements to the WHM programme, to extend the definition of ‘seasonal work’ beyond horticulture to include other primary industries- forestry, pearling, livestock maintenance and processing, and aquaculture.
Automotive Competitiveness and Investment Scheme
(Question No. 1814)

Senator Allison asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 25 May 2006:

(1) What is the total amount expended to date on the Automotive Competitiveness and Investment Scheme.

(2) Can a breakdown be provided of the companies in receipt of funds under the scheme.

(3) What will be the cost of the scheme in the 2005-06 financial year.

(4) What is the budget for the scheme in the following financial years: (a) 2006-07; (b) 2007-08; (c) 2008-09; and (d) 2009-10.

(5) How much of the cost, to date and in budget projections to 2009-10, has been targeted specifically at the local production of: (a) hybrid petrol-electric vehicles; (b) compact vehicles; (c) vehicles meeting specific fuel efficiency standards; and (d) buses or urban passenger trains.

(6) What is the value of funding, on the scheme, to date and in the budget projections to 2009-10, expended on cars with six or more cylinders.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) Automotive Competitiveness and Investment Scheme (ACIS) has provided assistance of $3.22 billion, as at 30 November 2006, to the Australian automotive industry since the commencement of the Scheme on 1 January 2001.

(2) The information requested is unable to be provided. Confidentiality restrictions relating to several of AusIndustry’s programs preclude the release of information of this nature without the expressed authority of customers. These restrictions have been removed in ACIS Stage 2. Information on ACIS Stage 2 participants and their entitlements may be made public after each calendar year at the discretion of the Minister.

(3) In the financial year 2005-06, ACIS has provided assistance of $479.58 million.

(4) The budget for ACIS program assistance in the following financial years is:

(a) 2006-07, $584.0 million;
(b) 2007-08, $584.0 million;
(c) 2008-09, $584.0 million; and
(d) 2009-10, $560.0 million.

(5) The purpose of ACIS is to provide transitional assistance to encourage competitive investment and innovation in the Australian automotive industry in order to achieve sustainable growth, both in the Australian market and internationally, in the context of trade liberalisation. The Scheme is largely focused on the production of Australian passenger motor vehicles.

The recently established MVP R&D Scheme is an integral component of ACIS Stage 2 (1 January 2006 – 31 December 2010). This sub-Scheme of ACIS provides assistance to the four Australian motor vehicle producers against certain criteria that include the extent to which a project involves leading edge technologies, and the level of economic and environmental benefits the project may create.

(6) ACIS Assistance is provided to four local motor vehicle producers and the supply chain based on the value of production of passenger motor vehicles and the level of investment undertaken in plant & equipment and research and development to produce passenger motor vehicles, engine components, automotive components, automotive tools and automotive services. In Australia, passenger
motor vehicle production is largely for vehicles of 6 cylinders, however small quantities of 4 and 8 cylinder vehicles are produced. The supply chain supplies to these manufacturers and also other vehicle manufacturers globally. The value of ACIS funding related to vehicles with six or more cylinders is not specifically identifiable.

**Conclusive Certificates**
(Question No. 1948 amended)

**Senator O’Brien** asked the Minister for Finance and Administration, upon notice, on 8 June 2006:

(1) Since October 1996, on how many occasions has a conclusive certificate been issued in relation to departments or agencies within the Minister’s portfolio exempting a document or documents from disclosure under the Freedom of Information Act 1982 (FOI).

(2) For each occasion: (a) what was the date; (b) what was the department or agency of which the FOI request was made; (c) what officer made the decision; (d) what was the document or documents excluded from disclosure pursuant to the certificate; and (e) was an appeal made against the decision in the Administrative Appeals Tribunal; if so, what was the case name and its outcome.

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

(1) Since October 1996, one conclusive certificate has been issued under section 34 of the FOI Act by the Secretary of the Department of the Prime Minister and Cabinet (PM&C), in response to two identical requests received by the Department of Finance and Administration (Finance) and the Department of Industry, Tourism and Resources (DITR).

(2) (a) The conclusive certificate was issued on 20 February 2001.

(b) The department was Finance. As noted above, an identical FOI request was received by DITR, and the conclusive certificate also applied to that request.

(c) Mr Jim Kerwin, Branch Manager, Commonwealth Financial Reporting Branch, Budget Group within Finance, made the decision to exempt the documents subject to this request.

The then Secretary of PM&C, pursuant to his statutory powers under Section 34 of the FOI Act, made the decision to issue a conclusive certificate in respect of the documents.

(d) The documents that were determined exempt from release under the conclusive certificate related to alternative locations to Lucas Heights for the siting of the replacement nuclear reactor.

(e) On 17 August 2001 an appeal was heard in the Administrative Appeals Tribunal (AAT) against the decision to issue a conclusive certificate in the matter of the Sutherland Shire Council and DITR and Finance [2001] AATA718. The decision was upheld by the AAT and the conclusive certificate was determined valid.

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

**Senator O’Brien** asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 18 June 2006:

What is the quantum of payments made as settlements to claims for monetary compensation by the departments and agencies for which the Minister is responsible that are consistent with Legal Services Directions issued under section 55ZF of the Judiciary Act 1903, by financial year, since the first Legal Services Directions were issued.

**Senator Ian Campbell**—The Minister for Transport and Regional Services has provided the following supplementary answer to the honourable senator’s question:
To clarify that the original answer to this question for the Department of Transport and Regional Services and the National Capital Authority excludes compensation payments made by Comcover but that Comcover has advised that it is unable, without a significant diversion of resources, to distinguish between amounts of compensation paid on behalf of agencies and the reimbursement of costs incurred by claimants. The original answer was tabled on 5 September 2006.

**ABC Radio**

(Question No. 2012)

Senator Bob Brown asked the Minister for Communications, Information Technology and the Arts, upon notice, on 13 June 2006:

With reference to a number of complaints received by Senator Brown in relation to the switch from AM to FM band radio in Northern Tasmania and given that since the switch ABC radio cannot be properly received in areas west of Doctors’ Rocks and in Ulverstone and Mawbanna: what is being done to rectify this loss of reception in these communities.

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

The ABC advised that in March 2006 the ABC’s main Northern Tasmania Local Radio service was moved from 711AM to 91.7FM. This followed over two years of planning and consultation. The 711AM service had been provided from a site in Kelso and the 91.7FM service from Mount Barrow.

The ABC advised that there are a number of benefits in converting from AM to FM transmissions. Transmissions on the FM band are better protected from electrical interference, provide consistent reception coverage both during the day and in the evening and have cleaner, clearer audio quality than comparable AM transmissions.

Specific benefits for northern Tasmania are that all other ABC Radio services transmit from the high-powered FM tower at Mt Barrow (Radio National, ABC NewsRadio, Classic FM and Triple J). This site provides more modern facilities than provided at the Kelso site, to ensure continuity of transmissions. This includes the provision of a dedicated standby transmitter for the 91.7FM Local Radio service in circumstances when the main transmitter fails. This was not the case with the 711AM Kelso service.

There are also 15 dedicated local ‘infill’ services that broadcast ABC Northern Tasmania Local Radio, supplementing the main regional service from Mount Barrow. These services have been established in the last twenty years to compensate for 711AM reception problems.

These services are:

- Bicheno 89.7 FM
- Burnie 102.5 FM
- Devonport East 100.5 FM
- Fingal 1161 AM
- King Island 88.5 FM
- Lileah 91.3 FM
- Queenstown/Zeehan 90.5 FM
- Rosebery 106.3 FM
- Savage River/Waratah 104.1 FM
- St Helens 1584 AM
- St Marys 102.7 FM
- Strahan 107.5 FM
- Swansea 106.1 FM
The ABC has advised that both Ulverstone and Doctors Rocks are within the coverage of the main regional service from Mount Barrow (91.7FM) and the local Burnie service (102.5FM), while Mawbanna is within the coverage of the 91.3FM service at Lileah.

The ABC has advised that it is aware that some listeners have experienced difficulties making the transition from 711AM to 91.7FM or their relevant local frequency. After collation of audience feedback gained following the conversion, the ABC believes the majority of problems have been resolved by the individual through the use of adequate FM radio receiving equipment and tuning to the optimal frequency for their location. Consequently, the ABC is developing an information campaign for residents of the North-West Coast about the options for tuning to the ABC Local Radio service. This campaign will provide information about the main service from Mount Barrow as well as information about the alternative options of tuning to an “in-fill” service, in circumstances were the reception of the main service is not adequate.

However, despite this campaign and apparent resolution of the issue, the ABC is continuing to monitor and investigate reception difficulties and may, if appropriate, alter technical specifications to enhance reception. Through its Reception Advice Line (1300 13 9994) the ABC provides information to the public regarding their best frequency and the type of equipment required to tune to the service.

Sydney (Kingsford Smith) Airport
(Question No. 2105)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 June 2006:

(1) For each of the financial years 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06, how many flights into or out of Sydney Airport were outside of legislated curfew hours.

(2) For each of the above financial years, can details be provided for each week where legislated quotas were exceeded and the reason why the quota was exceeded.

(3) For each of these occurrences, how many instances may be classified as emergencies as defined by section 19 of the Sydney Airport Curfew Act 1995.

(4) Can details be provided of when and why the Secretary of the department has used the powers under section 12 of the Act to approve take-off or landings outside curfew times.

(5) For each of the above financial years, can details be provided of any dispensations issued under section 20 of the Act.

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

(1) The following table shows the number of flights between curfew hours (11pm-6am). The Sydney Airport movement data was extracted from the Curfew Reporting database which was started in August 2000.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Departures between 11pm and 6am</th>
<th>Arrivals between 11pm and 6am</th>
<th>Total # Flights between 11pm and 6am</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 01/02</td>
<td>4884</td>
<td>3766</td>
<td>8650</td>
</tr>
<tr>
<td>FY 02/03</td>
<td>4463</td>
<td>3516</td>
<td>7979</td>
</tr>
<tr>
<td>FY 03/04</td>
<td>4427</td>
<td>3794</td>
<td>8221</td>
</tr>
<tr>
<td>FY 04/05</td>
<td>4184</td>
<td>3543</td>
<td>7727</td>
</tr>
<tr>
<td>FY 05/06 (until 22nd June 06)</td>
<td>3794</td>
<td>3195</td>
<td>6989</td>
</tr>
</tbody>
</table>
Since July 2001 reports kept by Airservices Australia do not indicate any aircraft movements in excess of legislated quotas.

Not applicable.

In accordance with Section 12(4)(b) of the Act, approvals for international passenger aircraft to land between 5am and 6am were on the basis that:

(a) there was no alternative airport in the Sydney area with capacity to accommodate the landing; and

(b) there were curfew constraints at overseas airports or a lack of capacity at Sydney Airport outside curfew periods.

(c) flight departure times from the point of origin are fixed throughout the year, it is the arrival time that shifts with the onset/end of Daylight Saving Time.

Approvals granted under Section 12 of the Act are listed below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Movements Per Week</th>
<th>Allocated To</th>
<th>Flight #</th>
<th>Dates covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>7</td>
<td>British Airways BA015</td>
<td>02-04-06 to 28-10-06</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>Qantas Airways QF6</td>
<td>27-03-06 to 28-10-06</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Qantas Airways QF2</td>
<td>27-03-06 to 28-10-06</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>Singapore Airlines SQ221</td>
<td>01-04-06 to 28-10-06</td>
<td></td>
</tr>
<tr>
<td></td>
<td>24</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>1</td>
<td>Britannia Airways BY501A</td>
<td>16-11-05 to 01-02-06</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>7</td>
<td>British Airways BA015</td>
<td>29-03-05 to 29-10-05</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>Qantas Airways -</td>
<td>27-03-05 to 29-10-05</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Qantas Airways -</td>
<td>27-03-05 to 29-10-05</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>Singapore Airlines SQ221</td>
<td>27-03-05 to 28-10-05</td>
<td></td>
</tr>
<tr>
<td></td>
<td>24</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>7</td>
<td>British Airways BA015</td>
<td>30-03-04 to 30-10-04</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>Qantas Airways -</td>
<td>28-03-04 to 30-10-04</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>Qantas Airways -</td>
<td>28-03-04 to 30-10-04</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>Singapore Airlines SQ221</td>
<td>28-03-04 to 30-10-04</td>
<td></td>
</tr>
<tr>
<td></td>
<td>24</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2004 (none of these allocations were used)

<table>
<thead>
<tr>
<th>Movements Per Week</th>
<th>Allocated To</th>
<th>Flight #</th>
<th>Dates covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Thai Airways</td>
<td>TG991</td>
<td>26-10-03 to 27-03-04</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2003

<table>
<thead>
<tr>
<th>Movements Per Week</th>
<th>Allocated To</th>
<th>Flight #</th>
<th>Dates covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>British Airways</td>
<td>BA009</td>
<td>01-04-03 to 25-10-03</td>
</tr>
<tr>
<td>7</td>
<td>Qantas Airways</td>
<td>-</td>
<td>30-03-03 to 25-10-03</td>
</tr>
<tr>
<td>3</td>
<td>Qantas Airways</td>
<td>-</td>
<td>30-03-03 to 25-10-03</td>
</tr>
<tr>
<td>7</td>
<td>Singapore Airlines</td>
<td>SQ221</td>
<td>30-03-03 to 25-10-03</td>
</tr>
<tr>
<td>24</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2002

<table>
<thead>
<tr>
<th>Movements Per Week</th>
<th>Allocated To</th>
<th>Flight #</th>
<th>Dates covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>British Airways</td>
<td>BA009</td>
<td>31-03-02 to 26-10-02</td>
</tr>
<tr>
<td>7</td>
<td>Qantas Airways</td>
<td>-</td>
<td>31-03-02 to 26-10-02</td>
</tr>
<tr>
<td>3</td>
<td>Qantas Airways</td>
<td>-</td>
<td>31-03-02 to 26-10-02</td>
</tr>
<tr>
<td>7</td>
<td>Singapore Airlines</td>
<td>SQ221</td>
<td>31-03-02 to 26-10-02</td>
</tr>
<tr>
<td>24</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2001

<table>
<thead>
<tr>
<th>Movements Per Week</th>
<th>Allocated To</th>
<th>Flight #</th>
<th>Dates covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>British Airways</td>
<td>BA009</td>
<td>25-03-01 to 27-10-01</td>
</tr>
<tr>
<td>7</td>
<td>Qantas Airways</td>
<td>-</td>
<td>25-03-01 to 27-10-01</td>
</tr>
<tr>
<td>3</td>
<td>Qantas Airways</td>
<td>-</td>
<td>25-03-01 to 27-10-01</td>
</tr>
<tr>
<td>7</td>
<td>Singapore Airlines</td>
<td>SQ221</td>
<td>25-03-01 to 27-10-01</td>
</tr>
<tr>
<td>24</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(5) Pursuant to Section 20(4) of the Act, a written record of each dispensation and the reasons for granting has been tabled in each House of the Parliament within 5 sitting days of the dispensation being granted.

**Attorney-General: Travel Entitlements**

*(Question No. 2214)*

**Senator O’Brien** asked the Minister representing the Attorney-General, 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 Ellison**—The Attorney-General has provided the following answer to the honourable senator’s question:
The Remuneration Tribunal has made a determination (determination number 2004/03) in respect of entitlements to spouse travel for Judicial Officers, Holders of Public Office and Principal Executive Officers and therefore these officers are not included in this reply.

**Attorney-General’s Department**

- **Domestic Official Travel**

There is no general entitlement to partner or family member accompanied domestic travel for Attorney-General’s Department (AGD) SES employees.

In respect of the infrequent occasions that arise where it is demonstrably in the interests of the Australian Government that an employee be accompanied by a partner or family member for domestic travel associated with official business, these are considered by the Secretary, AGD on a case by case basis.

- **International Official Travel**

AGD SES employees are eligible, on a discretionary entitlement basis (subject to the approval of the Secretary AGD), to be accompanied by a partner or family member on two different bases:

1. When it is demonstrably in the interests of the Australian Government, given the purpose of the travel, for the employee to be accompanied by the immediate family member. In these circumstances, the Secretary, AGD will consider a proposal for accompanied travel, and may certify the travel as being in the interests of the Australian Government. If such a certification is given, the employee’s partner or other family member may travel with the employee and the following additional costs are met by the Department:
   
   1. (a) any additional cost of transport for the family member to accompany the employee by the same method and in the same class of travel as the employee; and
   2. (b) any reasonable additional cost of accommodation associated with the travel; and
   3. (c) the reasonable costs of caring for the family member, necessarily incurred because of the duties performed by the employee overseas, as approved by the Secretary.

2. The second basis upon which an AGD SES employee may be accompanied by a partner or other family member on official overseas travel is essentially a beneficial employment condition which allows the Secretary to approve such accompanied travel primarily based on the level of service as a substantive SES employee and/or the total aggregate time period spent overseas on an unaccompanied basis. However, the full range of matters the Secretary may consider include:
   
   1. (a) the period of service of the employee at a Senior Executive Service classification;
   2. (b) the purpose and extent of travel overseas on duty by the employee unaccompanied by the employee’s family member, and the period during which the travel occurred;
   3. (c) the period (if any) since a family member of the employee last accompanied the employee at Government expense during travel overseas on duty by the employee;
   4. (d) the duration of the proposed travel and the places where duties are to be performed;
   5. (e) the official duties that the employee will be required to perform during the travel, including any representational responsibilities;
   6. (f) any other factor the Secretary considers relevant.

There are established benchmarks for periods of service at the SES level or time spent overseas on earlier official business which are generally applied in determining whether accompanied travel will be approved. These benchmarks are set out in AGD guidelines on overseas official travel.

**Administrative Appeals Tribunal**

Accompanied travel requests for senior officers of the Tribunal (Registrar and Assistant Registrar) are determined by the President of the Tribunal. No such requests have been made in the last 3 years.
Consideration of them would be on the basis that the travel was demonstrably in the interests of the Australian Government.

Australian Crime Commission

(1) When travelling internationally, SES employees are entitled to be accompanied by a member of his / her family for business class travel and accommodation for one official trip each 12 months.

(2) (a) An assessment of funding for family related international travel is made before approval.

(b) Assessment of funding for family related international travel is made by the Agency Head (CEO).

(c) Approval of funding for family related travel (including determining funding) is made by the Agency Head (CEO).

Australian Customs Service

(1) This Question relates to two categories of official travel:

Where a senior officer is entitled to travel business class on domestic flights there is limited entitlement to downgrade the business class travel to economy to fund an additional economy fare as long as there is no additional cost to Customs. The same provision applies to SES officers on both Domestic and International travel. Under the Customs Certified Agreement 2004 – 2007, for Customs officers posted to a remote locality, where children of the employee are attending school outside the remote locality, reimbursement for return travel for the children to the remote locality twice a year may be approved.

Employees who are required to take up a post overseas will be entitled to travel Business Class. Where accompanying members of an employee’s household travel at Customs expense, they will travel at the same standard as the employee. This applies in relation to travel to and from the posting at the commencement and end of the posting.

(2) (a) A costing analysis must be undertaken comparing the cost of business class to that of economy class fare.

(b) Traveller undertakes the costing analysis.

Assessment is undertaken by:

Domestic – Branch Head or Division Head.

International – Deputy Chief Executive Officer (or National Manager, Trade Measures Branch)

(c) The authorised delegate:

Domestic – Branch Head or Division Head.

International – Deputy Chief Executive Officer (or National Manager, Trade Measures Branch).

Australian Federal Police

(1) The Australian Federal Police Senior Executive Employee schedule of terms and conditions contains the following clause:

‘The senior executive shall be entitled to be accompanied at AFP expense, by the senior executive’s spouse or partner or a member of the senior executive’s immediate family on one official business journey each year. Such expense will be limited to the payment of travel fares and any additional accommodation requirements. Alternatively the senior executive may choose to have the value of this benefit, currently assessed at $1,938 a year, paid as salary in lieu of entitlement’.

In addition, partners or family members of senior executive employees of the AFP may be entitled to travel at Government expense on appointment or transfer in the interest of the organisation.
(2) (a) Where the entitlement to partner/family accompanied travel is not encashed as a fortnightly payment, the journey to be funded by the Government must be in conjunction with travel by the senior executive on official business and the employee’s manager would determine the suitability of the Government paying for this travel.

On appointment or transfer in the interest of the organisation the decision would be made at the SES Band 3 or above level based on internal guidelines and issues of employment attraction to the AFP.

(b) and (c) The assessment and approval of funding for partner/family accompanied travel is undertaken by the senior executive employee’s manager i.e. either a National Manager (SES Band 2), the Deputy Commissioner or Chief Operating Officer (SES Band 3), or the AFP Commissioner. For appointment and transfer situations the assessment and approval process would be undertaken by an SES Band 3 or above.

National Native Title Tribunal

(1) SES employees have an entitlement to accompanied travel under their Australian Workplace Agreement. The employee may elect to cash out accompanied travel and receive payment of this amount on a fortnightly basis. All SES employees are currently receiving cash out for accompanied travel.

(2) If SES employees do not elect to cash out, they are required to apply to the Registrar in writing, who then considers the request and approves the funding of the travel.

Office of the Director of Public Prosecutions

Entitlement 1:

An entitlement exists for partners or family members of senior officers of the DPP to travel at Government expense on relocation to other offices where required for work purposes. Personal requests for relocation do not attract an entitlement for the senior officer or their partner or family members to travel at Government expense.

(a) The process used involves a consideration of the nature of the transfer, the length of transfer, and personal circumstances of the senior officer.

(b) A detailed assessment is carried out by regional office administrative staff and is then submitted to Head Office for consideration.

(c) Senior research management staff in Head Office.

Entitlement 2:

An entitlement exists for one senior officer and his dependants to receive remote locality leave fares assistance, which comprises one trip to the nearest capital city at Government expense every two years.

(a) The senior officer’s AWA provides that remote locality leave fares assistance, up to a prescribed limit, will be met by the DPP.

(b) The entitlement is assessed and processed by human resources staff in Head Office.

(c) Approval is considered by human resources staff in Head Office.

Office of Parliamentary Counsel

(1) SES have an entitlement to spouse travel paid for by the Government for certain overseas travel.

(2) (a) If an SES applied for spouse travel, the application would be assessed on a case-by-case basis taking into account the factors set out in their AWA.

(b) First Parliamentary Counsel.

(c) First Parliamentary Counsel.
BAe 146 Aircraft
(Question No. 2270)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 31 July 2006:

(1) How many reports have been made to the Civil Aviation Safety Authority (CASA) since 27 September 2002 relating to air contamination in BAe 146 aircraft.

(2) In each case (a) when was the report lodged (b) who lodged the report and (c) what action was taken by CASA in response.

(3) Are all instances of suspected contamination reported to CASA.

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

(1) A total of 90 reports were received by CASA during the period 27 September 2002 to 5 October 2006.

(2) (a) Refer attached table.
(b) All reports were lodged by National Jet Systems.
(c) Cabin air contamination reports in BAe 146 aircraft have declined over the years. CASA has overseen a program of modifications to address air contamination problems as well as requiring changes to the flight manual to ensure that the flight crew wear oxygen masks at the first instance of cabin air contamination to minimise the possibility of flight crew incapacitation.

(3) The Civil Aviation Regulations 1988 require the reporting of defects, such as noxious fumes in the cabin, to the Civil Aviation Safety Authority.

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Date Report Lodged yyyy-mm-dd</th>
<th>Corrective Action By Airline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reports lodged between 27 Sep and 31 Dec 2002</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2002-11-05</td>
<td>Engine changed</td>
</tr>
<tr>
<td>2</td>
<td>2002-11-05</td>
<td>Maintenance action carried out</td>
</tr>
<tr>
<td>3</td>
<td>2002-11-25</td>
<td>Engine changed</td>
</tr>
<tr>
<td>4</td>
<td>2002-11-25</td>
<td>#APU Cooling fan replaced</td>
</tr>
<tr>
<td>5</td>
<td>2002-11-27</td>
<td>*MEL applied</td>
</tr>
<tr>
<td>6</td>
<td>2002-11-27</td>
<td>Engine changed</td>
</tr>
<tr>
<td>7</td>
<td>2002-11-27</td>
<td>Engine changed</td>
</tr>
<tr>
<td>8</td>
<td>2002-11-27</td>
<td>#APU replaced</td>
</tr>
<tr>
<td>9</td>
<td>2002-12-03</td>
<td>Engine changed</td>
</tr>
<tr>
<td>10</td>
<td>2002-12-03</td>
<td>Seal changed</td>
</tr>
<tr>
<td>11</td>
<td>2002-12-03</td>
<td>Maintenance action carried out</td>
</tr>
<tr>
<td>12</td>
<td>2002-12-03</td>
<td>#APU replaced</td>
</tr>
<tr>
<td>13</td>
<td>2002-12-03</td>
<td>#APU replaced</td>
</tr>
<tr>
<td>14</td>
<td>2002-12-03</td>
<td>Maintenance action carried out</td>
</tr>
<tr>
<td>15</td>
<td>2002-12-03</td>
<td>Engine changed</td>
</tr>
<tr>
<td>16</td>
<td>2002-12-03</td>
<td>Engine changed</td>
</tr>
<tr>
<td>17</td>
<td>2002-12-04</td>
<td>Seal and face plate replaced</td>
</tr>
<tr>
<td>18</td>
<td>2002-12-04</td>
<td>Seal and face plate replaced</td>
</tr>
<tr>
<td>19</td>
<td>2002-12-04</td>
<td>Engine changed</td>
</tr>
<tr>
<td>20</td>
<td>2002-12-04</td>
<td>Inspected</td>
</tr>
<tr>
<td>21</td>
<td>2002-12-04</td>
<td>Engine changed</td>
</tr>
<tr>
<td>22</td>
<td>2002-12-04</td>
<td>Maintenance action carried out</td>
</tr>
<tr>
<td>23</td>
<td>2002-12-04</td>
<td>Maintenance action carried out</td>
</tr>
<tr>
<td>Item Number</td>
<td>Date Report Lodged yyyy-mm-dd</td>
<td>Corrective Action By Airline</td>
</tr>
<tr>
<td>-------------</td>
<td>-----------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>24</td>
<td>2002-12-04</td>
<td>Engine changed</td>
</tr>
<tr>
<td>25</td>
<td>2002-12-05</td>
<td>Engine changed</td>
</tr>
<tr>
<td>26</td>
<td>2002-12-06</td>
<td>Engine changed</td>
</tr>
<tr>
<td>27</td>
<td>2002-12-06</td>
<td>#APU Cooling fan replaced</td>
</tr>
<tr>
<td>28</td>
<td>2002-12-16</td>
<td>#APU Cooling fan replaced</td>
</tr>
<tr>
<td>29</td>
<td>2002-12-16</td>
<td>#APU oil cooler changed</td>
</tr>
<tr>
<td>30</td>
<td>2002-12-16</td>
<td>#APU Cooling fan replaced</td>
</tr>
<tr>
<td>31</td>
<td>2002-12-16</td>
<td>#APU Seal changed</td>
</tr>
<tr>
<td>32</td>
<td>2002-12-16</td>
<td>Engine changed</td>
</tr>
<tr>
<td>33</td>
<td>2002-12-16</td>
<td>Maintenance action carried out</td>
</tr>
<tr>
<td>34</td>
<td>2002-12-16</td>
<td>#APU Starter motor replaced</td>
</tr>
<tr>
<td>35</td>
<td>2002-12-17</td>
<td>Inspected</td>
</tr>
<tr>
<td>36</td>
<td>2002-12-17</td>
<td>Engine changed</td>
</tr>
<tr>
<td>37</td>
<td>2002-12-17</td>
<td>Engine changed</td>
</tr>
<tr>
<td>38</td>
<td>2002-12-17</td>
<td>Engine changed</td>
</tr>
<tr>
<td>39</td>
<td>2002-12-17</td>
<td>*MEL applied</td>
</tr>
<tr>
<td>40</td>
<td>2002-12-17</td>
<td>Inspected</td>
</tr>
<tr>
<td>41</td>
<td>2002-12-17</td>
<td>#APU Cooling fan replaced</td>
</tr>
<tr>
<td>42</td>
<td>2002-12-17</td>
<td>Engine changed</td>
</tr>
<tr>
<td>43</td>
<td>2002-12-17</td>
<td>Inspected</td>
</tr>
<tr>
<td>44</td>
<td>2002-12-17</td>
<td>Engine changed</td>
</tr>
</tbody>
</table>

Year 2003 – Reports Lodged

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Date Report Lodged yyyy-mm-dd</th>
<th>Corrective Action By Airline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2003-01-22</td>
<td>#APU Cooling fan replaced</td>
</tr>
<tr>
<td>2</td>
<td>2003-01-23</td>
<td>Engine changed</td>
</tr>
<tr>
<td>3</td>
<td>2003-01-23</td>
<td>Engine changed</td>
</tr>
<tr>
<td>4</td>
<td>2003-01-23</td>
<td>#APU Cooling fan replaced</td>
</tr>
<tr>
<td>5</td>
<td>2003-03-01</td>
<td>Inspected</td>
</tr>
<tr>
<td>6</td>
<td>2003-04-01</td>
<td>Engine changed</td>
</tr>
<tr>
<td>7</td>
<td>2003-04-08</td>
<td>Engine changed</td>
</tr>
<tr>
<td>8</td>
<td>2003-05-01</td>
<td>Engine changed</td>
</tr>
<tr>
<td>9</td>
<td>2003-05-01</td>
<td>Engine changed</td>
</tr>
<tr>
<td>10</td>
<td>2003-05-08</td>
<td>*MEL applied</td>
</tr>
<tr>
<td>11</td>
<td>2003-05-26</td>
<td>Engine changed</td>
</tr>
<tr>
<td>12</td>
<td>2003-05-27</td>
<td>Inspected</td>
</tr>
<tr>
<td>13</td>
<td>2003-06-04</td>
<td>Engine Seal replaced</td>
</tr>
<tr>
<td>14</td>
<td>2003-06-11</td>
<td>Engine changed</td>
</tr>
<tr>
<td>15</td>
<td>2003-06-23</td>
<td>Engine changed</td>
</tr>
<tr>
<td>16</td>
<td>2003-06-24</td>
<td>Seal and face plate replaced</td>
</tr>
<tr>
<td>17</td>
<td>2003-08-25</td>
<td>Maintenance action carried out</td>
</tr>
<tr>
<td>18</td>
<td>2003-08-26</td>
<td>Engine changed</td>
</tr>
<tr>
<td>19</td>
<td>2003-08-29</td>
<td>*MEL applied</td>
</tr>
<tr>
<td>20</td>
<td>2003-09-12</td>
<td>Seal changed</td>
</tr>
<tr>
<td>21</td>
<td>2003-10-09</td>
<td>#APU Cooling fan replaced</td>
</tr>
<tr>
<td>22</td>
<td>2003-10-31</td>
<td>Engine changed</td>
</tr>
<tr>
<td>23</td>
<td>2003-11-20</td>
<td>Seal changed</td>
</tr>
<tr>
<td>24</td>
<td>2003-12-29</td>
<td>#APU replaced</td>
</tr>
</tbody>
</table>
## QUESTIONS ON NOTICE

### Item Number | Date Report Lodged yyyy-mm-dd | Corrective Action By Airline
--- | --- | ---
**Year 2004 – Reports Lodged**
1 | 2004-01-20 | Engine changed
2 | 2004-01-30 | Engine changed
3 | 2004-02-18 | #APU replaced
4 | 2004-05-24 | Engine changed
5 | 2004-11-25 | #APU replaced

**Year 2005 – Reports Lodged**
1 | 2005-03-14 | Engine replaced
2 | 2005-04-12 | #APU replaced
3 | 2005-05-12 | Seal and face plate replaced
4 | 2005-05-18 | Seal changed
5 | 2005-11-16 | #APU replaced

**Year 2006 – Reports Lodged up to 5 October 2006**
1 | 2006-10-03 | Inspection carried out but defect not confirmed
2 | 2006-10-03 | Inspection carried out but defect not confirmed
3 | 2006-10-03 | Inspection carried out but defect not confirmed
4 | 2006-10-03 | Seal changed
5 | 2006-10-03 | Engine replaced
6 | 2006-10-03 | Maintenance action carried out
7 | 2006-10-03 | Seal and face plate replaced
8 | 2006-10-03 | Inspection carried out but defect not confirmed
9 | 2006-10-03 | Inspection carried out but defect not confirmed
10 | 2006-10-03 | Inspection carried out but defect not confirmed
11 | 2006-10-03 | #APU replaced
12 | 2006-10-03 | Maintenance action carried out

**NOTES**

* MEL” refers to action allowed per CASA Airworthiness Directive AD/BAe146/86 to continue operations for a limited period with the problematic component isolated.

# “APU” is Auxiliary Power Unit.

**BAe 146 Aircraft**

*(Question No. 2318)*

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

Do the engines on the wing or the auxiliary power units of BAe 146 aircraft that have operated or are operating in Australia contain parts or components that contain beryllium, including parts and components manufactured by sub-contractors; if so, can details be provided of those parts or components that contain beryllium.
Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

CASA does not hold records on which engine parts and auxiliary power units (APU) on the BAe 146 aircraft contain beryllium.

Sydney (Kingsford Smith) Airport
(Question No. 2327)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 9 August 2006:

(1) Can the Minister confirm that the Instrument Landing System (ILS) at Sydney Airport failed on 4 August 2006; if so (a) when did the Minister become aware of the failure; (b) what was the reason for the failure; (c) for what period was the ILS out of service; (d) which flights were on approach at the time of the failure; (e) what action was taken to ensure the safety of any aircraft in transit at the time of the failure; (f) did the failure cause delays at Sydney Airport or throughout the network; (g) has Airservices Australia made any form of financial compensation (including waiver of fees) available to any airlines as a result of this incident; and (h) what remedial action has been taken by Airservices Australia to ensure this failure does not occur again.

(2) Can details be provided of any other reported ILS failures for the 2003-04, 2004-05 and 2005-06 financial years.

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

(1) Yes.

(a) I am unaware of whether the former Minister for Transport & Regional Services was informed of this matter.

(b) The cause is believed to have been severe lightning strikes in the vicinity of Sydney Airport.

(c) 43 minutes.

(d) The only flight on approach at the time was QFA564.

(e) The standard operational response was applied to ensure safety, i.e. re-sequencing of the aircraft.

(f) No.

(g) No.

(h) Airservices Australia exceeds international ILS equipment standards.

(2) For the periods nominated ILS failures at Sydney Airport were:

2003-2004 – 55 failures
2004-2005 – 62 failures
2005-2006 – 34 failures

Electric Powered Vehicles
(Question No. 2393)

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

With reference to compliance testing and certification of vehicles imported into Australia: for each of the financial years 2004-05, 2005-06 and 2006-07 to date, has the department or any of its agencies sent instructions, circulars, letters or any other form of correspondence to vehicle engineers regarding com-
pliance or other testing of electric quadricycles and other electric vehicles including the Reva; if so: (a) what was the substance of the instructions, circulars, letters or correspondence; (b) who authorised the instructions, circulars, letters or correspondence; and (c) can a copy be provided of the instructions, circulars, letters or correspondence.

**Senator Ian Campbell**—The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator’s question:

The Department of Transport and Regional Services (DOTARS) has advised that, to its knowledge, the only correspondence that it has sent to vehicle engineers about compliance testing and certification of solely electric powered vehicles were two letters to an engineer dated 17 October 2004 relating to noise testing.

(a) The letters set out procedures for dealing with stationary noise testing of two models of electrically powered moped (ie two wheeled) vehicles.

(b) The correspondence was signed by the Administrator of Vehicle Standards, an officer of DOTARS.

(c) Yes, provided the recipient of the relevant letters has no objection to their release, in accordance with Freedom of Information provisions relating to commercial-in-confidence matters.

**Environment: Endangered Species**

(Question No. 2470)

Senator Chris Evans asked the Minister for the Environment and Heritage, upon notice, on 5 September 2006:

With reference to the Minister’s announcement of 29 August 2006 that the Government is to invest $3.2 million to protect the orange-bellied parrot:

(1) Can the Minister confirm that the $3.2 million is, as the Minister claims, ‘the largest Australian Government investment in a threatened species’.

(2) For each of the financial years 1996-97, 1997-98, 1998-99, 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06 to date, can a list be provided of all other grants of the above kind, including: (a) the name of the species; (b) the date the grant was announced; (c) the purpose of the grant; and (d) the amount of the grant.

(3) Can a list be provided, in tabular form, comprising the name of the species, the date of any grant(s), the purpose of any grant(s) and the amount of any grant(s), of all specific grants to: (a) the 16 animal species listed as critically endangered under the *Environmental Protection and Biodiversity Conservation Act 1999*; (b) the 129 animal species listed as endangered under the Act; and (c) the 192 species listed as vulnerable under the Act.

**Senator Ian Campbell**—The answer to the honourable senator’s question is as follows:

(1) Yes.

(2) & (3) Data is not currently stored in the format requested to reflect all the grants benefiting the 337 fauna species. To date over $45 million has been spent on recovery planning and implementation. A large proportion of funding is provided through a regional integrated landscape approach which benefits many listed threatened species. The amount of funding attributed to an individual species may not be captured as a component of a larger scale project.

**Muslim Community**

(Question No. 2483)

Senator Allison asked the Minister representing the Prime Minister, upon notice, on 7 September 2006:
(1) With reference to repeated calls by the Prime Minister (Mr Howard) for Muslims to abide by Australian values, most recently on Radio 2GB on 31 August 2006, can the Prime Minister define what are Australian values.

(2) With reference to statements attributed to the Prime Minister that ‘it [accepting Australian values] means understanding that in certain areas, such as the equality of men and women… people who come from societies where men and women are treated in an inferior fashion have to learn very quickly that this is not the case in Australia’: (a) does the Prime Minister believe that there is equality between men and women in Australia when: (i) women earn on average $170 less per week than men, (ii) 38 per cent of women over the age of 15 have experienced violence, (iii) women are still discriminated against in the workforce because of pregnancy, (iv) more than 100,000 single mothers are living in poverty, (v) men hold 70 per cent of seats in parliament and most positions of power, (vi) only 8.4 per cent of seats on Boards are held by women, and (vii) women cannot hold positions of power in the Catholic Church and other Christian denominations; (b) what is meant when the Prime Minister infers that Muslim women are treated in an inferior fashion; (c) what evidence does the Prime Minister have that Muslim women are treated in an inferior fashion or discriminated against; and (d) can the Prime Minister outline the difference between how Australian Muslim women are treated and how Australian Catholic, Baptist and Exclusive Brethren women are treated.

(3) With reference to the statement attributed to the Prime Minister that ‘fully integrated means accepting Australian values, it means learning as rapidly as you can the English language’, why has the Prime Minister targeted the Muslim community with respect to speaking English when there is evidence that there are other ethnic communities whose grandparents do not speak English.

Senator Minchin—The Prime Minister has provided the following extracts from public statements he has made in answer to the honourable senator’s question:

(1) “Our celebration of diversity must not be at the expense of the common values that bind us together as one people – respect for the freedom and dignity of the individual, a commitment to the rule of law, the equality of men and women and a spirit of egalitarianism that embraces tolerance, fair play and compassion for those in need. Nor should it be at the expense of ongoing pride in what are commonly regarded as the values, traditions and accomplishments of the old Australia. A sense of shared values is our social cement.”

25 January 2006, Address to the National Press Club, Old Parliament House

(2) (a) (i) to (vii), (b), (c) and (d) “I am interested in providing practical freedom and equality of opportunity for all sections of our society […] It [freedom and equality] is about offering respect and it’s about offering choice. It’s also about fully recognising that there are some things that women do better than men in our community and women have special skill at doing […] The same thing can equally apply in relation to men […] In other words what we have tried to do is to maximise the choices available.”

3 March 2001, Address to the National Liberal Women’s Seminar, Sydney

(3) “No community has been targeted to date with respect to speaking English. For example, on 13 September 2006, I noted the objective has to be the full integration into the Australian community of people who come here and the full embrace of Australian values.”

“[…] Immigrants who come to this country should fully integrate into the Australian community. There should be an intensive effort made to learn the English language [...]”

13 September 2006, Interview with Geoff Hutchison, ABC Radio, Perth

QUESTIONS ON NOTICE
Immigration: Detention Centres  
(Question No. 2502)

Senator Nettle asked the Minister for Immigration and Multicultural Affairs, upon notice, on 21 September 2006:

Can information be provided on the Long Term Immigration Detention Strategy ‘contingency facility’ located on the Cocos Islands, including but not limited to: (a) location; (b) capacity; (c) security; (d) capital cost; (e) ongoing cost; (f) medical facilities; (g) staff numbers; (h) current status; and (i) planned use.

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

In agreement with the Department of Transport and Regional Services (DOTARS) and Australian Quarantine and Inspection Service (AQIS) DIMA has been provided with access to a portion of the existing quarantine station to establish a contingency facility to house boat arrivals prior to relocation to Christmas Island.

(a) The facility is located on West Island of the Cocos (Keeling) Islands.

(b) The facility has a capacity of 48 beds with a surge capacity of a further 100 beds in tents during the dry season.

(c) When completed the facility will have a single 2.4 metre chain mesh fence without deterrent (eg. Razor) wire or an energised deterrent and detection system.

(d) When completed the capital cost of the facility will be $480,000.

(e) $25,000 per annum has been budgeted for ongoing repair and maintenance costs at the facility. A further $48,000 per annum has been budgeted for depreciation.

(f) The facility does not have an internal medical area; the Cocos Island medical facilities would be used.

(g) There are no ongoing DIMA or detention provider staff attached to the facility.

(h) The facility is currently being used by a zoo consortium for quarantine of elephants.

(i) Once the zoo consortium has vacated the facility it will become a contingency centre to be used for boat arrivals when required.

Learning Disability  
(Question No. 2515)

Senator Allison asked the Minister representing the Minister for Workforce Participation, upon notice, on 27 September 2006:

(1) How many young unemployed Australians have a learning disability.

(2) What programmes are available to support these young people entering into full-time employment.

(3) (a) How many young people with a learning disability complete an employment readiness programme; and (b) how many of these young people go onto full-time employment.

(4) What impact will the welfare to work legislation have on these young people.

(5) Is the Government monitoring the impact of the legislative changes on the quality of life of young people with a learning disability and their likelihood of entering full-time employment.

Senator Abetz—The Minister for Workforce Participation has provided the following answer to the honourable senator’s question:

(1) There are no composite figures available to answer this question.
(2) The following services assist people of workforce age to gain confidence and skills and enter into employment: Disability Employment Network (DEN); Vocational Rehabilitation Services; the Supported Wage System; and Intensive Support Services through the Job Network. There is also Job Placement Employment and Training (JPET), which is a programme specifically directed at very disadvantaged young unemployed people.

(3) (a) There are no composite figures available on the number of young people with a learning disability who complete an employment readiness programme. However, for the 2005–06 financial year the following numbers of young people aged under 25 who were identified as having an intellectual disability, learning difficulties or autism commenced in these programmes:

- Customised Assistance (through Job Network) 1762
- Job Search Training (through Job Network) 443
- Vocational Rehabilitation Services 221
- DEN – Employment assistance 3615

(b) Comprehensive figures on outcomes from these programmes are not available. Some young people who commenced in these programmes in the 2005–06 financial year would still be completing the programme. However, we are aware that of the 1762 young people with a learning disability who commenced Customised Assistance in Job Network during 2005-06, more than 35 per cent have already moved into full or part-time employment.

(4) The Welfare to Work changes will assist and encourage young people with learning and other disabilities to participate to their capacity in the paid workforce.

(5) The Australian Government provided $11 million over four years (2005–06 to 2008–09) for effective and timely monitoring and evaluation of Welfare to Work. Welfare to Work monitoring and evaluation will report on the effectiveness of Welfare to Work in achieving its objectives of increasing employment and decreasing income support reliance for all working age income support recipients. People with disability are a key reporting group for the evaluation.

Textile, Clothing and Footwear Structural Adjustment Program

(Question No. 2548)

Senator Marshall asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 9 October 2006:

With reference to the Textile, Clothing and Footwear Structural Adjustment Program for textile, clothing and footwear workers:

(1) How will the Government ensure that retrenched textile, clothing and footwear workers leaving their industry are made aware of the program and their entitlements flowing from the program.

(2) Can statistics be provided on how many retrenched textile, clothing and footwear workers across Australia have successfully registered for the program at Job Networks in the first year of its operation.

(3) How many of these workers have been assisted into further training and ongoing employment through the current program.

(4) How will the Government ensure accountability of the Department of Employment and Workplace Relations in reporting on outcomes of the program funding.

(5) To date, what amount taken out of Job Seeker accounts has been spent on textile, clothing and footwear workers re-training.
(6) How will the Government ensure that all future retrenched textile, clothing and footwear workers will have easy access to courses and qualifications over the first 12 months following their retrenchment.

(7) Of the three parts of the program (support to retrenched workers through Job Networks, support to communities through the Regional Partnerships Program, and support to firms through a discretionary fund of the Department of Industry, Tourism and Resources under the Restructuring Initiatives Grants Scheme):

(a) how much of the $50 million in funding for the program is designated for each of the three elements; and

(b) how much has been spent to date against each of the three elements.

(9) (a) How is funding for retrenched workers through Job Networks drawn upon by the Department for Employment and Workplace Relations; and (b) is this done on a per head basis or by expenditure from Job Seeker accounts.

(10) What mechanisms ensure that textile workers who lose their jobs through restructuring of the textile, clothing and footwear industry will be entitled to, and have access to, the program.

(11) Does this eligibility cover textile workers working in companies in other industries.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) The Australian Government has a number of communication strategies to ensure that there is wide knowledge of the Textile, Clothing and Footwear (TCF) Structural Adjustment Program (SAP).

The Department of Employment and Workplace Relations (DEWR) administers Part 1 of TCF SAP (providing assistance to retrenched TCF employees) and has developed a communication strategy aimed at employers, affected workers and Job Network members. The strategy includes:

- Having processes in place that allow it to be informed of impending redundancies. Under the Workplace Relations Act, employers are required to notify Centrelink of redundancies involving 15 or more employees. DEWR has well established processes in place with Centrelink to receive notification of these redundancies, including for the TCF industry. DEWR also receives industry intelligence passed on by the Department of Industry, Tourism and Resources (DITR).

- On becoming aware of redundancies, immediately contacting the employer to advise them about the package and to arrange for information to go to affected employees. Where the employer agrees, DEWR visits the site and provides information directly to workers. Where the employer does not agree to a visit, DEWR provides the employer with copies of an information kit to distribute to workers. The information kit is available in community languages if required.

- Communication with Job Network members. There are two components of the communication strategy for Job Network members:
  - Ongoing work to raise the awareness of the package including placing regular articles about the TCF SAP in the JNM journal; placing detailed information about the TCF SAP on the JNM secure website and writing to JNM Chief Executive Officers about the TCF SAP.
  - On becoming aware of redundancies, notifying local JNMs of the redundancies and the affected workers’ eligibility for the TCF SAP.

DITR and Transport and Regional Services also provide information through a range of channels.

(2) From 1 July 2005 to 30 June 2006, 337 retrenched TCF employees registered for assistance under TCF SAP.
(3) Job Network Members (JNMs) recorded 253 job placements in the same period. In addition, JNMs recorded 67 thirteen-week outcomes and 18 twenty-six week outcomes and one education outcome (placement into full-time education) in this period. TCF employees placed into a job in the later part of 2005–06 would only now be achieving 13-week outcomes. This is demonstrated by the number of 13-week employment outcomes already achieved in 2006–07 (51).

(4) DEWR is working in close cooperation with DITR on the delivery of Part 1 of TCF SAP. DEWR provides DITR with reports on the number of retrenched TCF employees accessing TCF SAP. The outcomes for SAP will be reported in DITR’s annual report.

(5) As at 16 October 2006, $46,469 has been spent from the Job Seeker Account and Training Account to provide re-training for retrenched TCF employees registered for TCF SAP. The Job Seeker Account has also been used to purchase a range of other goods and services; such as clothing and equipment, wage subsidies, transport assistance and interpreter services; to help job seekers find alternative employment.

(6) JNMs will continue to provide retrenched TCF employees with immediate access to Intensive Support Customised Assistance and an enhanced Job Seeker Account to purchase whatever goods and services are deemed appropriate to quickly secure them alternative employment, including access to courses and qualifications.

(7) (a) TCF SAP has a total allocation of $50 million over ten years to 2015, with an annual allocation of $5 million. This annual allocation has not been broken down between the three elements of the TCF SAP so that demand for each element can be met flexibly as required. If there are unspent funds from the annual $5 million allocation, these are rolled over and added to the following year’s allocation in recognition that structural adjustment may have a higher impact in some years than others.

(b) As at 20 October 2006, the total amount spent for each part is:
1. Part 1: $744,602.50
2. Part 2: $2.8 million

(9) (a) and (b) When a TCF SAP eligible worker commences with a Job Network member, DEWR, through its IT systems, credits the Job Seeker Account with $1350. This forms a pool of funds that the Job Network member can draw down flexibly based on their assessment of the needs of each job seeker.

(10) Refer to the response for (1).

(11) Assistance under Part 1 of TCF SAP is available to TCF employees retrenched by firms who undertake an eligible TCF activity as defined by section 1.6 of the TCF Post-2005 (SIP) Scheme. The TCF Post-2005 (SIP) Scheme is administered by the DITR. When DEWR becomes aware of redundancies of TCF workers, it confirms that the firm falls within the scope of the SIP Scheme with DITR.

Wheat Export Authority
(Question No. 2554)

Senator O’Brien ask the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 10 October 2006:

(1) Did the former Minister for Agriculture, Fisheries and Forestry, Mr Truss, extend Mr John Walter’s appointment as chair of the Wheat Export Authority (WEA) for a period of 6 months from 1 July 2004.

(2) Did Mr Truss announce this extension on 24 June 2004.
QUESTIONS ON NOTICE

(3) Did Mr Walter write to fellow WEA board members on 27 July 2004 advising that a conflict of interest existed in relation to his role as a partner at Minter Ellison because the firm was acting for Australian Wheat Board (AWB) Limited and seeking board approval to stand aside.

(4) Did Mr Walter write to Mr Truss on 27 July 2004 advising that he had written to the WEA board seeking approval to stand aside and advising Mr Truss that he was willing to pursue ‘any other course of action’ suggested by the Minister.

(5) (a) On what date(s) did the existence of Mr Walter’s conflict of interest first become known to: (i) Mr Truss, (ii) the department, and (iii) the WEA board; and (b) if it was not via Mr Walter’s correspondence dated 27 July 2004, what was the source of this information.

(6) Did the government member of the WEA board become aware of the conflict of interest before other board members; if so: (a) how; and (b) on what date.

(7) Is it the case that Mr Walter required the consent of the WEA board to stand aside so as to avoid termination by virtue of the operation of section 8(2)(c) of the Wheat Marketing Act 1989.

(8) (a) On what date(s) did the WEA board: (i) formally consider Mr Walter’s request to stand aside, and (ii) write to Mr Walter informing him of the outcome of its consideration; (b) was Mr Walter present at the meeting that considered his request; and (c) can a copy of the relevant board minutes and all WEA’s correspondence with Mr Walter in relation to this matter be provided; if not, why not.

(9) (a) On what date did Mr Truss respond to Mr Walter’s correspondence; (b) did Mr Truss suggest ‘any other course of action’ to Mr Walter; (c) did Mr Truss ask Mr Walter to resign; if not, why not; and (d) can a copy of Mr Truss’ correspondence with Mr Walter be provided; if not, why not.

(10) What was the precise nature of the conflict of interest involving Mr Walter including the capacity in which Minter Ellison acted for AWB Limited and/or AWB (International) Limited.

(11) (a) On what date did the conflict of interest (i) arise, and (ii) cease; and (b) did Mr Walter resume his role as chair of the WEA upon the cessation of the conflict of interest; if not, why not.

(12) (a) On what date did Mr Walter formally stand aside; and (b) on what date(s) was: (i) AWB Limited, (ii) AWB (International) Limited, and (iii) the Grains Council of Australia (GCA), informed that Mr Walter had stood aside.

(13) Which WEA board meetings did Mr Walter fail to attend between 27 July 2004 and the date the WEA formally consented to him standing aside.

(14) If applicable: (a) on what date did Mr Walter resume his role as chair of the WEA; and (b) on what date was: (i) AWB Limited, (ii) AWB (International) Limited, and (iii) the GCA, informed that Mr Walter had resumed his role.

(15) Did Mr Walter undertake any WEA duties between the date he stood aside and the date he resumed his role or the date his contract expired, whichever is applicable.

(16) What payments were made to Mr Walter between the date he stood aside and the date he resumed his role or the date his contract expired, whichever is applicable.

(17) Why was Mr Walter paid for duties he was not undertaking.

(18) Did Mr Walter receive WEA board papers between the date he stood aside and the date he resumed his role or the date his contract expired, whichever is applicable; if so, can those papers be identified.

(19) Did Mr Walter receive a copy of the confidential report, Performance Monitoring of AWB (International) Limited under the Wheat Marketing Act 1989, July 2003 to June 2004 which was presented to Mr Truss in October 2004; if so, on what date.

(20) Did Mr Walter receive any extracts of the above report; if so, on what date(s).
(21) Did Mr Walter receive any drafts of the above report prior to its presentation to Mr Truss; if so, on what date(s).

(22) Did Mr Walter receive a copy of the confidential report, 2004 Wheat Marketing Review; if so, on what date.

(23) On what date(s) did the WEA board resolve that board member Mr Tim Besley should act as presiding member.

(24) During the period in which Mr Besley was the presiding member, did he undertake any statutory functions including, but not necessarily limited to, presenting reports to the GCA, informing the Minister about changes to the operational plan of the WEA and signing certificates relating to proceedings for offences against section 57 of the Wheat Marketing Act 1989.

Senator Abetz—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) Yes.

(3) Yes.

(4) Yes.

(5) (a) (i) 15 August 2004, (ii) 15 August 2004, (iii) 27 July 2004, (b) It was through Mr Walter’s letter.

(6) The Government Board Member was advised of the conflict of interest in a telephone call from Mr Walter. The Government Member cannot confirm the date on which he received this advice or whether it was before any advice to other Board members.

(7) Yes.

(8) (a) (i) 27 July 2004, (ii) The WEA Board did not write to Mr Walter advising him of its decision. (b) No, (c) An extract from the Minutes of the 27 July 2004 meeting is attached.

(9) (a) Minister Truss did not respond to Mr Walter’s letter, (b) No, (c) The Minister did not request Mr Walter’s resignation as Mr Walter’s letter of 27 July 2004 indicated that the conflict of interest would last for approximately two to three months only. It was not considered necessary at the time to replace the Chairperson as the situation was expected to be resolved within an acceptable time. The Wheat Marketing Act 1989 allows for the Board to operate in the absence of the Chairperson by allowing the other members to elect a member to preside at meetings. This was done. (d) Not applicable as no letter was sent.

(10) In a letter dated 27 July 2004 Mr Walter advised the WEA Board that “A conflict of interest arises from my continuing to perform the role of chairman of WEA whilst Minter Ellison is acting for AWB Ltd. I should add that I have no personal involvement with AWB Ltd and will not have any such involvement.” The letter also indicated that Mr Walter expected the potential conflict of interest to cease in a period of two to three months.

(11) (a) (i) Mr Walter’s letter of 27 July 2004 does not specify when the conflict arose. (ii) The potential conflict continued until Mr Walter’s term expired as he remained with Minter Ellison during that period. The potential conflict was avoided by Mr Walter standing aside. (b) No, his term expired as stated previously by Mr Besley in response to a question from Senator O’Brien on 25 May 2005.

(12) (a) 27 July 2004. (b) (i) AWB Limited was not advised formally that Mr Walter has stood aside, (ii) AWB (International) Limited was advised on 27 July 2004 during a joint Board to Board meeting with the WEA, (iii) The Grains Council of Australia (GCA) was advised during a ‘Meeting of Report’ held on 25 August 2004 between the WEA and GCA.

(13) None.
(14) Mr Walter did not resume the role of Chairperson once he stood aside.
(15) No
(16) Payments made to Mr Walter during the period that he stood aside were salary of $34,965 and an employer superannuation contribution of $3,146.88.
(17) The WEA sought advice from the Australian Government Solicitor (AGS) on this matter. The AGS advised on 29 July 2004 that in accordance with the Remuneration Tribunal’s Determination 2004/12 the Chairperson was entitled to $69,930 per annum and that this was a fixed per annum amount. The AGS’s advice was that the Chairperson would continue to be entitled to the remuneration set out in the Determination notwithstanding the fact that he had ‘stepped aside’ for some months.
(18) Mr Walter did not receive any Board papers from the date he stood aside.
(19) No.
(20) No.
(21) Mr Walter received a draft of the report on 21 July 2004.
(22) No.
(23) Mr Besley was elected as the presiding member for each Board meeting subsequent to Mr Walter stepping aside and prior to Mr Besley’s appointment as Chairperson of the WEA.
(24) Yes. Mr Besley undertook these functions in his capacity as the presiding member.
- Members had previously noted and consented to Mr Walter’s absence for the next 2 to 3 months; and
- Members had agreed to Mr Besley presiding over the meeting.

I declare that these minutes are a true and accurate record of the Board Meeting held on 27 July 2004.

M.A. Besley - Presiding Member
Glen Taylor - CEO
Date: 25 August 2004

Transport and Regional Services: Payments
(Question No. 2559)

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

(1) What are the administered and departmental payments for the: (a) 2005-06 financial year (outcome versus final budget estimate); and (b) current uncommitted forward estimates for each of the financial years 2006-07, 2007-08, 2008-09 and 2009-10.

(2) What are the estimated payments to Area Consultative Committees for each of the financial years 2006-07, 2007-08, 2008-09 and 2009-10.

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

(1) (a) ADMINISTERED

The estimated actual for 2005-06 published in the 2006-07 Portfolio Budget Statements for the Regional Partnerships programme (including for the Area Consultative Committee network) was $84.725 million. Against this, total expenditure was $83.710 million.

DEPARTMENTAL

The Regional Partnerships programme is one of a range of programmes managed within the Regional Services output. In 2005-06, the price of the Regional Services output was $40.092 million.

(b) The uncommitted forward estimate for administered expenses for each financial year for the Regional Partnerships programme is shown below:

<table>
<thead>
<tr>
<th></th>
<th>2006-07 ($m)</th>
<th>2007-08 ($m)</th>
<th>2008-09 ($m)</th>
<th>2009-10 ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov 2006</td>
<td>24.438</td>
<td>54.954</td>
<td>62.139</td>
<td>62.415</td>
</tr>
</tbody>
</table>

(2) The estimated payments to the Area Consultative Committees for each of the financial years 2006-07 to 2009-10, as published in the 2006-07 Portfolio Budget Estimates, are as follows:

<table>
<thead>
<tr>
<th></th>
<th>2006-07 ($m)</th>
<th>2007-08 ($m)</th>
<th>2008-09 ($m)</th>
<th>2009-10 ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Consultative Committees</td>
<td>16.964</td>
<td>17.320</td>
<td>17.701</td>
<td>18.090</td>
</tr>
</tbody>
</table>

Wine Equalisation Tax
(Question No. 2580)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 18 October 2006:

For each of the financial years since 1996-97 to 2006-07 to date:

QUESTIONS ON NOTICE
(1) What was the value of Wine Equalisation Tax refunded on behalf of the Tourist Refund Scheme.

(2) What was the total value of duty foregone attributable to duty-free imports, broken down by classification under the Customs Tariff Act 1995 (excluding classifications where the value of duty foregone is less that $1 million).

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

(1) The value of Wine Equalisation Tax refunds approved for payment from 1 July 2000, when the Tourist Refund Scheme was introduced, is:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000/2001</td>
<td>203,540.26</td>
</tr>
<tr>
<td>2001/2002</td>
<td>590,812.85</td>
</tr>
<tr>
<td>2002/2003</td>
<td>524,747.23</td>
</tr>
<tr>
<td>2003/2004</td>
<td>604,784.00</td>
</tr>
<tr>
<td>2004/2005</td>
<td>485,445.05</td>
</tr>
<tr>
<td>2005/2006</td>
<td>467,794.43</td>
</tr>
<tr>
<td>2006/2007 to 30 September</td>
<td>114,168.50</td>
</tr>
</tbody>
</table>

(2) The total value of duty that would have otherwise been payable on duty-free imports is not available. Where passengers import duty-free goods in accordance with the passenger concession by-law, Customs makes an assessment to determine eligibility for the concession but does not collect further information as to classification or value of the goods.

Illegal Fishing
(Question No. 2582)

Senator Ludwig asked the Minister for Justice and Customs, upon notice, on 18 October 2006:

With reference to each Australian Customs Service (ACS) vessel based at a port in northern Australia during 2005-06 financial year that patrolled waters between the Australian coastline and the Indonesian archipelago:

(1) What was the name of the ACS vessel.

(2) At which port was the ACS vessel based.

(3) What amount of time did the ACS vessel spend patrolling those particular waters during that year (expressed in days).

(4) How many illegal fishing vessels did the ACS vessel:
   (a) locate;
   (b) place under administrative seizure; and
   (c) apprehend.

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

(1) The Australian Customs Service (Customs) has eight Australian Customs Vessels (ACVs) operating as required around Australia’s coast, predominately deployed in the northern waters. The eight ACVs are:

   ACV Roebuck Bay, ACV Holdfast Bay, ACV Botany Bay, ACV Hervey Bay, ACV Corio Bay, ACV Arnhem Bay, ACV Dame Roma Mitchell and the ACV Storm Bay.

   The Customs and Fisheries vessel the Oceanic Viking also conducted two northern patrols during 2005-06.

(2) The eight ACVs and the Oceanic Viking do not operate from a base port as such but are deployed on a prioritised basis in response to Government agency tasking requirements.
(3) The ACVs reported a total of 1879 days and the Oceanic Viking provided 45 days in Australia’s northern waters.

(4) (a) Customs vessels located and investigated 516 foreign fishing vessels in Australia’s northern waters.

(b) The vessels issued 183 legislative forfeitures; the majority of these were prior to the new illegal foreign fishing initiatives being implemented.

(c) The vessels apprehended 183 illegal foreign fishing vessels.

**Immigration: Detention Centres**

(Question No. 2585)

Senator Webber asked the Minister for Immigration and Multicultural Affairs, upon notice, on 18 October 2006:

With reference to the Port Hedland detention centre.

(1) What does the department intend to do with the centre.

(2) Has the department been approached by any community organisations regarding its future plans for the site.

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

(1) The Government has identified the Port Hedland facility as a key component of Australia’s contingency accommodation arrangements for immigration detention.

The facility is maintained at a high level of readiness enabling its reactivation as an operational facility within a short period of time.

(2) Yes, my Department has been approached on a number of occasions in the past few years by community and business groups seeking to access all or part of the facility for various purposes, generally client/staff accommodation or for commercial redevelopment of the site.

In all instances enquirers were advised that the facility was still required for contingency purposes and unavailable for other uses.

**Therapeutic Goods Administration**

(Question No. 2588)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 20 October 2006:

(1) Is it the case that the Therapeutic Goods Administration (TGA) has rejected an application for the evaluation, via the over-the-counter route, of a new non-prescription analgesic containing a low dose opioid.

(2) Is it the case that there is a TGA mechanism whereby an applicant can submit a ‘Justification for proposed route of evaluation’; if so, does this justification process apply to medicines in Schedules 4, 8 and 9 of the ‘Standard for the uniform scheduling of drugs and poisons’.

(3) What factors are taken into account in assessing the justification.

(4) Why was this application rejected.

Senator Santoro—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The TGA is aware of a request to evaluate a prescription only product containing opioids via the over-the-counter route.
(2) There is a TGA mechanism where an applicant can submit a ‘Justification for proposed route of evaluation’.

Medicines are evaluated by one of three regulatory units. Prescription and other specified medicines are evaluated by the Drug Safety and Evaluation Branch (DSEB), over-the-counter medicines by the Over the Counter Medicines Section (OTC), and complementary medicines by the Office of Complementary Medicines (OCM). The criteria for deciding which of these units evaluates a particular medicine are set out in Schedule 10 of the Therapeutic Goods Regulations.

The justification option applies to medicines where it is likely they will be eligible for down scheduling from prescription status. Substances in schedule 8 and 9 of the Standard for the uniform scheduling of drugs and poisons (SUSDP) are considered controlled substances and as such would always be evaluated by the Drug Safety and Evaluation Branch (DSEB).

(3) When assessing a ‘Justification for proposed route of evaluation’ for the evaluation of a product or a substance that would usually be evaluated by the DSEB to be evaluated via the OTC or OCM route, the primary consideration is whether the product may possibly be considered a non-prescription product against current criteria as set out by National Drugs and Poisons Scheduling Committee.

Factors taken into account include:
- The safety of the active substance;
- The need for professional counselling before use;
- The nature of the ailment or symptoms to be treated (can they be easily recognised by the consumer, do they require medical diagnosis or management?);
- The abuse potential of the product or substance;
- The incidence of adverse effects and contraindications;
- The risk of masking serious disease;
- The risk/benefit profile of the product (for example, therapeutic index).

Other factors that may be taken into account include:
- Whether the product would be in a lower schedule if presented in a different form (for example, different pack size, different strength, different indications, different route of administration);
- Whether products containing the substance are available without prescription in other countries with comparable regulatory regimes to Australia;
- Whether the product contains a substance that has a closely related chemical structure and similar therapeutic action to other substances that are in a less restrictive schedule;
- Whether the substance appears to meet the criteria for listing.

(4) The justification for proposed route of evaluation was rejected because the substances involved in the proposed application contained the opioid products morphine, oxycodone, and hydromorphone. These substances are classified as Schedule 8 (S8) substances in the SUSDP. The SUSDP description of S8 substances are those which should be available for use but require restriction of manufacture, supply, distribution, possession and use to reduce abuse, misuse and physical or psychological dependence. Codeine, when not compounded or not fitting the criteria of its S2, 3 or 4 listing, is classified as S8. The TGA therefore decided that the products would not be available as other than a prescription medicine and any applications to register the products containing these products should continue to be evaluated by the DSEB.
Tasmanian: Giant Freshwater Crayfish
(Question No. 2592)

Senator Milne asked the Minister for the Environment and Heritage, upon notice, on 24 October 2006:

(2) Will the recovery plan define a 30 metre buffer as the minimum buffer for any stream class within the habitat of the giant freshwater crayfish.
(3) Will the 30,000 hectares identified as key habitat by the recovery team members (as identified in a specific map) be placed into the permanent (formal reserve) Tasmanian reserve system.
(4) Is the Black River catchment in northern Tasmania, the most important habitat for the giant freshwater crayfish, in need of protection.
(5) (a) How many 30 metre buffer zones have been placed in logging coupes to protect the habitat of the Tasmanian giant freshwater crayfish; and (b) can the Minister confirm the specific areas, by map, where these buffer zones have been placed.
(6) How many individuals have been: (a) apprehended by the Tasmanian Inland Fisheries Service and Tasmanian Police for giant freshwater crayfish poaching; and (b) prosecuted for this offence.

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

(1) The national recovery plan for the Tasmanian Giant Freshwater Lobster sets out actions that need to occur to help protect and recover the species. Several catchments and part catchments have been identified as important locations for the Tasmanian Giant Freshwater Lobster. These important locations will be surveyed as a matter of priority to assess habitat and populations. Upper catchments required as habitat critical to the species’ survival will then be targeted for further protection through conservation agreements and covenants. At the same time a review of forest practices in priority protected areas will occur with revised forestry practices.
(2) (4) and (5) The recovery plan defines a 30 metre buffer as the minimum buffer for all stream classes except those identified as class 4. There have been a number of different views expressed over the adequacy of excluding class 4 streams. The recovery plan provides for a change to the mapping rules and refinement of a ‘habitat suitability map’ based on new information. My Department and the Tasmanian Department of Primary Industries and Water are investigating as a matter of high priority whether the buffer width is adequate for all stream classes. Relevant experts and community members will be encouraged to contribute to this effort. Other implementation actions that need to begin immediately are being considered for funding so that we can ensure that this iconic species is protected.
(3) The Tasmanian Reserve System is primarily the responsibility of the Tasmanian Government. The question would most appropriately be directed to the Tasmanian Minister for Economic Development and Resources.
(6) Inland fisheries and the apprehension of individuals illegally taking protected freshwater aquatic species is the responsibility of the Tasmanian Government’s Inland Fisheries Service. The question would most appropriately be directed to the Tasmanian Minister for Primary Industries and Water.

Arthur River Road
(Question No. 2593)

Senator Milne asked the Minister for the Environment and Heritage, upon notice, on 24 October 2006:
With reference to the Commonwealth’s decision of 23 April 2003 revoking its original decision that the proposed upgrading of the Arthur River Road in northwest Tasmania was a ‘controlled action’ under the Environment Protection and Biodiversity Conservation Act 1999 and the fact that the Commonwealth appears to have decided that the upgrade was not a controlled action on the basis that it would be carried out in a particular manner pursuant to section 77A of the Act (the manner in which the upgrade was to be undertaken is specified in the conditions attached to the decision of 23 April 2003):

(1) Given that section 77A of the Act provides for heavy fines for a person taking an action that is inconsistent with the manner specified by the Minister or the Minister’s delegate, why are there six unimplemented conditions.

(2) In what timeframe will the conditions attached to the decision of 23 April 2003 be implemented.

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

(1) The manner specified decision was made on 23 April 2003 under section 77 of the Environment Protection and Biodiversity Conservation Act 1999. Section 77A does not apply to the proposal, as it was part of the amendments package passed by Parliament on 23 September 2003. My Department is working with the Circular Head Council and Tasmania’s Department of Tourism, Arts and the Environment to ensure that the action is undertaken in an appropriate manner.

(2) It is not possible to give a timeframe on the implementation of the manner specified decision in full, as some elements involve ongoing consultation with other parties.

Literacy
(Question No. 2598)

Senator Allison asked the Minister representing the Minister for Education, Science and Training, upon notice, on 1 November 2006:

(1) Can the Minister confirm that the Government is considering early testing of children of basic literacy skills; if so, at what age would this testing begin.

(2) Would the testing include screening for the presence of learning disabilities and disorders.

(3) Would the testing be conducted by a professional qualified to administer diagnostic tests for learning disabilities and disorders; if not, why not.

(4) What follow-up and support would be provided to students who are diagnosed with learning disabilities and disorders.

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

In July 2006 the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA), in considering the report of the National Inquiry into Teaching Literacy, agreed on priority areas for national collaborative action that have the greatest potential to lift literacy and numeracy outcomes across Australia. For the priority area of assessment, MCEETYA requested the Australian Education Systems Officials Committee (AESOC) to identify the existing assessment instruments and practices and develop options for high quality diagnostic assessment at the commencement of schooling. That work is proceeding.

Seat Belts
(Question No. 2600)

Senator Allison asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 November 2006:

(1) Is it the case that lap sash seat belts are not mandatory in non-urban school buses.
(2) Are lap sash seat belts mandatory in other non-urban buses; if so, what is the justification for the different requirements between school and non-school buses.

(3) How many children and young people use non-urban school buses.

(4) What are the major risks to children and young people associated with bus travel.

(5) Do the risks differ depending on the size of the bus.

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

(1) There is no Australian Government legislation relating to the provision of seatbelts on school buses. The regulation of buses used for the purposes of transporting school children is managed by the state and territory governments as they regulate the use of all road vehicles and the licensing arrangements of buses used on school bus routes.

(2) Yes. Light buses up to 3.5 tonnes are treated the same as passenger cars and are required to have lap sash seatbelts in all outboard seating positions and at least lap only seatbelts in other seating positions. Buses over 3.5 tonnes are required to have lap sash seatbelts in all seating positions except for;

(a) route service buses (urban buses),
(b) buses with seats less than one metre in height,
(c) buses with less than 17 seats,

The Australian Government legislation does not differentiate between school buses and others.

(3) As the Australian Government does not provide public transport in Australia this matter should be taken up with the relevant state/territory jurisdiction.

(4) According to the Australian Transport Safety Bureau statistics, the major risks associated with school bus travel for 1992, 1994 and 1996 together with child pedestrian fatalities and injuries estimates for 1990 and 1998 are;

- Highest Risk: as a pedestrian crossing the road after alighting from the bus.
- Lowest Risk: as a passenger on the bus that is involved in a collision with a secondary vehicle.

(5) Yes.

School Buses
(Question No. 2601)

Senator Allison asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 November 2006:

With reference to Australian Design Rule (ADR) 68 Occupant Protection in Buses, that requires lap sash seats, no standees, rollover protection, emergency exits on all sides and roof, etc:

(1) What is the Government’s intention with regard to compliance with ADR 68 for: (a) rural school buses built since 1995; and (b) urban school buses built since 1995.

(2) Is it the case that the National Transport Commission (NTC) agreed that the current exemption from ADR 68 should only apply to urban school buses built since 1995; if so, what is the justification for rural school buses being exempt.

(3) (a) Which states have complied with ADR 68 for: (i) rural buses built since 1995, and (ii) urban buses built since 1995; and (b) in each case, what is the reason for doing so.

(4) When will the matter next be raised at the NTC.

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

(1) (a) and (b) It is the responsibility of the State and territory Governments to determine whether ADR 68 compliant buses are used on school bus routes.

(2) No.

(3) (a) (i) and (ii) All states and territories have complied with the requirements of ADR 68.

(b) The Motor Vehicle Standards Act 1989, requires that all vehicles must comply with the relevant ADRs at the time of supply to the Australian market. The state and territory government’s vehicle regulations require that all vehicles must continue to comply with the relevant ADRs that applied to the each vehicle at the time of supply to the Australian market.

(4) I am not aware of any plan to raise this at the NTC.

Foundation for Rural and Regional Renewal
(Question No. 2602)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 November 2006:

With reference to the Foundation for Rural and Regional Renewal, why has there been an overspend of 17.1 per cent in the program in the 2005-06 financial year.

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

The 2005-06 Budget estimate for the Foundation for Rural and Regional Renewal (FRRR) was $315,000, it was increased to $368,000 in the 2006-07 Portfolio Budget Statement. Payments to FRRR are performance based, that is, when FRRR attracts private donations, the Australian Government matches the donations in the form of a “challenge grant”.

A new challenge grant funding arrangement, agreed on 12 February 2006, changed the method of contribution to the FRRR from the Australian Government for the second half yearly payment. Further, FRRR attracted a higher number of private donations than projected in 2005-06.

Regional and Rural Research and Development Grants
(Question No. 2603)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 November 2006:

With reference to the Regional and Rural Research and Development Grants, why has there been an underspend of 19.7 per cent in the program in the 2005-06 financial year.

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

The underspend in the Regional and Rural Research and Development Grants program for 2005-06 reflected:

(i) a delay in project payments of $23,626; and
(ii) uncommitted funds of $21,856.

Remote Air Service Subsidy Scheme
(Question No. 2604)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 November 2006:
With reference to the Remote Air Service Subsidy Scheme, why has there been an underspend of 12.6 per cent in the program in the 2005-06 financial year.

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

The 2005-06 Budget provided $3.608 million for the Remote Air Services Subsidy Scheme. The Scheme is demand based, subject to community applications. A low demand for additional communities to be admitted to the Scheme was experienced in 2005-06. Consequently, the revised estimate at the 2006-07 budget was $3.158 million. Actual expenditure for 2005-06 was $3.153 million, a 0.16 per cent underspend on the revised estimate.

Regional Partnerships Program
(Question No. 2605)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 November 2006:

With reference to the advice given by the department in the May 2006 Budget estimates hearings of the Rural and Regional Affairs and Transport Legislation Committee (Committee Hansard, 23 May 2006, p. 109) that $84.7 million would be expended during the 2005-06 financial year on the Regional Partnerships Program: (a) how much of this funding has been expended; and (b) how will unspent funds be used.

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

(a) $83.7 million.

(b) The remaining $1.0 million is subject to a movement of funds application sought from the Minister for Finance and Administration.

Growing Regions Conference
(Question No. 2606)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 November 2006:

How much did the Growing Regions Conference, hosted by the Minister in Brisbane from 25 July to 27 July 2006, cost the Government.

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

As at 6 November 2006, the net cost to the Australian Government of the Growing Regions Conference was $149,635.

Bert Hinkler Hall of Aviation Museum
(Question No. 2608)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 November 2006:

With reference to the construction of the Bert Hinkler Hall of Aviation Museum project:

(1) Why has the original commitment of $1.45 million from the 2002-03 financial year been re-allocated to the 2006-07 financial year.

(2) Have any additional payments been made to the project proponent since January 2006.
(3) Have additional funds for the project been made available by the Bundaberg City Council and the Queensland Government.

(4) (a) What was the original completion date for the museum; and (b) will this be achieved.

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

(1) The $1.45 million from 2001 Election Commitment is the unspent balance which has been reallocated to the 2006-07 financial year to enable payment as the project achieves milestones.

(2) No.

(3) No. The Queensland Government recently announced funding of $1.5 million for a separate element to house five historic replica planes and 200 pieces of memorabilia. This funding is separate to the Regional Partnerships funding and is not partnership funding for the Regional Partnerships project.

(4) (a) 31 March 2007. (b) No. This project has been delayed slightly as the Bundaberg City Council was waiting on notification of Queensland State Government funding.

**Sustainable Regions Program**

(Question No. 2610)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 November 2006:

For each of the financial years 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, can details be provided of administered and departmental payments made under the Sustainable Regions program, including a comparison between the final funding outcome and the final budget for the 2005-06 financial year.

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

The administered expenses for the Sustainable Regions programme are shown in the table below:

<table>
<thead>
<tr>
<th>Year</th>
<th>2005-06 ($m)</th>
<th>2006-07 ($m)</th>
<th>2007-08 ($m)</th>
<th>2008-09 ($m)</th>
<th>2009-10 ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimate</td>
<td>31.050</td>
<td>28.283</td>
<td>13.200</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Actual (1)</td>
<td>36.779</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

The final outcome for the Sustainable Regions programme for 2005-06 was $5.729m above the 2006-07 PBS estimate. As a result the programme estimate for 2006-07 will be reduced by this amount.

The Sustainable Regions programme is one of a range of programmes managed within the Regional Services output. In 2005-06, the departmental price of the Regional Services output was $40.092 million. It is estimated to be $37.939 million in 2006-07.

**Sustainable Regions Program**

(Question No. 2612)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 2 November 2006:

With reference to the Sustainable Regions Program:

(1) How much in total has been spent in each of the original eight sustainable regions to date.

(2) Can details be provided of how the figure of $33 million was determined for the two new sustainable regions (Darling Matilda Way and Northern Rivers/North Coast).

(3) (a) Given that the department has confirmed that $9.3 million of the $20.683 million is to be reallocated to the two new regions over the 2006-07 financial year, as shown in the Transport and Regional Services Portfolio Budget Statement 2006-07, how will the remaining $11.383 million of
administered funds be used: and (b) will it be re-phased to other programs, or will it be returned to the Government.

(4) Can details be provided of the total funding now available to the two new sustainable regions included the re-phasing of $9.3 million.

(5) Can details be provided of the progress of the Darling Matilda Way Sustainable Regions Committee, including: (a) members appointed; (b) date of appointment; (c) number of times the committee has met; (d) number of applications for funding the committee has received; (e) number of applications for funding approved; and (f) details of any expenditure of funds allocated to the committee’s region.

(6) Can details be provided of the progress of the Northern Rivers/North Coast Sustainable Regions Committee, including: (a) members appointed; (b) date of appointment; (c) number of times the committee has met; (d) number of applications for funding the committee has received; (e) number of applications for funding approved; and (f) details of any expenditure of the funds allocated to the committee’s region.

(7) How do sustainable regions committees ensure that approved projects fit within the strategic plans developed by the relevant area consultative committees that are located within the boundary of the sustainable region.

(8) Can details be provided on the progress of the internal audit of the Sustainable Regions Program that was not completed at the close of the program in June 2006.

(9) (a) What is the total number of sustainable regions projects in the eight original sustainable regions that did not claim their payments by June 2006; and (b) can details be provided of the progress of these projects.

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

(1) Expenses to end October 2006 in the initial eight regions were:

<table>
<thead>
<tr>
<th>Region</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gippsland</td>
<td>$10,794 m</td>
</tr>
<tr>
<td>Far North East NSW</td>
<td>$11,038 m</td>
</tr>
<tr>
<td>Campbelltown/Camden</td>
<td>$10,975 m</td>
</tr>
<tr>
<td>Cradle Coast</td>
<td>$10,552 m</td>
</tr>
<tr>
<td>Kimberley</td>
<td>$10,926 m</td>
</tr>
<tr>
<td>Wide Bay Burnett</td>
<td>$7,618 m</td>
</tr>
<tr>
<td>Playford/Salisbury</td>
<td>$10,889 m</td>
</tr>
<tr>
<td>Atherton</td>
<td>$16,958 m</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$89,750 m</strong></td>
</tr>
</tbody>
</table>

(2) The figure of $33 million for the sustainable regions of Darling Matilda Way and Northern Rivers/North Coast was an Election Commitment from the 2004 Federal Election.

(3) (a) and (b) The $11.383 million is for project costs associated with the initial eight regions.

(4) Total funding available to the two new sustainable regions remains unchanged at $33 million.

(5) Darling Matilda Way Sustainable Region Advisory Committee

<table>
<thead>
<tr>
<th>Committee Member</th>
<th>Date Appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Chair</strong></td>
<td></td>
</tr>
<tr>
<td>Mr David Boyd</td>
<td>15 March 2005</td>
</tr>
<tr>
<td><strong>Members</strong></td>
<td></td>
</tr>
<tr>
<td>Mr Barry Braithewaite</td>
<td>20 June 2006</td>
</tr>
<tr>
<td>Mr Peter Yench</td>
<td>16 August 2006</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
(c) The Darling Matilda Way Sustainable Region Advisory Committee has met seven times.

(d) The Darling Matilda Way Sustainable Region Advisory Committee has considered 54 Expressions of Interest and 14 Applications for funding.

(e) To date, one project has been approved for funding in the Darling Matilda Way Sustainable Region.

(f) To date, there has been no expenditure of funds allocated to the Committee’s region.

(6) Northern Rivers and North Coast New South Wales Sustainable Region Advisory Committee

(a) and (b)

<table>
<thead>
<tr>
<th>Committee Member</th>
<th>Date Appointed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair</td>
<td>18 February 2005</td>
</tr>
<tr>
<td>Mr Don Phillips</td>
<td></td>
</tr>
<tr>
<td>Mr Geoff Shepherd</td>
<td>11 April 2005</td>
</tr>
<tr>
<td>Mr Peter Lubans</td>
<td>11 April 2005</td>
</tr>
<tr>
<td>Mr Ken Winton</td>
<td>11 April 2005</td>
</tr>
<tr>
<td>Mr Col Sullivan OAM</td>
<td>11 April 2005</td>
</tr>
<tr>
<td>Mr Kevin Farrawell</td>
<td>31 May 2005</td>
</tr>
<tr>
<td>Ms Jenny Farquhar</td>
<td>4 April 2006</td>
</tr>
</tbody>
</table>

(c) The Northern Rivers/North Coast Sustainable Region Advisory Committee has met eight times.

(d) The Northern Rivers/North Coast Sustainable Region Advisory Committee has considered 54 expressions of interest and nine applications for funding.

(e) To date, two projects have been approved for funding in the Northern Rivers and North Coast New South Wales Sustainable Region.

(f) To date, $212,291 (GST inclusive) has been expended on projects in the Northern Rivers and North Coast Sustainable Region in New South Wales.

(7) The Sustainable Regions programme requires each Sustainable Region Advisory Committee to develop regional priorities which would typically align with key elements of existing plans for sub-regions and which may include Area Consultative Committee strategic plans.

(8) The Stage 2 Evaluation of the Sustainable Regions programme has been completed and was published on the Sustainable Regions website on 29 August 2006.

(9) (a) 82. (b) These projects have been delayed because of a variety of reasons, including the need for development approvals, seasonal impacts and lack of construction workers for infrastructure projects. In addition, a number of payments relate to final audits and reports. From 1 July to 31 October 2006, a further 26 projects have been completed.
Australian Building and Construction Commissioner  
(Question No. 2613)

Senator Chris Evans asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 6 November 2006:

With reference to the Office of the Australian Building and Construction Commissioner (ABCC):

(1) Where are the Commissioner and the two deputy commissioners located.

(2) Does the ABCC have offices in each state and territory; if so, what is the location of each office.

(3) How many staff are employed by the ABCC:

   (a) in total; (b) in each location; (c) in each classification; and (d) by status (ongoing or non-ongoing).

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) The Commissioner John Lloyd and Deputy Commissioner Nigel Hadgkiss are located in Melbourne. Deputy Commissioner Ross Dalgleish is located in Sydney.

(2) The Office of the Australian Building and Construction Commissioner (ABCC) has offices in each state. There is an office in Melbourne, Sydney, Brisbane, Perth, Hobart and Adelaide.

(3) (a) The ABCC employs a total of 114 staff.

   (b) In each location:

   Melbourne, 58
   Sydney, 29
   Brisbane, 11
   Perth, 11
   Adelaide, 4
   Hobart, 1

   (c) In each classification:

   Principal Executive Officer, 3
   Senior Executive Band 2, 3
   Senior Executive Band 1, 6
   Executive Level 2, 9
   Executive Level 1, 28
   APS Level 6, 11
   APS Level 5, 22
   APS Level 4, 14
   APS Level 3, 13
   APS Level 2, 5

   (d) by status (ongoing or non-ongoing)

   Ongoing, 108
   Non-ongoing, 6