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—NINTH 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. Eric Abetz
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. Nigel Gregory Scullion
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 Whip—Senator 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</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Birmingham, Simon John</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>Boyce, Suzanne Kay</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>LP</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</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>AG</td>
</tr>
<tr>
<td>Calvert, Hon. Paul Henry</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Campbell, George</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Campbell, Hon. Ian Gordon</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Carr, Kim John</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Chapman, Hedley Grant Pearson</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Conroy, Stephen Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret</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>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</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Forshaw, Michael George</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, John Joseph</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph</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, Hon. 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</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>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>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Mason, Hon. 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>Scullion, Hon. Nigel Gregory (3)</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Sievert, Rachel</td>
<td>WA</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Stephens, Ursula Mary</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Stott Despoja, Natasha Jessica</td>
<td>SA</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Troeth, Hon. Judith Mary</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Trood, Russell</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Watson, John Odin Wentworth</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Webber, Ruth Stephanie</td>
<td>WA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Wong, Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Wortley, Dana</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
</tbody>
</table>

(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Santo Santoro, 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.
(6) Chosen by the Parliament of South Australia to fill a casual vacancy vice Jeannie Margaret Ferris, died in office.

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. Christopher Martin Ellison

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

Minister for Fisheries, Forestry and Conservation and Manager of Government Business in the Senate
Senator the Hon. Eric Abetz

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

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

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

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

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

Special Minister of State
The Hon. Gary Roy Nairn MP

Minister for Ageing
The Hon. Christopher Maurice Pyne MP

Minister for Vocational and Further Education
The Hon. Andrew John Robb MP

Minister for the Arts and Sport
Senator the Hon. George Henry Brandis SC

Minister for Community Services
Senator the Hon. Nigel Gregory Scullion

Minister for Justice and Customs
Senator the Hon. David Albert Lloyd Johnston

Assistant Minister for Immigration and Citizenship
The Hon. Teresa Gambaro MP

Assistant Minister for the Environment and Water Resources
The Hon. John Kenneth Cobb MP

Parliamentary Secretary to the Prime Minister
The Hon. Anthony David Hawthorn Smith MP

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

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

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

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

Parliamentary Secretary to the Minister for Foreign Affairs
The Hon. Gregory Andrew Hunt MP

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

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

Parliamentary Secretary to the Minister for Defence
The Hon. Peter John Lindsay MP

Parliamentary Secretary to the Minister for Health and Ageing
Senator the Hon. Brett John Mason
SHADOW MINISTRY

Leader of the Opposition
Deputy Leader of the Opposition, Shadow Minister for Employment and Industrial Relations and Shadow Minister for Social Inclusion
Leader of the Opposition in the Senate and Shadow Minister for National Development, Resources and Energy
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology
Shadow Minister for Infrastructure and Water and Manager of Opposition Business in the House of Representatives
Shadow Minister for Homeland Security, Shadow Minister for Justice and Customs and Shadow Minister for Territories
Shadow Assistant Treasurer and Shadow Minister for Revenue and Competition Policy
Shadow Minister for Immigration, Integration and Citizenship
Shadow Minister for Industry and Shadow Minister for Innovation, Science and Research
Shadow Minister for Trade and Shadow Minister for Regional Development
Shadow Minister for Service Economy, Small Business and Independent Contractors
Shadow Minister for Multicultural Affairs, Shadow Minister for Urban Development and Shadow Minister for Consumer Affairs
Shadow Minister for Transport, Roads and Tourism
Shadow Minister for Defence
Shadow Minister for Climate Change, Environment and Heritage and Shadow Minister for the Arts
Shadow Minister for Veterans’ Affairs, Shadow Minister for Defence Science and Personnel and Shadow Special Minister of State
Shadow Attorney-General and Manager of Opposition Business in the Senate
Shadow Minister for Sport and Recreation, Shadow Minister for Health Promotion and Shadow Minister for Local Government
Shadow Minister for Families and Community Services and Shadow Minister for Indigenous Affairs and Reconciliation
Shadow Minister for Foreign Affairs
Shadow Minister for Ageing, Disabilities and Carers

Kevin Michael Rudd MP
Julia Eileen Gillard MP
Senator Christopher Vaughan Evans
Senator Stephen Michael Conroy
Anthony Norman Albanese MP
The Hon. Archibald Ronald Bevis MP
Christopher Eyles Bowen MP
Anthony Stephen Burke MP
Senator Kim John Carr
The Hon. Simon Findlay Crean MP
Craig Anthony Emerson MP
Laurence Donald Thomas Ferguson MP
Martin John Ferguson MP
Joel Andrew Fitzgibbon MP
Peter Robert Garrett MP
Alan Peter Griffin MP
Senator Joseph William Ludwig
Senator Kate Alexandra Lundy
Jennifer Louise Macklin MP
Robert Bruce McClelland MP
Senator Jan Elizabeth McLucas
| Shadow Minister for Federal/State Relations, Shadow Minister for International Development Assistance and Deputy Manager of Opposition Business in the House | Robert Francis McMullan MP |
| Shadow Minister for Primary Industries, Fisheries and Forestry | Senator Kerry Williams Kelso O’Brien |
| Shadow Minister for Human Services, Shadow Minister for Housing, Shadow Minister for Youth and Shadow Minister for 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 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

WEDNESDAY, 9 MAY

Chamber
Committees—
  Rural and Regional Affairs and Transport Committee—Meeting 1
  Public Accounts and Audit Committee—Meeting 1

Budget—
  Statement and Documents 1
  Proposed Expenditure—Consideration by Estimates Committees 1

Business—
  Rearrangement 2
Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007—
  First Reading 2
  Second Reading 2
  Third Reading 24
Migration Amendment (Maritime Crew) Bill 2007—
  Second Reading 24
  Third Reading 35
Gene Technology Amendment Bill 2007—
  Second Reading 35
  In Committee 44

Matters Of Public Interest—
  Australian Labor Party 46
  Defence Management Review 50
  Job Education and Training Scheme 52
  Volunteering 55
  Dr Pat Stevens 58

Liberal Party Of Australia—
  Office Holders 59

Questions Without Notice—
  Budget 2007-08 60
  Climate Change 67
  Budget 2007-08 68
  Budget 2007-08 69
  Budget 2007-08 71
  Budget 2007-08 73

Questions Without Notice: Take Note Of Answers—
  Climate Change 74

Condolences—
  Mr Alan Ritchie Cumming Thom 81
  Senator Jeannie Margaret Ferris 86

Petitions—
  Child Abuse 86
  Members and Senators: Eligibility 87
  Mary River: Proposed Dams 87
CONTENTS—continued

Australian National Flag ................................................................. 87
Asylum Seekers .................................................................................... 88
Nuclear Waste ....................................................................................... 88
Nuclear Waste ....................................................................................... 88
Notices—
Withdrawal ......................................................................................... 88
Presentation ......................................................................................... 88
Postponement ..................................................................................... 91
United Nations Resolution On Sustainable Fisheries................................. 92
Mr Iccho Itoh ...................................................................................... 92
Guantanamo Bay ................................................................................... 93
Student Income Support ........................................................................ 93
Old-Growth Forests ............................................................................... 94
Matters Of Public Importance—
Budget 2007-08 .................................................................................. 95
Committees—
Scrutiny of Bills Committee—Report .................................................. 108
Intelligence and Security Committee—Report ........................................ 109
Standing Committees—Reports ............................................................. 110
Environment, Communications, Information Technology and the Arts Committee—
Report ................................................................................................. 111
Economics—Report ............................................................................ 111
Public Accounts and Audit Committee: Joint—Report: Government Response ...... 111
Documents—
Tabling .............................................................................................. 112
Auditor-General’s Reports—
Reports Nos 32 to 35 of 2006-07 ........................................................ 112
Budget 2006-07—
Portfolio Supplementary Additional Estimates Statements ...................... 113
Budget 2007-08—
Portfolio Budget Statements ................................................................. 113
Committees—
Environment, Communications, Information Technology and the Arts Committee—
Report ................................................................................................. 113
Appropriations and Staffing Committee—Report .................................... 116
Documents—
Twelfth National Schools Constitutional Convention ............................. 116
Northern Ireland .................................................................................. 116
Committees—
Membership ..................................................................................... 117
Education Services for Overseas Students Legislation Amendment Bill 2007........ 118
Families, Community Services and Indigenous Affairs Legislation Amendment (Child
Support Reform Consolidation and Other Measures) Bill 2007—
First Reading .................................................................................... 118
Second Reading ................................................................................. 118
Broadcasting Legislation Amendment (Digital Radio) Bill 2007 and
Radio Licence Fees Amendment Bill 2007—
First Reading .................................................................................... 121
Second Reading ............................................................................... 121
CONTENTS—continued

Tax Laws Amendment (2007 Measures No. 2) Bill 2007—
First Reading ................................................................................................................ 125
Second Reading ........................................................................................................... 125
Airports Amendment Bill 2006 ................................................................................ 126
Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2006 ..... 126
Tax Laws Amendment (2006 Measures No. 7) Bill 2006—
Returned from the House of Representatives .............................................................. 126
Committees—
 Australian Commission for Law Enforcement Integrity Committee............................. 126
Aviation Transport Security Amendment (Additional Screening Measures) Bill 2007,
 Private Health Insurance Bill 2007,
 Private Health Insurance (Transitional Provisions and Consequential Amendments) Bill 2007,
 Private Health Insurance (Prostheses Application and Listing Fees) Bill 2007,
 Private Health Insurance (Council Administration Levy) Amendment Bill 2007,
 Private Health Insurance Complaints Levy Amendment Bill 2007,
 Private Health Insurance (Council Administration Levy) Amendment Bill 2007,
 Private Health Insurance (Reinsurance Trust Fund Levy) Amendment Bill 2007,
 Airspace Bill 2007,
 Airspace (Consequentials and Other Measures) Bill 2007,
 Energy Efficiency Opportunities Amendment Bill 2007,
 Appropriation Bill (No. 3) 2006-2007,
 Appropriation Bill (No. 4) 2006-2007,
 Bankruptcy (Estate Charges) Amendment Bill 2007,
 Bankruptcy Legislation Amendment (Debt Agreements) Bill 2007,
 Australian Energy Market Amendment (Gas Legislation) Bill 2007,
 Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2007,
 Tourism Australia Amendment Bill 2007,
 Customs Tariff Amendment (Greater Sunrise) Bill 2007,
 Offshore Petroleum Amendment (Greater Sunrise) Bill 2007,
 Non-Proliferation Legislation Amendment Bill 2007,
 Aged Care Amendment (Security and Protection) Bill 2007,
 Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2007,
 Auscheck Bill 2007,
 Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2007,
 Tax Laws Amendment (2006 Measures No. 7) Bill 2007,
 Bankruptcy Legislation Amendment (Superannuation Contributions) Bill 2007,
 Health Insurance Amendment (Provider Number Review) Bill 2007,
 Airports Amendment Bill 2007,
 Farm Household Support Amendment Bill 2007,
 Native Title Amendment Bill 2007,
 Migration Amendment (Border Integrity) Bill 2007,
 Migration Legislation Amendment (Information and Other Measures) Bill 2007,
 Corporations Amendment (Takeovers) Bill 2007 and
 Employment and Workplace Relations Legislation Amendment (Welfare to Work and Vocational Rehabilitation Services) Bill 2007—
 Assent ......................................................................................................................... 128
Committees—
  Standing Committees—Reports ................................................................. 128
Gene Technology Amendment Bill 2007—
  In Committee ............................................................................................ 128
  Third Reading ............................................................................................ 138
Broadcasting Legislation Amendment (Digital Radio) Bill 2007 ......................... 138
Radio Licence Fees Amendment Bill 2007 ....................................................... 138
Family First Party—
  Office Holders ........................................................................................ 141
Documents—
  Telecommunications (Interception and Access) Act 1979 ......................... 141
  Migration Act 1958 .................................................................................... 143
  Consideration ............................................................................................. 144
Adjournment—
  Investing In Our Schools Program ............................................................. 144
  Bringing Them Home Report ..................................................................... 146
  Queensland State Labor Government ......................................................... 148
  Budget 2007-08 ......................................................................................... 151
Documents—
  Indexed List of Files ................................................................................ 153
  Departmental and Agency Contracts ......................................................... 153
  Tabling ...................................................................................................... 153
  Tabling ...................................................................................................... 167

Questions On Notice
Airservices Australia: Avionics Tender—(Question No. 2460) ............................ 169
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2563) ................................................................................ 170
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2564) ................................................................................ 171
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2565) ................................................................................ 171
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2566) ................................................................................ 172
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2567) ................................................................................ 173
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2568) ................................................................................ 173
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2569) ................................................................................ 174
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2570) ................................................................................ 174
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2571) ................................................................................ 175
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2572) ................................................................................ 175
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2573) ................................................................................ 176
Minister for the Environment and Water Resources: Overseas Travel—
  (Question No. 2574) ................................................................................ 177
Suicide—(Question No. 2624) ........................................................................ 177
CONTENTS—continued

Industry, Tourism and Resources—(Question No. 2642)................................................. 178
Civil Aviation Safety Authority: Legal Services—(Question No. 2672).......................... 181
Civil Aviation Safety Authority: Enforcement Decisions—(Question No. 2676)......... 182
Civil Aviation Safety Authority: Operations—(Question No. 2683)................................. 182
Civil Aviation Safety Authority: Services—(Question No. 2684)................................. 183
Civil Aviation Safety Authority: Enforceable Voluntary Undertakings—
(Question No. 2692)........................................................................................................ 183
Transair—(Question No. 2703).................................................................................. 183
Civil Aviation Safety Authority: Lockhart River Air Disaster—(Question No. 2717)..... 184
Remote Aerodrome Inspection Program—(Question No. 2765).............................. 184
Transair—(Question No. 2902).................................................................................. 190
Murwangi Community Aboriginal Corporation—(Question No. 3044)..................... 190
Tiwi Islands—(Question No. 3074)............................................................................. 192
The President (Senator the Hon. Paul Calvert) took the chair at 9.30 am and read prayers.

Committees

Rural and Regional Affairs and Transport Committee

Meeting

Senator PARRY (Tasmania) (9.31 am)—by leave—I move:

That the Rural and Regional Affairs and Transport Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence for the committee’s inquiry into the administration of Biosecurity Australia.

Question agreed to.

Public Accounts and Audit Committee

Meeting

Senator PARRY (Tasmania) (9.31 am)—by leave—I move:

That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate today, from 11.30 am to 1.30 pm, to take evidence for the committee’s inquiry into financial reporting and equipment acquisition at the Department of Defence and the Defence Materiel Organisation.

Question agreed to.

Budget

Statement and Documents

Senator MINCHIN (South Australia—Minister for Finance and Administration) (9.31 am)—I table the following documents:

The Budget 2007-08—Statement by the Treasurer (Mr Costello), dated 8 May 2007.

Budget papers—
No. 1—Budget strategy and outlook 2007-08.
No. 2—Budget measures 2007-08.
No. 3—Federal financial relations 2007-08.
No. 4—Agency resourcing 2007-08.

Ministerial statements—
Australia’s overseas aid program 2007-08—Statement by the Minister for Foreign Affairs (Mr Downer), dated 8 May 2007.

Building a strong future for regional Australia—Statement by the Minister for Transport and Regional Services (Mr Vaile), the Minister for Local Government, Territories and Roads (Mr Lloyd) and the Parliamentary Secretary to the Minister for Transport and Regional Services (Ms Kelly), dated 8 May 2007.

I seek leave to move a motion in relation to the documents.

Leave granted.

Senator MINCHIN—I move:

That the Senate take note of the statement and documents.

Debate (on motion by Senator Minchin) adjourned.

Proposed Expenditure

Consideration by Estimates Committees

Senator MINCHIN (South Australia—Minister for Finance and Administration) (9.32 am)—I table the following documents:

Particulars of certain proposed expenditure in respect of the year ending on 30 June 2008.
Particulars of proposed expenditure in respect of the year ending on 30 June 2008.
Particulars of proposed expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2008.
Particulars of certain proposed supplementary expenditure in respect of the year ending on 30 June 2007.
Particulars of proposed supplementary expenditure in respect of the year ending on 30 June 2007.

I seek leave to move a motion in relation to the documents.

Leave granted.

Senator MINCHIN—I move:
That the particular documents be referred to Standing committees for consideration of estimates.

Question agreed to.

BUSINESS

Rearrangement

Senator ABETZ (Tasmania—Manager of Government Business in the Senate) (9.33 am)—I move:

That, on Thursday, 10 May 2007:

(a) the hours of meeting shall be from 9.30 am to 6 pm and 8 pm to adjournment; and

(b) the routine of business from 8 pm shall be:

(i) Budget statement and documents—party leaders to make responses to the statement and documents for not more than 30 minutes each, and

(ii) adjournment.

Question agreed to.

HIGHER EDUCATION LEGISLATION AMENDMENT (2007 MEASURES No. 1) BILL 2007

First Reading

Bill received from the House of Representatives.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.33 am)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.33 am)—I table a revised explanatory memorandum relating to the bill and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Bill amends the Higher Education Support Act 2003 (HESA) to provide funding to support the implementation of the Research Quality Framework (RQF).

It will also make important changes to our higher education sector by implementing a revised set of National Protocols for Higher Education Approval Processes. The revised Protocols will provide greater diversity within our higher education sector by allowing new types of institutions to operate in Australia.


The Bill highlights this Government’s commitment to achieving both excellence and relevance in research, by providing around $41 million to assist universities and other higher education providers with the implementation of the RQF.

The RQF will ensure taxpayers’ money is being invested in research of the highest quality which delivers real benefits to the higher education sector and also to the wider community. However, the Government recognises that there will be implementation costs associated with the adjustment to the new RQF system.

The funding contained in this Bill will support this implementation process, particularly the activities and systems required for participating institutions to engage effectively and efficiently with the RQF. The Australian Scheme for Higher Education Repositories programme will support the establishment of digital repositories throughout the higher education sector. The Implementation Assistance Programme will provide support to assist institutions with new administrative and information systems for the RQF.

The Bill also amends the Higher Education Support Act 2003 (HESA) to reflect changes to the National Protocols for Higher Education Processes. The National Protocols were first agreed by the Ministerial Council on Education, Employment, Training and Youth Affairs in 2000, and regulate the recognition of new universities, the operation of overseas universities in Australia and the accreditation of courses offered by higher
education institutions. In other words, the National Protocols are the “gateway” to our higher education system.

In July 2006, Ministers approved a set of revised National Protocols to take effect from 31 December 2007, which will require legislative change in all jurisdictions.

Revisions to the National Protocols are the outcome of extensive consultations involving State, Territory and Commonwealth Governments, as well as the higher education sector. The revisions make possible the emergence of specialist universities, concentrating teaching and research efforts in only one or two broad fields of study. The revised Protocols provide pathways for more institutions to become self-accrediting, where they have a strong track record in higher education delivery and quality assurance. They also allow new universities to develop from provisional “university colleges” under the sponsorship of an established university.

Another significant change is the extension of the National Protocols to apply to all new and existing higher education institutions.

All of these changes align very well with this Government’s vision for a more diverse Australian higher education sector. While prestigious, comprehensive universities will always have a place within a diverse sector, the revised National Protocols will encourage new types of institutions to operate in Australia.

Australia needs a high quality higher education sector with a range of institutions servicing different communities and varied requirements. A diverse higher education sector will have the flexibility to respond to volatile international markets. Further, greater diversity will promote choice for students, staff and employers, and encourage competition and excellence amongst institutions.

In separate measures, the Bill allows for the first time, cross-institutional arrangements to be extended to Commonwealth supported students at non Table A higher education providers. Previously, Commonwealth supported students were only able to undertake study in Commonwealth supported places in a cross-institutional arrangement between Table A providers. This amendment provides greater flexibility for providers and extends the range of study options available to Commonwealth supported students.

The Bill also sets a six week time limit for the provision of corrected information by a student that affects their eligibility for Commonwealth assistance.

Further, the Bill contains a number of technical amendments that will clarify existing Higher Education Loan Programme (HELP) and Commonwealth supported student arrangements and ensure the legislation reflects original policy intent.

The Bill clarifies the overseas study requirements in relation to eligibility for OS-HELP assistance by enabling a student to apply for OS-HELP assistance if they are already overseas.

The Bill ensures that higher education providers may determine the campuses at which units of study will be offered to Commonwealth supported students. This amendment will allow providers to stipulate that a student may be Commonwealth supported for their units of study, only if the student undertakes those units at a particular campus of the provider. The Bill requires that Commonwealth supported students must reside in Australia while undertaking their studies (although provision is made to ensure entitlement to Commonwealth support and assistance where a student is required to be overseas for part of their course of study).

The Bill will ensure that permanent residents will not be entitled to Commonwealth support or HECS-HELP or FEE-HELP assistance if they are undertaking their entire course of study overseas.

In addition to these measures the Bill contains some minor technical amendments which will improve the overall operation of the Higher Education Support Act 2003. One such measure is to ensure that the suspension of approval as a higher education provider under the Act will be a legislative instrument and therefore made publicly available on the Federal Register of Legislative Instruments.

This Bill before the Senate is a clear expression of the Australian Government’s strong commitment to higher education and will enhance the quality and diversity of our higher education sys-
tem and the choices available to our students. It reflects the government’s commitment to ensuring that Australia’s research and higher education sectors continue to play a vital role in our economic, cultural and social development.

I commend the Bill to the Senate.

Senator CARR (Victoria) (9.34 am)—I would like to speak to the Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007. The Labor Party do not oppose this bill. We are, however, very critical of aspects of it and highly sceptical about others. The measures which directly affect the establishment of the so-called research quality framework were not addressed in the budget last night. These measures in this bill relate to revising the maximum funding amounts provided by the Higher Education Support Act 2003 for the funding of the so-called research quality framework. This bill also seeks to amend the Higher Education Support Act to reflect changes to the national protocols for higher education approval processes. The national protocols regulate the recognition of new universities, the operation of overseas universities in Australia and the accreditation courses offered by higher education institutions. The bill also seeks to introduce a number of measures relating to the administration of the Higher Education Loan Program and arrangements for the Commonwealth to support its students.

Last night’s budget went particularly to the issue of the national protocols, and we will have more to say about that later on. It did not do so openly; it did so by stealth. These provisions provide for a fundamental change in the way universities are run in this country, and they will have very serious implications for our regional universities and for universities outside the Group of Eight. The RQF, however, is the most contentious component of this legislation. This legislation amends the Higher Education Support Act to ensure universities can gain access to funding for the government’s so-called research quality framework.

As the shadow minister responsible for this area, the more I understand this issue the deeper are my reservations about the research quality framework. I believe it to be fundamentally flawed in its approach to the measuring and assessing of research quality for our universities. While I am firmly of the view that we need a quality assurance mechanism within our research programs in our universities, there are clearly fundamental problems with the measure the government is proceeding with.

Those problems go to the fact that this measure will be extraordinarily expensive to administer, that it sets the bar too low on quality measures, that it emphasises a poorly defined impact measure and that it has at its core an adoption of an RQF which will mean that university ratings will be based more on where an academic is now working than on what groundbreaking research the academic has undertaken. This is a recipe for the poaching of staff and for the cooking of the books within our national research programs.

It is not just the Labor Party that has profound reservations about this measure; these are questions that are being drawn to our attention by the Group of Eight universities, which have expressed considerable concern about the legislation. While they support the original intentions of the legislation, they dispute the claims that have been made by the government—namely, that the ‘higher education sector has consistently indicated that the approach used in the RQF provides the best approach to conducting a quality based assessment process’ and that ‘the sector has continued to indicate a broad level of support’. These are claims that the government has made about what universities think is good for them. These claims are just not
true. The government has tried to mislead the parliament and it has certainly tried to mislead the Australian public with regard to what universities themselves say about these measures.

The National Tertiary Education Union, which represents the staff at universities, has also argued that it does not support this legislation. It says that the critical details from the final model are simply not known. It says that there is a ‘lack of adequate funding to compensate universities for the real costs associated with the introduction of the RQF’ and that, from the program, there are—and this is quite an important observation—‘risks to the international reputation of Australian universities and the professional and industrial rights of their staff’.

I go to other organisations—ones which have shown themselves to be quite friendly towards the government in recent times, such as the Federation of Australian Scientific and Technological Societies. Even though they support the intent of the RQF as an approach, they remain concerned about it in a number of areas. I argue that what we have now is a situation whereby a wide cross-section of the Australian university community is now saying to the government, ‘This program should not proceed.’

It is not just in universities that this case is being put; other things are being said to us. Even the nest of advisers within DEST surely should have heard this advice. What the high priests of the market-driven approach to universities, such as the Productivity Commission, are saying is particularly ironic. What are they saying? In their final report Public support for science and innovation, which was released in March, they say, ‘The costs of implementing the research quality framework may well exceed the benefits,’ and ‘while the RQF may bring some benefits, the UK and NZ experiences suggest that these would have to be substantial to offset the significant administrative and compliance costs’. What you have is not just the universities but major advice to government from normally highly friendly sources saying that this program is fundamentally at odds with the best interests of the Australian universities.

The government’s current plan is to conduct a review of research performance under the research quality framework model every six years. The Productivity Commission argues that if the RQF model is to continue beyond 2008—and I can indicate that if there is a change of government at the next election we will not be proceeding with these arrangements as they are—then one or two things should occur. The Productivity Commission say that, if the government were to be re-elected, the government should provide an early basis for assessing the effects of the RQF by bringing forward the 2014 round or by conducting a partial round in the intervening period. You do not need to be a code breaker to understand that the Productivity Commission is politely but firmly telling this government that the RQF is no good and should be scrapped.

Concerns have also been expressed by the higher education sector with regard to what they argue are the linkages with industry and the negative effects that will come about as a result of the implementation of the RQF. What others within the higher education sector say is that this program will in fact weaken the collegiate efforts among researchers and academics from different universities—and that will undermine collaboration across the sector—and that there will be problematic impacts on the assessment of quality and that the measurements of the so-called impact provision are too difficult to define. In the course of the review that was undertaken last year, the Productivity Commission received submissions outlining the
acute deficiencies in the RQF from organisations and agencies right across the higher education sector and the research community, as well as from private industry.

So we have a situation where the government has been essentially heavily criticised for this program right across the board. The government is in the thrall of a small group of public servants within the department of education who have misled this minister about the impact of these arrangements and the quite damaging effect that they will have on our research capacity. The collective concern is: ‘There is a prospect that an RQF could become a burden to researchers, be expensive to administer and deliver very little reward to support and simulate the best quality research.’ I suggest that, despite all of these concerns on the effect that the RQF will have on research in our universities, the government has essentially sought a whitewash. In the Senate inquiry’s majority report—on which I understand additional remarks will be made by Senator Marshall later in this discussion—the government say, ‘It is highly likely that criticisms made of the legislation—bearing mostly on detail—will be addressed as implementation proceeds at least to the extent that the current concerns of stakeholders require alteration.’

This is not about mere detail of implementation; these are fundamental concerns about the design and construct of these arrangements. While we have very grave concerns about the RQF, I would like to emphasise just how important it is to ensure that there is a policy of quality assurance within our research communities. We will be pursuing approaches that will demand the highest quality of research in our universities. As that forms the bedrock of our scientific discovery, critical thinking and learning within universities, it is essential that the public have confidence that public moneys are spent wisely and that value for money arises whereby our researches are able to enjoy considerable increases in the level of public support.

We argue that any quality assurance framework must be robust, rigorous and support an open and transparent process of peer review. Labor want a research quality assurance scheme that is of international standing, and we believe that the government’s approach on these fronts is fundamentally flawed. We believe there are far better ways to achieve these outcomes. We will be arguing that an alternative model be established that is rigorous, transparent, fair, equitable and efficient and that must be recognised, accepted—

Senator McGauran—Cliche!

Senator CARR—You would not know what a cliche is, apart from when you chase the odd sheep around your Gippsland properties. That is absolutely true. On the Collins Street farms, that is probably what they get up to—that is about all they get up to. Senator McGauran would like to engage us on the question of research policy. I look forward to Senator McGauran’s contribution about how this proposal is internationally acceptable and what measures are being taken within the Liberal Party to ensure that it is world’s best practice.

What you have here is a need to ensure that funds, which are inherently short in supply because we cannot conceivably fund all options that are available for research inquiry, go to a program that will: transparently reflect research quality and achievement in our universities; allow universities to concentrate on their research strengths; reward genuinely high achievers; weight research costs accurately by field and by discipline; promote university autonomy and decision making on research funding and policy; recognise and reward groundbreaking, long-term fundamental research whose full
impact may not be apparent within a limited or arbitrary time frame; and provide separate and objective measures that reflect research quality in each of the broad discipline areas—the arts and humanities, the performing arts, the social sciences and the sciences and technologies.

We argue that if you have a quality assurance mechanism in place it is important that it actually works. We are obviously not opposing the additional moneys that are being provided, but the government’s approach is fundamentally wrong and a completely different strategy is needed to deal with the issue of quality assurance within our universities. We support efforts and measures to increase the overall level of research undertaken by universities. These measures, as we saw last night, will not lead to any increase of money being provided by the government through the Australian Research Council or through research training. You will not see any direct benefit to the universities; only costs. Labor believe that the money can be more effectively used in the development of an alternative research quality assessment regime.

I will turn to other areas within this bill, particularly the National Protocols for Higher Education Approval Processes. The national protocols regulate the recognition of new universities, the operation of overseas universities in Australia and the accreditation of courses offered by higher education institutions. The protocols were first approved by the Ministerial Council on Education, Employment, Training and Youth Affairs back in 2000 and were subsequently amended by agreement of the states and territories in July 2006. In the 2006 amendments, it was identified that there needed to be: nationally agreed criteria and approval processes for all higher education institutions; criteria and processes for the registration of non-self-accrediting higher education institutions and the accreditation of their higher education courses; and criteria and processes for awarding self-accrediting authority to higher education institutions other than universities. This is extremely important stuff because it goes to our international reputation for the provision of higher education in this country. It is fundamental that we have, once again, a rigorous process that provides, as the Group of Eight argue in their submission to the Senate committee inquiry:

... appropriate protection for the use of the term ‘university’ in an Australian context ... So long as the Government remains vigilant about ensuring that the quality assurance mechanisms contained in HESA are rigorously enforced for all current and new entrants to the sector, the Go8 believes that the introduction of New Protocols will be a positive development for Australia’s higher education system.

However, my concern is that those criteria actually be identified and carried out. We know from the sorry saga of the Greenwich University affair on Norfolk Island just how perilous a course we sail with this government because of its preoccupation with the quick and nasty little stunts that it pulls to try to get around these important quality assurance issues. I think it is important that there is provision to allow for the establishment of centres of research and teaching excellence within universities and which allow for greater attention to research expertise. It is appropriate that there are clear mechanisms established for institutions with strong track records in higher education delivery and quality assurance to become self-accrediting, particularly when they are under the stewardship of an established university. It is also appropriate that there be an extension of the application of the national protocols to all new and existing higher education institutions. That is basically what these arrangements perform.
My concern is this: in allowing international higher education providers and specialised higher education providers to establish themselves as universities or university colleges we have to ensure that these very rigorous provisions are in fact implemented. I am concerned, however, that the government’s approach to the greater specialisation in the sector is one of stealth. It does not actually spell out what it is proposing here, but the essence of these changes goes to the issue of whether we are going to have teaching only universities and university colleges in this country. Under the name of competition this government is opening up the destruction of the unitary system as we have known it in this country for 30 years. This could have serious consequences for regional universities and for the so-called blue gum universities in that financially weaker members of the university community in this country may find that they are effectively deprived of the capacity to undertake serious research. We must therefore ensure that the accreditation regime that is introduced here is able to guarantee that the high standards of our higher education providers will not be eroded and that our international reputation for having first-class institutions is not undermined.

We do have a serious problem with the placement of our universities on an international scale; however, the answer to that problem is not the dumbing down of our institutions. It is about investing in the future and ensuring that our institutions are genuinely able to measure their performance on an international basis. My worry is that the lack of details in the provision of the guidelines on how these protocols will be applied to existing higher education providers opens this government to the charge that it is about destroying the unitary system and imposing a whole new set of arrangements.

Senator STOTT DESPOJA (South Australia) (9.54 am)—As the Democrats’ higher education spokesperson, I rise to speak on the Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007, which in many respects continues this government’s reform of the higher education sector. As we have heard, this bill has a number of measures; some are quite minor and others are less so. The bill places some of us in a quandary. Senator Carr referred to the recommendation in the submission from the National Tertiary Education Union that the bill not proceed until the other plans in relation to the RQF, for example, are put forward. But, while many of us would prefer to see the specifics in place, we do not want to hold up funding to the sector that may help them with the implementation of some of these programs, the RQF in particular. So, like the Labor Party, we are in a bit of a bind. As I outlined in the supplementary report to the Senate committee on this, the Democrats are not going to stand in the way of this legislation. Of course, we can read the numbers in this place and can see that this legislation will go through. But there are a couple of issues that should be addressed.

Senator Abetz—Have you read the budget?

Senator STOTT DESPOJA—I do acknowledge the budget; it is nice to be able to acknowledge good things in a budget from this government, and there were some positive developments for the higher education sector last night.

Senator Abetz—you have had 12 opportunities to do that now.

Senator STOTT DESPOJA—Do not get too excited, Minister Abetz! It is a bit like your higher education policy: there is always going to be a bitter pill at the end of it. When I see headlines like the one in today’s higher education supplement in the Australian say-
‘$1.7bn boost exceeds hopes’ I get pretty excited. Of course, I remember the headline—as Senator Carr would—in 1996-97: ‘$1.8 billion cut out of the higher education sector’. So what took you so long? It is nice to be able to say good things; it is nice to see a budget that does reinvest in the sector. But, guys, how long did this take? Ten years! Ten years ago a lot of changes took place and those changes have had deleterious effects on the sector in research, capital funding, infrastructure, student financial support and income support.

I am the first to congratulate this government on its decision in the budget last night to make rent assistance available to Austudy recipients. It is something I have campaigned on long and hard in this place. In fact, I think I threatened not to leave the parliament until you did make that change.

Senator Abetz—That is why we did it!

Senator STOTT DESPOJA—So I have worked out how to get results—threaten to leave, and what do you know! But that is $25 million—an incremental, small amount in the bigger picture of higher education funding. Yet we know income support is so valuable; it is one of the key factors in determining that people, particularly from traditionally disadvantaged backgrounds, can access and participate in higher education. So, well done! There is still a lot more to go. There are other aspects of the budget, and I will turn to them after I have addressed the aspects of the legislation before us. There are good bits but there are also some aspects of the budget that are particularly worrying.

To return to the bill in question: as I mentioned, the Democrats do not have any in principle objections to the specific amendments proposed in this bill before us but we do have problems with the overarching policy that this bill seeks to support. In particular, the bill revises the maximum funding amounts of the Higher Education Support Act 2003, the HESA, to provide funding for the implementation of the RQF, the research quality framework. The RQF is the government’s attempt at creating a performance management framework for the university sector. The principles behind the RQF—that universities should be rewarded for excellence—are sound enough. I do not think anybody has a problem with that rhetoric. Indeed, I think few would advocate that there should be, if you like, a free ride or a lack of accountability for or responsiveness to the spending of taxpayers’ money, and a well-implemented performance management framework could focus funding where it is needed and where it will have the greatest effect.

The danger with frameworks like these is that it is incredibly difficult to measure impact in all its myriad forms, and trying to specify what constitutes impact and what does not can generate all sorts of unintended consequences. As the Macquarie University researcher Russell Downham wrote in the Australian last year:

... novel solutions to practical problems are often found where they are least expected.

And:

Given the increasing complexity of our knowledge and its potential interconnections, there is little reason to believe we could predict which research programs will have the greatest impact beyond the short term.

As Senator McGauran would know—but he has gone and I was looking forward to his involvement in this debate—the RQF was intended to replicate the United Kingdom’s research assessment exercise, the RAE. The RAE was found to be too complex and quite burdensome for university staff and it has since been scrapped. It has been abolished in the United Kingdom and replaced by a system of metrics such as the impact of pub-
lished papers or the amount of income earned in research and grants and contracts.

In recent times I have been visiting many vice-chancellors, as I have done over the last 11 years as the higher education spokesperson for the Democrats, to talk about this issue. I know that there is a public veneer of support from the AVCC and individual vice-chancellors, but when you start talking to some of these men and women you find they are very concerned about this framework and particularly about its implementation. Most are concerned, of course, about the administrative burdens and the likelihood that it may generate some perverse outcomes. It would be interesting to know where the impetus to establish the RQF is coming from within the government when the UK model on which it is based has since been scrapped and when there are few in the tertiary education sector who believe the RQF will result in positive change.

I am also curious that a government that supposedly favours small government is establishing a scheme that will dramatically increase the administrative burden for the higher education sector, both for the universities themselves and for the Department of Education, Science and Training, so much so that the government has allocated $87.3 million to address these costs. Obviously, it is anticipating some administrative problems.

I note that this bill also amends, as Senator Carr has noted, the HESA to change the National Protocols for the Higher Education Approval Processes. As with the RQF, it does so before the whole policy is actually set in stone. After extensive consultations, the national protocols were revised and approved by the Ministerial Council on Education, Employment, Training and Youth Affairs, MCEETYA, in July last year. MCEETYA will now develop guidelines to give effect to these national protocols, but these have not been finalised. Like Senator Carr, I have a lot of sympathy for the position put forward by the National Tertiary Education Union during the Senate inquiry into this bill, when they said that the bill should be withdrawn until the final policy settings for both the RQF and the guidelines for the national protocols are finalised. That seems pretty sensible to me. This is further evidence of how the government has dealt with higher education policy—and probably policy generally—over the years, pushing through the legislation aimed at implementing plans before the plans have actually been fully developed. We are being asked today to pass legislation providing funding for the implementation of the research quality framework before we know how the model is actually going to work in practice.

Ordinarily the Democrats would be loath to support such a bill. Call us quaint or old-fashioned, but we believe the logical approach would be to set the policy first and then make the required administrative changes to implement that policy. But we face a dilemma. This bill includes a funding package to help the higher education sector adapt to the significant administrative burden that the RQF will impose on universities. So while I think that this is bad policy and I disagree with the way the government is going about it, both in method and substance, I am realistic about the numbers in this place. I also do not like standing between universities and some money. Let us face it, they have been starved for funds for long enough and they are desperate for money not only to assist with the new models and policies being imposed on them by this government but more generally.

On that note, there has been a lot of talk about the national endowment fund today. Certainly, no-one would baulk at the suggestion that $5 billion is anything but a good injection of money into the sector—or $200
million or $300 million per annum, depending on whose assessments we are looking at today. That said, why is the government so determined to ignore the issue of indexation for universities? It is the one thing that vice-chancellors and others in the sector have been calling for for years. It is not just this government, I might add. Labor dropped the ball on this issue as well. Labor were marginally better on the issue of indexation through a complex arrangement of borrowing and loans but, nonetheless, no governments have ensured that universities have been able to keep up with the costs of inflation through realistic, sustainable indexation in grants and operating costs. That would have been a logical way to proceed with issues such as research infrastructure or capital works or a range of other areas that apparently the endowment fund is supposed to deal with.

We also do not know the mechanics of the national endowment fund. How is it going to work? Who will be responsible for determining the criteria? I note the comments on the front page of the higher education supplement today quoting, as an administrator, Patrick Woods, the Deputy Vice-Chancellor of the University of Technology, Sydney, in his reaction to the budget last night. He said:

The mechanism for accessing the Higher Education Endowment Fund is unclear. It appears to be a disguised process for giving greater funding to the Group of Eight [universities]. The Government has given us more university places. We don’t want more places, we want funding for the places we already have.

This is a message that has come through loud and clear over the last decade or so and yet the government has been slow to respond.

I see that this bill also includes changes to the Higher Education Loan Program, HELP. Again, I do not necessarily regard the amendments in themselves to be particularly problematic. I acknowledge that HECS, the forerunner to HELP, was about as gentle a way of getting students to pay for their university education as you could have, but I also recognise that this government distorted the original HECS architecture and the principles behind that system, and I do not resile from the fact that the Australian Democrats have never supported fees for education. Thousands of HECS-HELP students now have debts in the order of $40,000. Full-fee students under FEE-HELP are many times worse off, with some full degrees now costing more than $200,000, as we have heard repeatedly. This is directly contrary to the Prime Minister’s promise that no degrees would cost even $100,000 under his administration.

One of the big problems, again, with the budget which relates to this and the issue of income support and the pressures on students and the fact that this is a debt-ridden generation of students and graduates, is that the cap on the proportion of full-fee paying places in relation to domestic undergraduate places will be removed across all disciplines. That was the real nasty little part of last night’s budget that I am not sure people have paid attention to yet. A dramatic increase in the number of students who are burdened with full-fee debts is surely just around the corner.

It is well recognised now that students and graduates have financial burdens of mortgage-like proportions—around $40,000 or $50,000. I cannot understand how that would be a good start in life for any student—and I am not just talking about young people; I am talking about mature age students as well. We know that that will have an impact, and has been shown to have an impact, on other significant purchases, such as cars or a house. It has even been shown to have an impact on the timing of decisions on such things as marriage and children, and these are serious issues. The government may want
to boast about having surpluses or being debt free, but we have a seriously debt-ridden generation among us, with more to come. By removing the cap on the full-fee paying domestic undergraduate places, the government have effectively opened the floodgates on full-fee degrees. There is no pretence now of equity. In some respects I wish the government would just stand up and say that, by saying, ‘We acknowledge we’ve almost completely deregulated undergraduate education, as indeed successive governments have done to postgraduate education, and we are not prepared to put significant money back into income support.’ That might be one way not necessarily of offsetting those costs but of enabling students, particularly disadvantaged ones, to participate in the sector. I acknowledge the money for Abstudy and Indigenous scholarships and, as I mentioned, rent assistance to Austudy students, but it is a really small amount in the total pool that governments should be making available as a priority in investing in education in the future.

So, yes, I acknowledge the good bits of the budget and I certainly welcome an injection of funding for infrastructure and courses. As I say, I am very happy to see the government heeding our calls and the calls of other groups in the sector for changes to income support. But I worry about the removal of the caps and the impact of that, particularly on domestic undergraduates, throwing the long-term equity of tertiary education into doubt, and, again, about the government’s unwillingness to even countenance indexation for the sector.

The Democrats have little choice but to support this bill. As I say, I am very conscious of the fact that universities need what money they can get, but I think that the government should be taking time to reconsider the policy behind such legislation. Are we at a point now where we put forward the money for administration before working out a policy? I suppose that in one of my other portfolio areas—the human services area—the access card has made it entirely clear that governments are prepared to allocate money and distribute funds but not to get the specifics of the law, the policy, the model or whatever it may be not just on the table but also democratically debated, scrutinised, analysed, changed if needed and then passed by a majority in the parliament. I think this is a very sorry approach to take to any policy making.

I hope the government will consider, particularly in relation to the RQF, that there are other ways to evaluate performance and to ensure that the model they are putting forward is clear before this parliament is asked to consider such legislation again. I hope also that the government will look at the legacy their policies on HELP fees are leaving the students and the graduates of this country.

Senator HURLEY (South Australia) (10.11 am)—It is commonplace to hear in Australia that Australia has very good research, particularly in the science and technology field. I think the Treasurer referred to that last night either in his budget speech or in comments afterwards. But the fact is that this government has really not paid due recognition to encouraging and promoting this quality. My colleagues Senator Carr, for the Labor Party, and Senator Stott Despoja, for the Democrats, have gone into some of the detail of the evaluative framework contained in the Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007. I want to briefly talk a bit more about research and the way this Liberal government has dropped the ball on research over the past 10 years.

There is discussion in the bill about high-quality, high-impact research and its impor-
tance, and the recent Productivity Commission report emphasises the necessity of having high-quality, high-impact research and the effect of that on our country’s economy and productivity. People also paid lip-service to the fact that the value of research may not be immediately apparent and that it may be evident some way down the track. Indeed, when I went through university a lot of the work being done in the faculty of biochemistry at the University of Adelaide was seen to be leading-edge research that did not have any particular impact. But the work on cell walls and other biochemical aspects has had a very evident impact, and a lot of the biotechnology work that is producing profits now is predicated on that. The fact is that, over the past 10 years, this Liberal government, as has been stated by my colleagues, has neglected research. It has neglected funding for research and has neglected the universities and other structures in which research has been carried out. That has had a big impact on the quality, the amount of research and the type of research within those institutions.

Indeed, you could argue that the Liberal government, despite paying lip-service to the quality of Australian research, have actually brought a lot of research into disrepute by their mocking of it—and I am talking particularly of the former Minister for Education, Science and Training Dr Brendan Nelson. This was highlighted by Professor Peter Hoj when he left the Australian Research Council recently. In speaking about his time in the Research Council, which began in 2004, he said that, within months of his being in the Australian Research Council, Dr Nelson vetoed three projects that the ARC board had recommended for funding. He went on to say that Dr Nelson vetoed another seven the following year, created an outrage when he appointed three lay members to the ARC board and then finally abolished the board. In the process, Dr Nelson and others of his philosophy cast a lot of doubt on the quality of the research that was being done in Australia, taking out individual projects and project titles and mocking them and the quality of research that was coming out of a number of institutions—and this was done by the minister for higher education. At the same time, funding was cut and, subsequently, the grants were tied to government and workplace reforms within universities. Ideological obsessions, such as workplace reforms, have replaced policy ideas within this government. This government lacks forward thinking, it lacks policy ideas and it puts in place ideological obsessions that skew the kind of work and research that is being done by universities, at a time when it has become more important than ever that we get good quality research coming out of our institutions.

I will concentrate on the scientific area because that is my particular area, but there is good research coming out in the arts and humanities and there are good reasons that that research should continue. In the area of scientific research it is extraordinarily important that we get good quality and good value out of the research. A lot of our manufacturing is being taken over in other countries where labour is cheaper and regulation is less severe, and it is very important, as many have noted, that this country develops a much more cerebral type industry, where we rely on our ability to innovate, to produce technological change and to sell our ideas as our exports rather than particular goods. There has been talk about the ‘clever country’ and the export of our ideas—all of which has a lot of value—but, in order for us to achieve that, we must come up with those ideas and the pure research and then come up with the ability to translate those ideas into commercial reality or at least to prototypes.
That second area is where the government has most signally failed. This is particularly so in relation to climate change. We talk about the necessity to tackle climate change on the basis of scientific fact, but a lot of the science on how we should address climate change has not been properly supported or funded by this government. Not only do we have to ask ourselves whether the research that is being done is being approached by this government in a stepped and strategic way but we also have to look at the implementation of that scientific research. I have friends who work in the hydrogeological area, which plays a fundamental role in how we deal with climate change. Funding to that area is cut all the time simply because it is an implementation area. It does not get the government great kudos if the hydrogeological work is done, and the recommendations are not put forward. It is only when we reach crisis point that the need for that kind of work is evident—and we are now rapidly reaching that crisis point.

The government is in a catch-up phase, because it has not looked to the future for its policy over the last 10 years. It has not recognised climate change and it has not recognised the scientific research and the value that it has. In this budget and through other measures, the government is looking at catching up. Before we get too excited about the value of what is contained in the current budget, we should remember those last 10 years of reduced funding, the mocking of research, the blocking of research and the underchampioning of research in areas of scientific and technological advances. It has been 10 years of mismanagement—and, where it has not been mismanagement, it has been 10 years of neglect.

Last night on one of the television programs, Mr Laurie Oakes asked the Treasurer where the idea of the endowment funding came from. It was a question that the Treasurer avoided, but it is a very interesting question because it is a reasonable idea. I will not discuss the implementation or what its effect will be; I will leave that to further discussion of exactly what is involved there. But at least it does show some vision and innovation, and that has been severely lacking under previous ministers for education in the Liberal government. It is an interesting question. Would it have come from the current Minister for Education, Science and Training, Julie Bishop, who has so far shown no signs of vision or innovation in this education budget, or would it have come from other areas? I do not know, but what we need in education—higher education in particular—is much more vision and innovation. We need to recognise that if Australia is to be the country that we want it to be then we have to support good quality, high-impact research at our universities.

The fact that funding for education in Australia has lagged behind other countries illustrates that this government does not have a true commitment to Australia as a country that relies on the brain power, innovation and ability to adapt that would take us further into the next century—past the mining boom and into a future where everyone in our country can take advantage of higher education and, to the best of their ability, use their talents in research within a framework which is properly measured and properly supported by the government. It is a fact that we do not have in this country the level of private endowment that other countries might have, but that is all the more reason why the Australian government needs to pay proper attention to the way in which it develops research institutions in this country and to the way research is valued in this country.
Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007 and to support the concerns that have been articulated by Senator Carr, Senator Stott Despoja and Senator Hurley about just what this bill will achieve. While we on this side of the chamber are not opposing the bill, I want to focus on what are probably the most contentious parts of the bill, which are those relating to the research quality framework and its implementation. I do so from two points of view: firstly, from the point of view of the impact of the RQF on the regional universities and their future and, secondly, from the point of view of not thinking about the RQF in isolation but considering the impacts of the RQF together with the learning and teaching performance framework that is also being put in place and how that can create a teaching-research nexus in many universities as they try to struggle with the implementation of the RQF.

I want to make some broad comments about the bill, which clarify the requirements of the Higher Education Loan Program. Senator Stott Despoja, who passionately understands all of those issues, reflected on those very carefully this morning and highlighted just what those impacts are going to be for Commonwealth supported students. The bill also amends the Higher Education Support Act 2003 to implement the revised National Protocols for Higher Education Approval Processes, and it amends the Higher Education Support Act, the Higher Education Funding Act 1988 and the Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003 to limit the time when students will be able to claim entitlement to Commonwealth support. So there are important amendments to higher education legislation that need to be recorded.

I want to move to the research quality framework issues and the concerns that have been raised today. I agree with the previous speakers who have said that the insistence on the research quality framework proposal and model is fundamentally flawed. This has been reflected in submissions to the inquiry into this bill. There are major concerns about transparency, about broader impacts on publicly funded research and about the onerous provisions that will be placed on universities in the reporting framework that is being developed. The message has been very clear and consistent from the Group of Eight universities, which includes the Canberra based ANU. The Group of Eight, who are responsible for 60 per cent of Australia’s university research and manage more than 70 per cent of the national competitive grants that are provided in higher education, have outlined very clearly in their submissions to the working party of the department on the research quality framework implementation group and to the committee investigating this bill that it is hugely problematic for them. Last year, Professor Glyn Davis, Chair of the Group of Eight, said:

... it is very important that any new research assessment model is robust and tested to ensure it is accurate and cost-effective before implementation. It will be difficult to achieve this in the proposed 2008 implementation time-frame.

There are some lessons to be learned from overseas experiences. This RQF framework model moves to implement something that has been dumped in the UK. That in itself seems to be a fundamental reason for not proceeding and for learning from the experiences of overseas countries and for moving on from what is a flawed model.

There are clear messages from other overseas countries too. In New Zealand, the lesson is very clear: the universities there found it very difficult to plan for the RQF. At the time that they were considering it, they did not have the funding algorithm. Universities in New Zealand found it impossible to work
out what the impact would be and how they would be able to report on it. They needed to see how it operated in the first round before they could understand how their universities were going to be affected financially. In this legislation, a very minimal amount of money has been provided for the implementation process—far, far less than the universities indicated that they were going to need to implement the RQF as it is proposed. While the Group of Eight have consistently supported an efficient cost-effective research quality assessment mechanism, they are advocating for something totally different. The universities have a preference for a validated metrics based approach to quality and impact assessment, and that is the model that the UK have implemented since they dumped their similar RQF assessment exercise. We are going back to the future here with the frustrating, devilishly complex and quite divisive model that the Minister for Education, Science and Training is trying to implement.

I mentioned the issue of the learning and teacher performance framework which the government is implementing as part of the process and parallel to the RQF. That is a fairly inexpensive exercise and is built around performance measures that largely existed prior to its introduction. But the RQF is going to be far more expensive for the sector and it is going to be very difficult for universities as a whole to do a cost-benefit analysis of going down this path. Whether or not the inclusion of quantitative metrics could enhance the RQF by reducing the amount of qualitative assessment required is difficult to determine, especially where the impact is concerned. Those people who have been talking to me about the RQF are concerned that the impact essays and statements that will be required for significant work will be both difficult and onerous to produce and then to assess. From the universities’ point of view, the system is fundamentally flawed and is not going to deliver the outcomes that the government wants. The irony of it all is that if the government had taken the advice of its experts—the universities who are trying to advance research and higher education in Australia and to contribute to the productivity gains of the 21st century—then they would know that this will be very difficult.

With the trial of this and then with its implementation in 2008, we could see a very serious nexus emerge between the teaching and research functions of universities. We will have two streams of universities, some that are researching and garnering the research dollars and others that are trying to teach skills and that will be very disadvantaged. Labor has a very different approach to higher education. Its strong messages, which have been gathered and promoted through Kevin Rudd’s education revolution, are really about valuing lifelong learning and building our international competitiveness based on a massive investment in education from cradle to grave. That is not what we are going to see in this RQF.

Coming back to the bill before us: Senator Stott-Despoja made comments in the debate this morning about the debts that students are now going to be carrying for higher education and the fact that we are going to see, as a matter of course, $200,000 university degrees. These are the things that are going to come into effect through this legislation in front of us, and last night’s announcements confirmed that that is the case. We are going to see an accumulation of higher education contribution debts. We are going to see massive burdening of young people as they start out in life in their professions. We had the minister saying that we should increase HECS for those courses from which there is going to be greater reward in a person’s professional life. What we are going to see from that is a much greater Americanisation of higher education. People will start their
working lives saddled with a debt that will take them decades, perhaps, to deal with. It is a disappointing piece of legislation for Labor. We believe that there were much better ways to deal with higher education. But we are supporting the amendment bill simply because getting some funding into higher education is better than the government’s record. I will leave my remarks there.

Senator MARSHALL (Victoria) (10.36 am)—I rise to speak on the Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007. I have some comments about the bill but also some comments about the process of the Senate inquiry into the bill. It is an increasing trend with this government that when legislation is referred to committees it is done so with a very tight timetable. This is raising concerns across many committees, not just the committee which I am deputy chair of, that there is not adequate time to take public submissions or adequate time after the inquiry process for the committee to reflect on, digest and come to a considered view of the information that has been presented to the committee.

In this particular case the government insisted that the committee report on 1 May, which is a non-sitting day. While initially Labor Party members on the committee protested about the day and the logic of it, the government insisted. As a consequence, it is our view that our fundamental concerns with legislation have not been adequately reflected in the report that was tabled out of session on 1 May. I cannot understand why this report could not have been tabled yesterday. If it were a serious problem where the government wanted to see that report in advance of this debate taking place, it could have been tabled out of session last Friday. In any case, it would have given more time, and therefore probably more adequate time, for our concerns to be properly reflected.

While Labor does not oppose this legislation, it is appropriate that our concerns are properly placed on the record. The Senate committee process, unfortunately on this occasion, did not allow us to adequately do that. As deputy chair of the committee and on behalf of the Labor members of the committee I have produced some additional comments which I will be seeking leave to table later in the day along with the tabling of the report that will be accepted by the Senate—the report that was tabled out of session on 1 May. Those additional comments will go into the detail of our concerns. The time that I have to speak to this bill today will not enable me to do that in full.

I will go through and summarise our concerns. We have grave reservations about the research quality framework. We believe it is a fundamentally flawed approach to measuring and assessing research quality in our universities. Labor support measuring the effectiveness and impact of research undertaken in our universities but we do not believe that the RQF is the right approach. The RQF will be expensive to administer, it sets the bar too low on quality measures, it emphasises a poorly defined impact measure and its adoption will mean that university ratings would be based on where the academic is now working, not necessarily where the academic has done groundbreaking research. Many of these concerns were expressed in a submission to the inquiry into the legislation and I note that these concerns, while picked up in the body of the report, were rejected by the government majority on the committee with the following throwaway line:

It is highly likely that criticisms made of the legislation—bearing mostly on detail—will be addressed as implementation proceeds at least to the extent that the current concerns of stakeholders require alteration.

As a passing observation, most criticisms are usually of detail because it is in the detail...
that the problems will usually be found. That is why we have had concerns about the RQF model expressed by universities, the NTEU and, perhaps most objectively, by the Productivity Commission itself in its final report *Public support for science and innovation*. This research report, released in March, reported adversely on the proposed framework and noted: ‘The costs of implementing the research quality framework may well exceed the benefits’ and ‘While the RQF may bring some benefits, the UK and New Zealand experiences suggest that these would have to be substantial to offset the significant administrative and compliance costs.’

While Labor do not oppose the legislation, we believe it is flawed. While we remain concerned about its ultimate effectiveness, we do not oppose it. It is not just in relation to the RQF that we have concerns. The amendments made by the Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007 are also required to give effect to the revised national protocols for higher education approval processes which were agreed by the Ministerial Council on Education, Employment, Training and Youth Affairs in July 2006. The problem here is that the government still does not have in place the guidelines that are to govern the protocols, which are not expected to be completed until June 2007 at the earliest, meaning that these guidelines will not come into force until the end of this year at the earliest as each of the states and territories will have to amend their existing legislation to allow for the national protocols to take effect.

In relation to Commonwealth assistance for FEE-HELP and OS-HELP, concern has been expressed to us that the requirement that Commonwealth supported students must reside in Australia while undertaking their studies may be to exclude students studying overseas, via distance education or on exchange, from accessing FEE-HELP. More broadly, by allowing international higher education providers and specialist higher education providers to establish themselves as universities or university colleges, the changes may lead to the further liberalisation of the university sector. While we support greater liberalisation as a pathway to greater competition and better educational access, we would not be prepared for this to lead to a diminution of quality standards.

Not one of these points was properly or adequately picked up by the majority report. It is for this reason that Labor will, as I have said earlier, seek leave to table additional comments to that report into the legislation. We do not oppose this legislation, because we support measures aimed at improving the overall quality of our higher education sector. Despite our criticisms of this legislation, that is still its aim.

**Senator NETTLE** (New South Wales) (10.43 am)—The Treasurer is trying to convince people to believe that last night he announced money for education. The Higher Education Endowment Fund is not money for education; it is education money being put into the bank. The $5 billion put into the Higher Education Endowment Fund should have been spent on education and on students. If you look at the budget papers you will see that the proposal sets aside $300 million per annum to be shared between 38 universities for capital works. That is not investing money in education. It is there in the bank. The budget statements say that there is $300 million to
be shared between 38 universities for capital works. Last year’s budget had an announcement of $310 million per annum to be spent at universities on capital development and research infrastructure. Does the $300 million in last night’s announcement replace the $310 million in last year’s budget? The government needs to answer this question. The government said, ‘Here is our big expenditure on capital works—$300 million per annum, shared between 38 universities.’ Last year it announced more than that. Does this replace that?

Senator Colbeck—It’s on top of. Read the papers.

Senator NETTLE—It is not clear from the papers. Let us make it clear that what is in the papers is that there is $300 million per annum to be shared between 38 universities on capital works. That is not investing money in education and in students. And we need to do that. We need $7 billion each year put into government spending on education just to bring us up to the OECD average—the kind of public money that comparable countries are putting into education. We are way below that average. And just to bring us up to that average, we need $7 billion. And we did not hear that last night.

In fact, there was a small amount of money—smaller than even the year before—put aside for capital works. It was not for spending on education and students. Due to the announcements last night, more students will now be charged full fees. That means that more students will have a larger student debt at the beginning of their working lives. That is not good for the Australian economy. That is not good for Australia’s future prosperity. To do as the government did last night—saying that more students can be charged full fees—means that more students will have a larger debt when they start their working lives. That is a clear indication from this government that it does not want to be the one to invest in university education in this country. It wants students and their parents to pay for it. That is what the announcement last night was: more students paying full fees—that is, transferring the cost of investing in education away from government coffers and on to the shoulders of students who are going to universities and their families. That is what we heard from the federal government last night.

The Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007 brings in two major changes to higher education in Australia. It seeks to legislate changes to the national protocols which define what a university is, and it provides funding for the implementation of the new research funding regime formulated by this government—that is, the research quality framework. Before I go into the detail of the legislation, I want to set the context in which this piece of legislation is being proposed. I came into this parliament in 2002, and since then there has been an almost endless stream of pieces of legislation that have rearranged or modified the higher education sector. We have seen a whole range of different ministers seek to fiddle the figures in the way in which they have explained this expenditure, and we saw that again last night. In this period of time we have seen them trying to hoodwink university management, bullying staff and betraying students. And we saw more of that last night.

We did not see $5 billion invested in education; we saw it put into the bank, and we heard students told that they could pay more money for going to universities. Students can pay more to go to university, and money will not be invested in education; it will be put in the bank. That is what we heard last night.

Senator Payne—The $5 billion investment.
Senator NETTLE—Five billion dollars is being put into the bank. Of that, the budget papers state that $300 million will be spent per annum, shared between 38 universities. Last year, there was $310 million to be spent on capital infrastructure. This year, $300 million is to be spent on capital works, shared between 38 universities. That is not money invested in education and in students. And, at the same time as doing that, the government is saying that students can pay more to go to universities—that is, the government funds universities less and students fund universities more. That was the government announcement that we heard last night. And it fits in with the pattern of the way in which the government has approached higher education—to rip government funding out and to seek to replace that with costs that they want students to cover. That is why we are seeing students starting their working lives with massive debts. The announcement we heard last night is going to mean that more students start their working lives with a larger debt, because this government does not want to be the one putting money into the education of students; it wants students and their families to do that.

We have seen 50 pieces of legislation about higher education go through this parliament in the time that I have been here. We have seen so many aspects of the higher education landscape moved, and these goalposts have been moved so often that it is very difficult for people in that arena to even work out what is going on. We have seen changes to core funding, to grants, to research grants, to governance, to student support, to student loans, to student unionism, to quality frameworks, to private provider status, to overseas student arrangements, to overseas provider status, to industrial relations conditions and to Indigenous participation. There is a whole range of these areas that we have seen the government make changes to. Ten years is a long time. Of course, it is the job of the government to manage the education system to the benefit of the nation, and it is its right to move legislation in order to do that. But you have to wonder whether the level and the rate of change produced by this stream of legislation have been of benefit to the Australian people. Perhaps all this change would not have been such a bad thing in the context of a government which, like governments overseas—most notably Scandinavian governments—put higher education at the top of its priority list and devoted generous funding to the sector.

Driving a change agenda fuelled by generous government backing might not have been such a bumpy process after all, but unfortunately it has been in Australia. The fact is that, despite Australia becoming significantly richer as a nation over the past 10 years and despite the government receiving record tax revenues, as we saw again last night, Australia has not kept pace with public investment in higher education. We are the only country in the OECD whose public investment in higher education as a proportion of GDP has gone backwards—in the most recent figures we recorded a minus seven per cent investment. Meanwhile, countries like Ireland, which has also experienced good economic times, are translating their wealth into investment in universities. They have boosted their investment in universities by over 50 per cent as a proportion of GDP over the same period—and we have gone backwards by seven per cent.

The Minister for Education, Science and Training says that, in real terms, spending on higher education has gone up under the Howard government, but what she does not say is that her figures include the money loaned to students to pay fees and that over this period student numbers have increased. If we take these two factors into account, we see that, in fact, per student spending on
higher education is over $1 billion less each year than it would have been had the federal government not modified the funding models it uses to fund universities. Each year $1 billion less is being spent on higher education because of the new funding model that this government brought in for universities. All of this means that the sector has been starved of funding whilst being forced through change after change because of this government’s obsession with casting the higher education sector into the seas of a private marketplace. We saw more of that last night with the announcement of further deregulation of student fees. Last night’s announcement says to students: ‘You can pay more to go to university.’

With all the changes to higher education that we have seen under the Howard government, the Greens have been concerned that the higher education sector has not had the opportunity to consolidate itself throughout this period of quite violent, consistent and all-encompassing change. We are concerned that there has not been sufficient focus on assessing the impact of these changes or on the time taken to reconsider changes that have not worked. Indeed, we are sceptical about the impact of most of the changes that we have seen in the past 10 years, but no sooner has one been enacted than another is introduced.

The first aspect of this bill does nothing to allay these concerns. The changes to the national protocols that this bill seeks to enact go to the heart of what the university system will look like in this country and fundamentally threaten the integrity of a system that has been in operation for over a century. The national Protocols for Higher Education Approval Processes have been in place since 2000 as a means of protecting the provision of quality higher education by regulating which institutions can claim the name ‘university’ and how an institution may go about becoming a university.

The changes proposed in this bill have been agreed by the Ministerial Council on Education ‘Employment’ Training and Youth Affairs and as such do not come as a great surprise, but the Greens are still concerned about their impact. The key change will allow the establishment of two new kinds of institution—the university college and the specialist university, neither of which will be required to meet the same criteria as existing universities. Essentially, the proposed change to the protocols will allow an institution that does research in fewer than three areas of discipline to use the word ‘university’ in its name.

I am unsure as to why the ministerial council agreed to this change or what they perceived to be its benefit. One can imagine a future where the establishment of university colleges and specialist universities improves access to quality higher education opportunities for Australians, but it is perhaps easier to imagine a future where this does not happen. The Greens are worried that, without carefully worded guidelines to manage this change, the quality of university education in Australia will be undermined.

The problem here is one of perception over reality. This change may create a system where bargain basement operations can claim to be universities and attract students away from and undermine the enrolments of genuine universities whilst not delivering the quality education that students would otherwise receive. Over time, such a process could place established universities under considerable pressure to discount their own services at a cost to quality.

The Greens remind the Senate that these kinds of market driven problems are largely avoidable if the provision of higher education—like the provision of primary school
education, for example—is put firmly back into the public sector. The key problem here is that the government has been so keen to turn students and their parents into the decision makers and distributors of higher education funding. Through increases in HECS-HELP fees and up-front full fees, students distribute funds that used to go directly from government to universities. Students also distribute funds through the Commonwealth Grant Scheme, which delivers government funding to universities depending on the courses that students choose. All of this means that funding is delivered according to student choice.

This would not be such a bad thing if students could access all relevant information about competing courses and institutions—if students could accurately assess whether a university college is the same as a university of technology or a university of agricultural science. If students had the time and expertise to make these assessments, then maybe—just maybe—they would be the best placed body to distribute government funding to higher education providers. But they do not.

Instead, it should be the government’s role to ensure that limited public funding is distributed in such a way as to allow a high-quality, accessible and diverse higher education sector to be maintained. The Greens are deeply concerned that the government’s transfer of responsibility for this from public to private hands will continue to have a negative impact on the quality of higher education in this country.

We are already seeing the impact of 10 years of the Howard government meddling and mismanaging the higher education sector. In the newspapers we can read stories of universities’ overreliance on overseas students for funding and the mistreatment of some as cash cows by cash-strapped campuses.

We can see the reduction in enrolments from disadvantaged groups, not least Indigenous Australians, who have been put off pursuing a university education by the new high-fee, high-debt culture of universities under this government, made worse by the announcement last night that students can pay more to go to university. We have also seen a reduction in the vibrant student culture on campuses, with student organisations collapsing under the pressure of the government’s voluntary student unionism legislation.

The changes to the protocols are not likely to turn this sad situation around, and they could make it a whole lot worse if they are not managed correctly. But as legislators we are not in a very good position to assess this because we cannot see the guidelines that are due to put meat on the bones of these changes to the university protocols, because MCEETYA will not have them ready until June. But we are being asked to pass this legislation in May.

The second major aspect of the Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007 is the delivery of over $40 million for the implementation of the research quality framework. Again, this money, whilst clearly necessary to enable the implementation of the research quality framework system, is being appropriated when the key details of how the system will work are still under a serious cloud. The Greens note the concerns of the National Tertiary Education Union, who said in their submission to the Senate inquiry into this bill:

It is understood that the results of the quality and impact assessments will be used to distribute in the order of $600 million of public research funding to universities. However, to date there is no detail as to exactly how the assessment results
will translate into funding outcomes. The Government is yet to announce details such as:

- the proportion of funding to be allocated on the basis of quality ratings or impact ratings,
- the funding weights attached to different quality and impact ratings,
- the funding weights to be used for quality/impact ratings and the volume of research submitted, and
- the relative cost weightings that will be attached to different disciplines.

The Greens also note that the Productivity Commission’s recent report into the research quality framework sounded a note of caution. Its view was:

... there is no clear objective evidence pointing to deficiencies in the quality of research currently funded through block grants.

This reflects the theme I have been developing in this speech, which is that the government seems determined to push through this change in the higher education sector for change’s sake alone rather than doing an assessment of the change and determining whether or not it provides the benefits to the Australian education system. It remains to be seen whether the research quality framework can be made to work, but at the very least it seems somewhat premature to introduce the scheme whilst critical questions about its operation go unanswered. It is perhaps worth noting that the scheme, which will cost over $80 million to implement and administer, looks rather expensive when it is only designed to distribute $600 million in total.

The Greens do not support the passage of this bill at this time. The government has failed to explain the implications of the significant measures which it contains and has failed to provide in a timely manner the guidelines which would accompany the definitional changes to what may be called a university in Australia. There are no clear guidelines to explain why overseas universities will be allowed to operate in Australia without the same quality control measures that apply to domestic universities. The government has failed to convince the Greens and, more importantly, key stakeholders in the sector that the research quality framework approach is ready to go. Under these circumstances the bill should be withdrawn.

Given the track record of this government in the higher education area it would be best if this were the last bill that we saw on this issue for a little bit of time—perhaps until after the election, when it would be great if we could have a new minister and a new government that understands, as the Greens do, the importance of supporting our public universities rather than deregulating them in the way the government has.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (11.03 am)—I would like to thank those senators who spoke on the Higher Education Legislation Amendment (2007 Measures No. 1) Bill 2007 today, and particularly those who actually addressed it. The bill before the Senate is a clear expression of the Australian government’s strong support for quality research and a world-class higher education sector. The bill will provide around $41 million to assist our universities to implement the research quality framework in recognition of the initial costs to participate. Additional support will be provided to the sector for specific requests of the research quality framework, including the remuneration of the RQF assessment panel members and the further development of appropriate metrics.

The research quality framework marks an important reform for Australian research. It is primarily about assessing the quality and impact of Australian research and it will deliver real benefits to the higher education sector and, importantly, to the broader com-
The bill also contains measures which will enhance the quality and diversity of Australia’s higher education system. The bill amends the Higher Education Support Act 2003 to reflect changes to the National Protocols for Higher Education Approval Processes, and these changes are the outcome of extensive consultation involving state and territory governments and the higher education sector. The revised protocols will also make possible the emergence of specialist universities, aligning well with the government’s vision of a more diverse higher education sector. Greater diversity will benefit students, staff and employers by promoting greater choice and competition.

A number of senators have said that the UK is dumping its research assessment exercise, RAE, so why is the government proceeding down this path? In fact, the UK is not dumping its RAE, in a sense. Essentially, then, the statement that has been made is not true. The UK is simplifying its RAE, as it has been in operation for 20 years, and is combining the full peer review process with a range of metrics. The Australian RQF is a combination of expert reviews and utilises metrics where appropriate.

This bill makes a number of technical amendments which will clarify existing Higher Education Loan Program and Commonwealth supported student arrangements and ensure that the legislation reflects original policy intent. The Higher Education Loan Program is recognised internationally as one of the fairest higher education systems in the world. Today virtually every eligible person who wants to undertake university studies is able to do so in a government subsidised place.

Since 1989, almost two million people have been able to access higher education opportunities through Australian government funded income contingent loans. For every $1 a student contributes to their education, the Australian government contributes $3. There are record numbers of students studying at Australian universities. According to the Australian Vice-Chancellors Committee, more than 185,000 eligible applicants received an offer of a university place this year. Offers to school leavers grew in every state and territory. This year, 92 per cent of eligible school leavers who applied for a university place in their home states received an offer. This is the highest figure on record. Unmet demand for undergraduate university places has declined for the third year in a row. The AVCC estimates unmet demand to be 13,200 in 2007—a drop of seven per cent since 2006. This follows a 26 per cent decline in 2006 and a nearly 50 per cent decrease in 2005. This demonstrates that the higher education system has got the balance right. Students are taking advantage of the choices now open to them thanks to the Australian government’s investment in higher education, which is obviously—as indicated last night in the budget—a dividend of strong economic management.

I note with interest the report on this bill by the Senate Standing Committee on Employment, Workplace Relations and Education. I welcome the report’s recommendation that this bill should be passed without amendment. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

MIGRATION AMENDMENT (MARITIME CREW) BILL 2007

Second Reading

Debate resumed from 1 March, on motion by Senator Scullion:
Senator LUDWIG (Queensland) (11.09 am)—I rise to speak on the Migration Amendment (Maritime Crew) Bill 2007. The bill creates a new class of temporary visa to be known as a maritime crew visa. The application process for the new visa will enable crew to be appropriately security cleared before they enter Australia.

In 2005, approximately 585,000 maritime crew travelled to Australia. The maritime crew visa will enable crew to be appropriately security cleared before they enter Australia. The new requirement under this bill will become mandatory as of 1 January 2008. Those requirements must include a valid passport, a maritime crew visa and documents establishing the crew member’s employment on the vessel. This measure, which Labor has been demanding for some time, will ensure that this area does have something in place. Our national security is far too important to have a regular point of border entry through which people who have not been subjected to appropriate security checks can enter. Labor welcomes the fact that the maritime crew visa sets in place a reporting regime for foreign maritime workers coming to Australia, but the fact that shipping agents will be able to apply on behalf of members of crew indicates that ASIO and Australian Federal Police assessments that will occur may not be as comprehensive as required.

Currently, foreign non-military maritime crew and their families are not required to make a formal application for a visa before coming to Australia. Special purpose visas are currently granted by operation of law. At present, maritime crew are granted special purpose visas on arrival in Australia, following checks against the Department of Immigration and Citizenship movement alert list. This process does not permit security checks to be conducted before the crew of these ships are allowed to enter Australia—an issue that Labor has been saying for some time now does need to be addressed.

The delay by the government in introducing a security checked visa for maritime crew is hard to understand. It has taken almost 6½ years since 11 September 2001 for this government to act in this regard. The government has only now adopted what has been a longstanding Labor Party policy to vet foreign maritime workers. Labor has consistently raised concerns about foreign vessels whose crews have not been security vetted and which potentially carry—and do carry—thousands of tonnes of explosives around coastal Australia. In 2005, the Australian Strategic Policy Institute published a damning report on the state of Australia’s security arrangements called Future unknown: the terrorist threat to Australian maritime security. That report identified the dangers of foreign flagged vessels carrying dangerous goods around the Australian coastline. This is a warning Labor has repeatedly made to this government. We have specifically warned about the dangers of foreign crewed, foreign flagged vessels, for which there has been no security check, carrying ammonium nitrate around the Australian coastline. We have also pointed out that Abu Sayyaf and Jemaah Islamiah have acquired the skills and opportunities to launch a maritime terrorist attack. These groups operate in South-East Asian waters near to our borders—waters in which the incidence of piracy is the highest in the world. On the last available figures, there are two acts of piracy per week in the waters just to our north-north-west, exactly in the area in which those terrorist organisations operate.

Labor’s spokesperson on homeland security has reported that United States intelligence sources observed that the al-Qaeda group is suspected of owning or having a
long-term charter fleet of between 15 and 18 bulk general cargo vessels. Whilst it is believed that they are used to generate revenue to support the group or to provide logistics for the terrorist network, it is not far fetched to imagine that one of these vessels could be used as a floating bomb on a suicide mission, making use of explosives like ammonium nitrate.

Against that background, there is the failure of the Howard government to ensure that these dangerous chemicals are handled by crews who have been properly checked and cleared. At the moment, that applies only to Australian crews. It is something that needs to be addressed. It is a disgrace that it has been allowed to go on for so long. We know that al-Qaeda has access to maritime vessels, expertise in maritime terrorism, expertise in explosives and access to those explosives, and yet we find that the Howard government has dragged its feet in upgrading maritime security.

Australian maritime workers, in contrast, must apply for an Australian Federal Police and ASIO background check to acquire their maritime security identification card, commonly known as an MSIC. Under the Howard government, though, foreign maritime workers do not undergo similar checks when they carry thousands of tonnes of explosives into and around Australia. It is dangerous and irresponsible that that has gone on. It has been a disturbing national security failure of the Howard government not to have this concern addressed. While the government has improved security among Australian flagged ships, it is still of great concern that invasive security and criminal background checks are not conducted on foreign crews.

Furthermore, this government has misused the process of giving permits to foreign crewed ships to travel around Australian ports. There has been a system in place for many years to enable foreign crewed ships to operate the Australian coastal route by special permit. While that appears to be nothing short of a sensible process, this government has actually used it as a tool to attack the Australian crewed ships and their economic viability around Australian ports. As the shadow minister for homeland security and territories has repeatedly said, this government has seemingly handed out these permits like confetti. The government has not done the security checks on the foreign crews that are done for Australian crews, and that is, to this point, unacceptable.

While the government needs to provide more support to the Australian shipping industry, this bill at least goes some way in addressing the issue of security checks on foreign maritime crews. While the bill will enable crews to be appropriately security cleared before entering Australia, it also contains some sensible measures to allow the visa to be ceased by declaration where it is considered undesirable for a person or class of persons to travel to, enter or remain in Australia. The bill also includes an express power to revoke such a declaration to allow for situations where additional information may come to light about a person’s suitability to travel to or remain in Australia.

Labor understands that the detail governing the new maritime crew visa will be set out in the migration regulations. We will have a look at those when they become available—the earlier the better. The government, though, has allocated $100 million over five years for the introduction of the visa. In a media release dated 22 December 2005, the government announced the $100 million maritime crew visa system for all international seafarers visiting Australian ports after July 2007. The breakdown of that was announced as:

... $55.3 million for IT systems associated with the new visa and to record sea crew movement
records; employ 19 additional Regional Seaports Officers to assist industry with the new visa, conduct vessel boardings and manage compliance and employ additional staff in DIMIA’s Entry Operations Centre to support the shipping industry.

The media release also detailed:

The Australian Customs Service will receive $39.5m for 66 new Customs Officers to enforce the new provisions as part of Customs' vessel clearance process and the Australian Security Intelligence Organisation will receive $5.5m under the package.

The cost of the proposed visa, in particular $30 million for an additional 66 Customs officers, was of course queried by the Legal and Constitutional Affairs Committee, and it was explained this way by the Australian Customs Service:

[Currently] seventy-five per cent of all first-port arriving vessels will be boarded by Customs on a risk assess basis. That is the minimum. However, there is no time restriction. Under these new arrangements ... there is a requirement to undertake the physical checking within one hour of the vessel actually arriving. In order for us to meet that requirement in some of these ports we need to increase our staffing accordingly. Around Australia we have quite small ports where we need to increase our staffing to achieve that aim.

It is imperative that this money is being spent to improve Australia’s national security at our ports along our coastline. It is overdue and much needed.

Despite the fact that this government regularly claims to be tough on border security, we not only have the long delay that the government has had in introducing this bill; we have a situation where Indonesian fishermen are regularly illegally entering Australian waters. There was a period of increased sightings of illegal fishing operations in the Australian exclusive economic zone by Coastwatch and the Australian Defence Force assets. More recently it has been reported that there has been a fall in the number of sightings, but we will be able to have another look at that at estimates. However, there has been a reported shortfall in aerial surveillance by Coastwatch over our northern waters. This has combined with the unavailability of the Navy’s Armidale class naval vessel patrol boats, which have been struck with problems and are apparently in repair dock.

The Armidale class naval vessel patrol boats are used by the Navy to intercept illegal fishers. They work in conjunction with Customs. In September 2006, problems were detected with the fuel system and the Armidale fleet was sidelined. In February 2007, it was confirmed that the problems were still occurring and were proving difficult to fix. According to the Navy’s website, the Armidale class was supposed to improve Navy’s capability to intercept and apprehend vessels in a greater range of sea conditions, increasing surveillance, which will better protect Australia’s coastline. It is disturbing news to find that the ships are having problems. It represents some five months that we have been relying on stopgap measures. We have had to use the Fremantle class patrol boats to assist in patrolling our northern waters.

It is clear this government is simply not on top of its responsibilities with regard to border security in our northern waters. More needs to be done. After examining the bill, the Legal and Constitutional Affairs Committee recommended that the Senate support the bill. The committee report noted that all submissions to the committee expressed in principle support for strengthening Australia’s border security arrangements. However, concerns were still raised. The Maritime Union of Australia queried the effectiveness of the maritime crew visa in closing a gap in maritime security.

The Department of Immigration and Citizenship and the Australian Customs Service
advised that the proposed maritime crew visa had a number of features that would improve security over existing arrangements. These features would include: the visa application would require more comprehensive information against which security organisations could make checks; and the applications would be an ongoing source of information on individuals seeking to travel to Australia as crew on non-military ships, thus allowing more cross-checking with other information sources. There would be an ability to infringe the masters, owners, charterers and operators of ships for carrying improperly documented passengers and crew to Australia and there would be an increase in the number of Customs officers assigned to ports to enable all ships to be physically checked within one hour of the vessel arriving.

The Department of Immigration and Citizenship responded to some of the concerns of the MUA but also stated that for the first six months following the implementation of the proposed maritime crew visa the department would be encouraging people to use the visa but not penalising those who did not. So it seems that any unexpected problems could be resolved during that time.

Labor has been critical and continues to be critical of the government’s careless and widespread use of single and continuing voyage permits for foreign vessels with foreign crews who do not undergo appropriate security checks. It has also criticised the government for permitting foreign flag of convenience ships to carry dangerous goods on coastal shipping routes and failing to ensure ships provide details of crew and cargo 48 hours before arrival. It is clear that more needs to be done. Despite its delayed introduction, this bill, as I have said, is a welcome measure. It is not the comprehensive solution the government touted that it might be back in 2005 when it was first mooted. However, as I have said, it does go some way to addressing some of the problems.

I take this opportunity to thank the secretariat, the Chair and the Deputy Chair of the Legal and Constitutional Affairs Committee for the work they have done. Perhaps this is also the first opportunity in the chamber to recognise that the previous chair of the committee has moved to a different committee and we now have a new committee member. I place on record my appreciation of the work of the previous committee chair, Senator Marise Payne, who worked diligently and tirelessly on the committee over many years, representing the coalition’s interests on that committee. She also ensured that the minor parties and opposition received a fair go at the witnesses. I put that on the record for those who might be interested.

Senator BARTLETT (Queensland) (11.25 am)—I start by noting the Democrats’ support for the Migration Amendment (Maritime Crew) Bill 2007 and by concurring generally with Senator Ludwig’s remarks about the outgoing Chair of the Legal and Constitutional Affairs Committee, Senator Payne. I am not sure that all her colleagues would always think she was representing the coalition’s interests collectively in every action she took, but, much more importantly, she was representing the interests of the Senate, and the public more broadly, and she is widely acknowledged as doing so. That committee is a good example, and one I have often pointed to, of a Senate committee that does the wider job of examining legislation on its merits rather than coming to it from a predetermined political position of an individual political party. I am sure the new chair will follow in the same vein.

As I said, the Democrats support this legislation. It is one case where the terminology ‘strengthening the integrity of Australia’s borders’ is being accurately used because it
does actually do that. The phrases ‘border protection’ or ‘border security’ are catch-all, feel-good labels that get attached to a lot of things, in many cases in circumstances where they are not appropriate. Border protection and border security are about knowing who comes into the country and what they might bring in with them, whether it is goods, diseases, pathogens, fire ants or all sorts of things. That is what border security is about. The phrase ‘border protection’ is often used in the context of asylum seekers. But, as the now departed Senator Vanstone used to say sometimes when she was using her capacity for straight talking that many people have acknowledged favourably in recent times, asylum seekers want to be found. They arrive here and say: ‘Here we are; come and get us. Please get our details and listen to us.’ This is completely different from people who come into the country unauthorised—trying to get in without other people being aware of it—and about whom we simply do not have details.

That is really what this legislation goes to—actually having the necessary and accurate processes in place to determine the details of people who are coming here. That is what real border protection and integrity are about. As indicated in Senator Ludwig’s contribution, a lot of these measures have been in the pipeline for a while. The issue more broadly has needed to be identified. If we are talking genuinely about the need to step up the security around who enters the country—an issue that people have looked at more closely following September 2001 and the World Trade Centre attacks—then this is the sort of thing we should be looking at. The fact that we have had so many resources, so much political frenzy and so many legislative changes railroaded through here with regard to people who did not present any border security or border integrity issue at all and so little done in this area where there are issues that need addressing shows how much the government’s priorities are driven by purely partisan and often quite nasty politics rather than by genuine concerns about security.

The current arrangements are that the crew of non-military ships are granted special purpose visas by automatic operation of the law. As part of maritime crew, they do not have to make a specific application for a visa to come here. That process did not and, as it currently exists, does not permit security checks to be conducted before the crew of those ships are allowed to enter Australia. I do not wish to create an impression that they will just waltz in once they get here, but if we are looking at security checks and properly determining the details of people we are letting into the country then this area is not operating as well as possible. Again I contrast that with the asylum seeker issue where every single person is assessed in terms of security and, indeed, much more forensically than just about anybody else that enters this country. Not one of them has had a visa rejected in many years. So it is a reminder of both the importance of security checks and their misdirected focus in many cases.

Even at the height of arrivals of asylum seekers in Australia the numbers were much lower than the numbers of people coming here every year without security checks through maritime crew arrangements. Without in any way wishing to cast aspersions on people who are part of maritime crews, there are obvious security issues with what arrives in Australia in ships through our ports. There are obvious issues just in terms of the goods that come through our ports and how well we are able to oversee that movement. If we are genuine in using terms like border security and border protection and the integrity of our borders then resources need to be directed there, because that is where the real risks are. There are not just the security risks with the
people coming in as part of maritime crew but the risks with what they may be bringing in either consciously or, in the case of quarantine related matters, unconsciously.

These reforms are welcome. They will add some extra red tape to maritime crew arrangements and it is important that we get the process flowing as smoothly as possible to minimise any extra disruption that occurs from doing that. On balance, I think it is a necessary disruption for the reasons we have all been outlining, and the Democrats are prepared to support it. It raises the importance of being accurate in our language when we are talking about the integrity of our borders and border security and we need to direct resources to these areas. Frankly, we should stop using terms like border protection when it comes to asylum seekers. They are not a threat; they are simply not a border protection issue. They are always identified and always checked out. There is not an issue there in terms of anything unknown entering into the country.

The security of what comes into our country through our ports is important, whether it is crew, as is dealt with by this legislation, or goods or other things. It is a continual balancing act, as it is through our airports. We know that millions of people enter Australia every year on temporary visas, visitor and tourist visas and the like, and the vast majority of them enter through our airports. You cannot run stringent character checks on every single one of those. I suppose in theory we could, but we would soon find that we would not have millions coming in through our airports; we would have significantly reduced numbers because people would not bother coming here if we had stringent character checks for every person wanting to come here as a tourist. So we have to strike a balance between adequate levels of assessment of people coming into the country versus ease of access, whether we are talking about the tourism industry or any other industries involving the movement of people. Many businesses involve a lot more international travel these days. From an economic point of view, it is very important for people to be able to move around the world as freely as they do within our own country. Rather than putting up unnecessary barriers to people going to different places, seeing different places, experiencing different things and engaging in different activities—whether economic, cultural or anything else—I think that, from a philosophical and what I might call a genuinely ‘liberal’ point of view, we should try ensure as much freedom as possible.

But it is always a matter of balancing those things. This is one area, rightly, where putting some extra security checking arrangement in place would enable that to happen before people arrive here, and it is a necessary change and, in some respects, probably an overdue one. Once it is in place and operating smoothly it will allow these sorts of things to be done in advance and any potential problems to be flagged before people arrive. That is obviously far better than having people arrive and then doing spot checks or in-place checks and then finding a problem. That can cause a lot more hassle for the individual concerned and for the shipping line and the crew than would occur if it were done in advance via security checks. I suspect there will be some teething problems along the way, but once it is bedded down and in place it should operate without major extra inconvenience. Indeed, there might even be reduced inconvenience when problems do arise. It is welcome, although it will obviously need continued monitoring as it is put in place and as the regulations are put down. I am sure that monitoring will occur.

Senator PAYNE (New South Wales) (11.37 am)—Before I make some brief remarks on the Migration Amendment (Mari-
(Time Crew) Bill 2007 I acknowledge and thank both Senator Ludwig and Senator Bartlett for their generous remarks in relation to the Senate Standing Committee on Legal and Constitutional Affairs and my previous chairmanship of that. I also indicate to the chamber that Senator Barnett, the new chair of the committee, is unable to be here today due to a commitment in Tasmania. I am pleased to participate in this debate as a member of the committee and as a former chair.

The bill before the chamber today will amend the Migration Act to create a new maritime crew visa. As part of the measures which will improve Australia’s border security, all crew of non-military ships will have to apply for a visa prior to entering Australia to enable security checks to be conducted. This maritime crew visa, or MCV, is to replace access to the special purpose visa, or SPV, regime which now applies to the crew of non-military ships, their spouses and dependent children. This is a visa which will apply from 1 July 2007. The explanatory memorandum says:

Currently foreign crew and their families are not required to make a formal application for a visa before coming to Australia. The grant of a maritime crew visa will require a formal application to be made, which will allow each foreign crew member and the spouses and dependent children of such crew, to be subjected to an appropriate level of security checking before visa grant.

The coalition government has a very strong record—reinforced by last night’s budget—on border security. In fact, to protect our borders and our security, this government has in recent years funded major expansions in new technology used by both Customs and the Australian Federal Police to increase border protection measures, implement more efficient processing of passengers and assist in the detection and prevention of terrorism and serious crime.

We have taken action to protect the people of Australia from what are seen as developing criminal trends, such as identity fraud, the manufacture of synthetic illicit drugs—we saw the recent enhancement of funding for fighting the ice epidemic prevalent in many of our cities at the moment—and money laundering. The government has undertaken significant initiatives in that regard, both in pursuit of the FATF recommendations and independently of that with counter-terrorism financing. We have also developed one of the world’s toughest aviation security systems to protect both Australian and overseas travellers. That stands in accord with the remarks made by the Treasurer last night in his budget speech. After making some observations in relation to our obligations in the defence area, he noted that we continue to be absolutely committed to addressing emerging threats to national security. I note for the record that the Treasurer indicated that the budget provides a further $702 million over four years for national security initiatives to further safeguard against terrorism, including high-priority intelligence needs, an integrated e-security national agenda and further strengthening of aviation security. He indicated that this brings to $10.4 billion the additional funding the government have committed to national security over the 10 years to 2010-11. I think the record stands for itself.

Briefly, the main provisions of this bill include the creation of a new class of temporary visas to be called the maritime crew visa; the provision that the new visa will be permission to travel to and enter Australia only by sea unless a health, safety or other prescribed reason make it necessary for the person to enter Australia in another way or unless the entry in another way has received prior authorisation; and the replication of the power of the minister under the special purpose visa regime to make a written declara-
tion that it is undesirable that a person, or any person in a class of persons, travel to and enter Australia by sea to remain in Australia. The exercise of the power would cease the visa in that case. The bill also provides that if such a declaration is revoked, the effect of it is as if it had never been made. It provides protection for the Commonwealth against any claims by persons who may have been detained while the declaration had been in force.

The further provisions of the bill enable the new maritime crew visa to be held with certain other types of substantive visas—for example, a transit visa or an electronic authority to enable a crew member wishing to join a ship in Australia to travel by air; provide that it will be an offence for an airline to carry a passenger whose only visa is a maritime crew visa; and make certain technical amendments so that an appropriate regulatory framework can be created to identify who may be granted a maritime crew visa and then to describe the events that will result in the cessation of a maritime crew visa.

I want to briefly outline the implementation arrangements for the new visa. I think it is also important to note for the record that details of this nature were also canvassed in the Senate Standing Committee on Legal and Constitutional Affairs inquiry, chaired by Senator Barnett, which was held into this piece of legislation to make sure that stakeholders who came before the committee and who made submissions to the committee were aware of and comfortable with the implementation arrangements.

The amendments in the bill provide a basic framework for the existence of maritime crew visas which, for crew on non-military ships, replace the SPV arrangements currently in place. The maritime crew visa arrangements are designed to cause the shipping industry as little disruption as possible. Consultations with industry indicate that they are indeed comfortable with the proposals. The major change for industry will be the requirement for foreign members of crew, including supernumerary crew and the spouses and dependent children of such crew, to make an application for a visa outside Australia to travel to and enter Australia. Currently, under the SPV arrangements, foreign crew and their spouses and dependent children are granted an SPV by operation of law when they enter Australia. The special purpose visas cease when those people depart Australia with their ships or in certain other situations to be set out in the regulations—for example, where a member of a crew works in Australia outside the scope of the duties they would usually perform on their vessels or when a ship leaves Australia without a crew member; obviously where the person is absent without leave or has deserted. Under the proposed regulatory framework, maritime crew visas will similarly cease in certain situations, as I have indicated in the above examples—for example, failing to sign on to a ship within five days of arriving in Australia by air or failing to depart Australia after signing off a ship.

I think it is also important to record in this debate the areas in which the proposed new visa arrangements for foreign seafarers will assist with Australia’s overall border integrity. Some of those areas were set out in the Department of Immigration and Citizenship’s submission to the Senate Standing Committee on Legal and Constitutional Affairs inquiry, which noted:

- the ability to security check applicants because crew will be required, through a formal application process, to provide relevant personal biographical data and other information including character information and employer details;
- the inclusion of information, in DIAC’s visa database, about seafarers seeking to travel
Australia can be cross-checked against crew information provided to Customs at the time of their impending arrival in Australia with their ships;

• increased funding for relevant staff to be involved in the various checks to be carried out at the time of visa application and at the time of crew arrival in Australia;

• an MCV holder would only be able to travel to Australia by air if they obtain an additional visa suitable for travel by air;

• the ability to check the bona fides of sea crew arrivals when their ships arrive in Australia with the added ability to check crew of concern on non-military ships before they enter Australia’s migration zone;

• the ability to infringe the masters, owners, charters and operators of ships for carrying improperly documented passengers and crew to Australia; and—

importantly—

• the ability to more closely monitor, analyse, and respond to breaches of immigration compliance by foreign sea crew.

As the department’s submission to the inquiry observed, when you put all of those features together, we end up with a much more comprehensive process for deterring those who could be described as non-genuine crew from seeking to enter Australia for purposes which are not connected with the maritime industry and, hopefully, to generally address the future risk involved in dealing with foreign seafarers as a cohort of temporary visitors to Australia.

I also want to refer to the observation in chapter 3 of the committee’s report in relation to the consultation on this bill undertaken by the department with the various stakeholders. The committee has pursued the issue of consultation with agencies over the course of many years—not just with the Department of Immigration and Citizenship but with all that have come before the committee—and that continued during this inquiry.

The representative of the department who was present at the hearing on the occasion of discussing this bill indicated in relation to consultation that the department had established an industry working group with Shipping Australia Ltd in early 2006 and that that industry working group had met on four occasions in that year to discuss the proposed arrangements for the maritime crew visa. It was also indicated that there was a meeting held in Canberra with representatives of the Maritime Union of Australia and the Australian Shipowners Association to broadly discuss the proposed arrangements. The departmental representative said that those meetings indicated to the department that the approach to this new visa was largely meeting the requirements of industry. The department also indicated that they undertook industry seminars which started in late November 2006. There were 11 industry seminars in capital cities and at major ports around Australia. The committee’s report noted in paragraph 3.4:

Shipping Australia Limited noted in its submission that it had been working with DIAC for some time to ensure that the Maritime Crew Visa (MCV) would result in minimal impost and cost to the shipping industry.

The consultation process is a very important matter for the committee, and it is good to be able to report that consultation has occurred and that there is general satisfaction with the approach being taken by government in that regard. The bill proposes important initiatives to enhance Australia’s border security. They are important initiatives for the Senate to consider today.

Senator ELLISON (Western Australia—Minister for Human Services) (11.49 am)—I thank senators for their contributions in this debate on the Migration Amendment (Maritime Crew) Bill 2007, and I thank the Senate Standing Committee on Legal and Constitution Affairs, which looked into this bill and,
as usual, did a very good job. I think that would have been one of the last references that Senator Payne would have presided over as chair.

Senator Payne interjecting—

Senator Ellison—I understand there might be one or two others. I want to acknowledge the great job that Senator Payne has done as Chair of the Senate Standing Committee on Legal and Constitutional Affairs. A heavy workload has been an attribute of that committee over a long period of time. I also thank the members of that committee. In my former role as Minister for Justice and Customs, I had a lot to do with that committee.

The bill before us, the Migration Amendment (Maritime Crew) Bill 2007, though a small bill, is an important bill. Under current arrangements, foreign crew are granted special purpose visas by operation of law. Prior to a ship’s arrival in Australia, ship operators are required to report all crew to the Australian Customs Service. Those crew names are checked against Australia’s movement alert list, which includes persons listed by the Australian Security Intelligence Organisation. While these arrangements have been working effectively for many years, the government believes that the measures contained in this bill are needed to further strengthen the integrity of Australia’s borders.

As with most other visas, the detail governing the new maritime crew visa will be set out in the migration regulations. While there will be a small compliance cost associated with the introduction of the new visa, care is being taken to ensure that the regulatory framework accommodates the needs of industry. It is anticipated, for example, that the new visa will be able to be applied for online, and there will be no charge for the visa. Shipping agents will also be able to apply for the visa on behalf of crew members.

A number of points were raised during the debate and I think it is fair to say that speakers on this bill are all supportive of its intentions and what it does; however, there was a suggestion that the government has been slow to introduce these measures and that this has put Australia at risk of a terrorist attack. The first point that should be noted is that there are already security checking measures in place in connection with the existing special purpose visa and that these arrangements have been working effectively, without incident, for many years. Notwithstanding, the government continually reviews its security arrangements and has decided that the system would benefit from the introduction of the new visa. As I have said publicly and in this place many times, security is a work in progress and we are continually reviewing ways that we can improve the system to improve security for Australia. Therefore, the suggestion that there is a gaping hole in Australia’s maritime security is simply not correct.

The second point to note is that it is entirely appropriate for there to be a consulta-
tion process before any significant changes are made, even though meaningful consultation clearly takes some time. If that were not pursued, the opposition would be the first to attack the government and others for not doing so. The benefits of conducting such consultation are recognised in the report of the Senate Standing Committee on Legal and Constitutional Affairs, which concludes:

… the Bill strikes an appropriate balance between the need to strengthen security at ports whilst allowing for ease of use by industry and maritime crew.

In summary, the measures in this bill will help to strengthen the integrity of Australia’s borders while being responsive to the needs of maritime crew and the shipping industry as a whole. As such, it is a thoroughly worthwhile bill and I commend it to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

GENE TECHNOLOGY AMENDMENT BILL 2007

Second Reading

Debate resumed from 28 March, on motion by Senator Abetz:

That this bill be now read a second time.

Senator McLUCAS (Queensland) (11.55 am)—The purpose of the Gene Technology Amendment Bill 2007, which we are dealing with today, is to amend the Gene Technology Act 2000 for a range of purposes. These include the introduction of emergency powers to give the minister the ability to expedite the approval of a dealing with a genetically modified organism in an emergency. It also includes the creation of the Gene Technology Ethics and Community Consultation Com-
the ministerial council’s response to the statutory review and have been agreed by the states and territories.

I now want to turn to the specific amendments proposed by the bill. The proposed new emergency powers are the most contentious aspect of the bill. These new powers will give the minister power to expedite an approval of a dealing with a genetically modified organism in an emergency, in recognition of the fact that situations may arise in which approval of a dealing with a GMO may be required in a limited time. The issue of emergency powers was considered at length in the Senate committee’s inquiry and report on the bill. Some witnesses before the inquiry—including Gene Ethics and Greenpeace—expressed concern about the proposed new powers and whether they are necessary. While Labor is somewhat cautious about the proposed emergency powers, on balance we agree with the view of the majority of the Senate committee that there will be sufficient checks and balances in place to ensure the emergency powers are not used injudiciously.

The safeguards on the emergency powers that will be in place include: the minister will be required to have a recommendation from the Chief Medical Officer and/or the Chief Veterinarian before invoking the powers, and the minister will be required to consult with the states and territories before invoking the powers. We also note that guidelines for the administration of the emergency dealing provisions have been developed through a process of consultation with the states and territories. On the strength of these provisions, Labor is satisfied that the minister will not be able to act unilaterally and that the powers will be used with sufficient circumspection. However, Labor’s strong view is that the powers should only be used as an absolute last resort.

The bill will also establish a Gene Technology Ethics and Community Consultative Committee. This new committee will combine the existing Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee into one body. The new committee will provide advice to the Gene Technology Regulator and the Gene Technology Ministerial Council on ethics and community consultations. The combined committee will also provide advice on risk communication and community consultation around intentional release licence applications. During the Senate inquiry, most stakeholders commented favourably on the proposed amalgamation of the ethics committee and the consultative committee into the one body.

The bill also proposes amendments to the process for assessing applications for licences for GMOs. There are two sets of amendments in this section of the bill. The first set of amendments will alter the order of events during the initial licence consultation process so that the regulator would no longer be required to consider whether an application poses a significant risk to the health and safety of people or the environment before developing a risk assessment and a risk management plan. These amendments are designed to improve the process by which licences are initially considered and give the regulator more time to consider whether dealings pose a significant risk. The second set of amendments would introduce a new category of licence for GMOs to distinguish between licences for a limited and controlled release and licences for intentional release. The object of these amendments is to increase the efficiency of the regulatory system by streamlining the application process for licences involving a limited and controlled release of a GMO. The issue of the new limited and controlled release licences was the topic of some discussion at the Senate com-
mittee’s hearing into the bill. Some stakeholders expressed concerns about the proposed new assessment process as it relates to limited and controlled release. However, the Senate committee supported the passing of the relevant provisions without amendment.

Other amendments to the act proposed by the bill will make various changes to the gene technology regulatory scheme. These changes include streamlining the process for the initial consideration of licences and the reduction of the regulatory burden for low-risk dealings, clarification of the circumstances in which licence variations can be made, clarification of the circumstances under which the regulator can direct a person to comply with the act, the provision of power to the regulator to issue a licence to protect persons inadvertently dealing with a GMO so as to enable appropriate disposal of such organisms and the making of technical amendments as proposed by the Office of the Gene Technology Regulator.

In conclusion, as I said at the outset, Labor will be supporting the bill. While the proposed emergency powers are somewhat contentious, we are satisfied that there will be sufficiently robust safeguards in place to ensure that these powers will not be used unwisely. The remaining provisions in the bill are relatively uncontroversial and Labor is happy to support their passage through the parliament.

Senator HURLEY (South Australia) (12.03 pm)—I rise to support the Gene Technology Amendment Bill 2007. The application of gene technology is a contentious issue, and in Australia scientists, regulators and farmers have trod very warily in implementing this new form of technology. That is a very justified caution on the part of people in Australia. Some countries—such as the United States and countries in Europe—have gone more quickly. They have implemented new crops with altered genes. There is debate about whether that has been successful or not. A quick perusal of the internet will find examples of people who believe that there have been disasters as a result of the planting of altered gene crops. But these are refuted by others, so it is in fact difficult for the layman to get any clear indication of where this is heading and how safe alteration of genes in plants and animals is. I like to compare it to the biological controls which have been used for some time. I suppose a lot of people concentrate on some spectacular failures in biological control in Australia. One that continues to have its effects is the cane toad, which was originally introduced to control the cane beetle in Queensland. It was discovered that the cane toads ate not only the cane beetles but also a large number of other things and have spread all through Queensland in almost plague proportions and are now spreading in the Northern Territory and apparently in Western Australia as well and causing difficulty for native wildlife. There are other examples both in Australia and round the world of where scientists in a supposedly controlled environment have introduced an organism to control other organisms and it has gone wrong.

However, by and large that has been very successful in Australia. There are a number of examples that have been and are still being used very successfully in Australia, where biological organisms have been introduced to control plant or animal pests. One example is the use of nematodes, which are used to control slugs, for example, in agriculture. A more well-known example is cactus, which has been more or less wiped out in most parts of Australia. Biological controls over the years have proved to be very successful economically. Even where they have been less successful, they have proven to have a reasonable benefit-to-cost ratio in crop production. The new advances posed by
gene technology are very much along similar
lines.

We are fortunate in Australia to have the
CSIRO and other organisations, such as
SARDI—the South Australian Research and
Development Institute—which have good
expertise in biological control and crop re-
search and other agricultural research. They
have a long history of proven, concrete, reli-
able research and have proved to also have
good regulatory controls. I think that gives
us great comfort in allowing this slight loos-
ening of the licensing requirement for gene
technology and allowing gene technology to
be used in emergency situations. We have
that background of expertise in leading-edge
research and development in our primary
industries—which is something that is per-
haps not so widely recognised—and in
health, where Australian research and tech-
nology is very well recognised.

We have been quite right to proceed war-
ily in this area. In general we should support
this bill and the amendments to the current
Gene Technology Act. Certainly we should
not ever let our guard slip, and I suppose that
is where the anxiety comes in, in terms of the
emergency powers. One situation cited is
where emergency powers may be used if
there is an avian flu epidemic spreading
quickly throughout Australia, causing loss of
life or debilitating illness, and where gov-
ernments and regulators may be panicked
into allowing a genetically modified organ-
ism into our system that has far more adverse
consequences than the original organism.
That is a great threat that we should be very
aware of and have in the forefront of our
minds. Our experience with micro-organisms
and the manipulation of micro-organisms is
probably not as great as it has been with
plant and human health and other large ani-
mal health, so I think we need to tread very
cautiously in this instance.

There is still a lot we do not know about
the behaviour of bacteria and viruses in the
body and the way that they might cross over
between species. There is still some debate
about whether or not how easily micro-
organisms can cross between species and
produce disease or various other effects. I
think we should certainly err on the side of
cautions when considering human inter-
vention in these matters. We should always have
in the forefront of our minds those relatively
few but still potent examples of where biolo-
gical control has gone wrong in our envi-
ronment.

That being said, I think a great deal of
good work has been done in gene modifica-
tion technology, both in primary industry and
microbiology in Australia and the rest of
the world. This is a very exciting new technol-
y that may reap great benefits in our pro-
duction of food sources, for example. We are
all worried about climate change, and this
technology may lead to the production of
drought resistant crops, crops that are resis-
tant to humidity in some areas and crops that
are resistant to extreme cold or extreme heat.
Unless there is an abrupt and sudden reversal
of what seems to be a change in our world
climate, it is difficult to see us juggling the
requirements of an expanding population and
expanding the need for resources without
some form of gene technology to assist us. I
know that this is anathema to some people
who do not like to interfere to any extent in
our ecology, but it is difficult to see how we
might advance into the future without some
use of that technology to relieve widespread
problems in adapting to the change in our
world climate and conditions, both in human
health terms and in animal terms.

Senator SIEWERT (Western Australia)
(12.13 pm)—The Australian Greens do not
support the introduction of these specific
emergency dealing provisions. We have seri-
ous concerns about their implications. We
may be putting in place a cure that is far worse than the disease or the original problem. The Greens, as many people will know, have some very strong concerns with genetic engineering and its implications for our environment and human health. However, I am not going to dwell extensively on those specific concerns at this time. I am going to specifically deal with some of our concerns with these amendments. As they stand, these provisions would essentially enable the fast-tracking of potentially untested genetically modified organisms—alternatively called genetically engineered organisms—into the environment in an attempt to solve an emergency potentially unrelated to genetically modified organisms.

The proposal is to dispense with the full assessment process of the potential impact of the release of a GMO—not merely to expedite it or to speed up the process but to in fact dispense with it in some circumstances. We are deeply concerned that this means that an unknown and potentially harmful organism may be released without any fail-safe provisions or any understanding of how it may interact with other organisms or our environment, and that this could then be beyond recall. We could possibly do this—forever—without understanding the possible consequences. Genetically modified organisms released into our environment without proper assessment and testing may potentially have far-reaching, dangerous and disastrous consequences.

We need to take these potential dangers into account in a precautionary fashion when weighing up the risks and benefits of an emergency response to an outbreak of disease or a pandemic to be sure that the treatment does not end up being a much bigger problem than the one we were trying to solve in the first place. We already have more than enough examples in Australia of hasty interventions where the cure has in fact proved to be a greater problem than the disease. We need go no further than the already mentioned cane toad to establish this fact and to see that this has had huge environmental and economic impacts in Australia.

To summarise the Greens’ concerns, which I will go into in more detail in a moment: we are dealing with genetically engineered responses to a non-GE emergency, and we believe this goes beyond the scope of the original act. The decisions about emergency responses to disease outbreaks and pandemics need to be made by the relevant expert authorities. The release of GMOs, particularly untried and unassessed ones, should be the last resort and not the first one. We believe it should be restricted to medical emergencies only. There need to be very clear protocols within the act to define what constitutes a threat and to spell out what the triggers should be. We need a clear risk assessment process to carefully weigh up the potential costs and benefits of different emergency processes, and we need an assessment in place before the release of any GMOs.

We are concerned that this bill seeks to put emergency provisions in place within the Gene Technology Act 2000 that deal with non-GM emergencies. The changes proposed in the bill go well beyond the scope of the object of the act. The act states:

The object of this Act is to protect the health and safety of people, and to protect the environment, by identifying risks posed by or as a result of gene technology, and by managing those risks through regulating certain dealings with GMOs.

It is very clear that the legislative intent of the Gene Technology Act was to identify and manage risks that are posed by gene technology. To the extent that the emergency declaration provisions relate to risks that arise as a result of threats not associated with genetically engineered organisms, they appear to lie outside the intended ambit of the act. An
assessment of the level of threat posed lies outside the ambit of the expertise and the experience of the Office of the Gene Technology Regulator.

In the face of an emergency, we need to have the most effective response possible. We know that and acknowledge it. This means that we need to have the most appropriate authority making the decisions and managing the response, which requires relevant knowledge, experience and expertise. We want the most effective and efficient response to get the best outcome for the least amount of risk. This means considering all possible responses, including GE and non-GE ones, to pick the best one. We do not want to have a system that assumes a GE response is necessarily the best one, or where the expertise on tap only relates to one subset of possible responses. Surely, if there were a medical emergency, the Therapeutic Goods Administration emergency powers would be the first invoked, and we would expect the TGA to have access to the necessary knowledge, skills and expertise to evaluate the threat to human health.

The relevant experts would look for solutions which might or might not include GMOs. We would not necessarily expect this expertise to reside within the Office of the Gene Technology Regulator, and developing or retaining such expertise would be an expensive exercise. The same applies for animal diseases. If we are to have emergency provisions to allow rapid response to an imminent threat—and here I will define, as I have looked it up, what ‘imminent’ means: ‘instant, overwhelming and leaving no choice of means and no moment of deliberation’—then I have very strong concerns, if those are the criteria we are going to apply to releasing untested, untried, unassessed GMOs into the environment. We should be making sure that the most appropriate body assesses the threat and coordinates the response.

In the case of a human vaccine responding to a serious outbreak of a major disease this might, for instance, result in the TGA declaring a medical emergency and then requesting the GTR to make an emergency assessment of a genetically engineered vaccine. To give the health minister and the TGR the primary power to respond to an emergency with GMOs would shut down full consideration of all the options, which might include safer or more conservative solutions. In the case of a genetically engineered human vaccine in response to the threat of an outbreak of a particular disease—and this is one of the reasons put forward for the need for these provisions; for example, to deal with bird flu—it would be necessary to vaccinate a much larger number of people who have the potential to contract the disease than those who might actually be exposed and contract the disease in order for the epidemiological containment response to be effective. In other words, you would have to immunise a larger part of the population.

Where the vaccine contains a genetically engineered organism which is untested and may have adverse effects on some or all recipients, this has the potential to impact on a much larger population than would otherwise be affected. That is why there are currently such stringent assessment criteria related to vaccines and why we should not be considering bypassing these stringent rules without a very stringent risk assessment process. The existing provisions for testing vaccines and assessing genetically engineered and genetically modified organisms prior to release into our environment or into our community are there for a very good reason. They reflect widespread community concerns about genetic engineering and embody community standards, and they acknowledge that there are significant risks that have to be assessed.
and managed to protect the public. I am not convinced that the proposed emergency provisions are sufficient to do that.

I would like to look at what I have termed the triggers and levels of threat that apply to this legislation. The Greens are very concerned that the triggers and the level of threat necessary for declaring emergencies are not clearly defined. The definition of ‘imminent’ can include instant, overwhelming and leaving no choice of means and no moment for deliberation. The Department of Health and Ageing said in the committee hearing that one of the triggers for such a declaration might be an economic threat, not just an emergency around human health. An economic threat is not defined. Who defines what an economic threat is, the level of it or the severity of it? This may be considered a trigger for these provisions. The Greens do not accept that an economic threat would be sufficient justification to release a genetically engineered organism that has not been properly tested or assessed and which may pose an unknown and potentially unacceptable risk to human health or the environment. We do not accept that argument. The notion that these powers could be invoked for purely economic reasons is unacceptable, particularly when the release of an experimental organism may in itself pose an unknown economic and environmental health risk.

We also question how the situation might arise where there was a vaccine for a serious livestock disease that posed a major economic threat to Australian livestock that was already in use or looked at overseas and yet Australian livestock authorities were not sufficiently forewarned of this threat to get the assessment process underway before there was a major outbreak or the need to invoke emergency powers. The Greens believe that, if this amendment dealing specifically with emergency dealing provisions proceeds, it should be strictly limited to medical emergencies only. This way you could deal with life-threatening issues for human health but not so-called economic threats.

The bill does not specify the level of threat required to trigger the emergency dealing provisions. We believe that what counts as an imminent threat needs to be clearly defined in the act. As I have already said, we have concerns about the definition of the word ‘imminent’. The worst threat is not explicitly defined, yet the bill proposes that the minister merely has to satisfy that a threat is imminent without requirements or procedures to prove that a significant threat really exists. As it stands, the concept of threat within the act relates to pests and diseases, but there is no requirement that the threat be of a particular imminence, severity or scale. This is supposedly in the ministerial guidelines that neither the public nor the Senate has seen. I tried to get them. They went to the ministerial council on Friday and I could not get them. So we are dealing with a bill now for which we have not seen the ministerial guidelines that define threats or triggers for this act that could potentially have disastrous consequences for the Australian community and environment. The act should be clear that any real threat of a specified scale, scope and severity to justify the use of the emergency powers is reviewed and confirmed by all jurisdictions and that the circumstances are so exceptional as to justify an emergency response to avert a widespread impact on human health. Given that the minister is being required to make a decision in response to a particular threat, which in itself also inherently contains an element of risk, it seems negligent to be introducing a system in which the scale of threat, the likelihood of adverse outcomes and the relative costs of acting or failing to act are not considered in light of the potential risks posed by the introduction of an unassessed, untried, poten-
tially experimental GMO. We believe that this should be required in the legislation.

We understand from evidence that was given to the committee that the ministerial council has just considered guidelines relating to emergency provisions. This clearly suggests that the ministerial council still has concerns about the provisions which these guidelines are intended to address. As I said, we have not seen them, the public has not seen them and stakeholders have not seen them. Given the uncertainty that remains within the act about what constitutes a significant imminent threat and how possible response strategies might be assessed, it seems that the completion and approval of these guidelines would be a prudent and necessary first step before the introduction of this bill. The Greens believe that the ministerial guidelines should be a legislative instrument that is incorporated into this bill.

I would like to briefly touch on some of the horror stories that abound with genetic engineering to highlight the reasons for our deep concerns. There was the Klebsiella planticiola case in which a GM microbe for producing ethanol on farms was approved by the USDA, but when independently tested just prior to release was found to continue producing ethanol in soil, where it would destroy susceptible plants—in fact, most of them. The release of this organism was stopped only at the eleventh hour. In Brazil, GE soya beans incorporating a nut gene produced severe allergic reactions in some people and had to be withdrawn. These were genetically modified organisms that had been tested and released and still had problems. They were not untested and unassessed GMOs such as are potentially going to be released into the environment. In the US the release of herbicide tolerant GE crops has led to an escalation of weed problems and there are a high number of people manifesting allergies to GE corn and soya products. Recent reports of the widespread death of bees and the collapse of bee colonies across Europe and the US are a cause of major concern not only for the honey industry but for food crops and ecological systems that are dependent on them as pollinators. We do not know at the moment what is causing this—it remains a mystery—but research is pointing to the total collapse of the immune system of the bees from unknown causes. There are a number of different and competing explanations about a multitude of possible causes, including agricultural chemicals and the uptake of GE crops. Those are some quick international examples.

In Australia just recently, and as I articulated in this place not long ago, there was the experience of research done on mice at the ANU. The ANU conducted research into feeding genetically modified peas to mice. The CSIRO modified the peas to contain a bean gene which was intended to produce resistance to pea weevils. This resulted in a substantial change to the protein produced by the peas. The mice developed a hypersensitive skin response and experienced airway inflammation and mild lung damage. This could have had serious consequences if it had been released.

And there is the example that we heard in the Senate inquiry from Jeremy Tager. He said:

I remember that my father was working for the National Institute of Health in the 1950s when they rushed through a polio vaccine with the notion that this was an emergency that needed dealing with. They ended up killing more people than they saved with that particular vaccine.

I go through these examples to highlight the dangers that we are facing if we circumvent what I think are very important provisions and safeguards in our legislation. That is why we are very concerned that these particular provisions are being brought in to cover a much broader range of circumstances than...
we believe is appropriate and that they do not properly outline the levels of threat and risk in which these provisions would be invoked.

When we asked about this in the committee we were told, ‘Of course it’s only going to be used in real emergency situations.’ Well, we need to ensure that that is in fact what is going to occur. We cannot rely on people in the heat of the moment making what may be inappropriate decisions when they think that there is no alternative and in a moment when supposedly there is no time for consideration or deliberation. We do not believe this is appropriate when we are dealing with such potentially significant consequences.

We believe that attempts to use the Gene Technology Act 2000 to specify a means of fast-tracking or bypassing the assessment of genetically engineered organisms to allow them to be released into the environment or our bodies in response to a non-GE related emergency go well beyond the objects of this act. While we believe there is a need for legislative provisions for dealing with emergency situations such as pandemics or the outbreak of serious disease, we do not believe that these amendments are the appropriate way to do that.

The Greens will be moving amendments in the committee stage to oppose these provisions because we believe they need to go back to the drawing board. If they are not supported we will move some amendments to define what we mean by threat and the triggers for the use of these emergency provisions.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (12.32 pm)—I thank Senator McLucas, Senator Hurley and Senator Siewert for their contributions. The Gene Technology Amendment Bill 2007 strengthens the Australian government’s component of the gene technology regulatory scheme. This scheme protects the health and safety of people and the environment from any risks that may be posed by genetically modified organisms.

These amendments are the response to the statutory review of the Gene Technology Act 2000 and the Gene Technology Agreement 2001 which was conducted in 2005-06. These amendments will refine the legislation and ensure that regulatory burden is commensurate to risk, introduce provisions to deal with unexpected situations and ensure the smooth operation of the scheme.

I note, and I think all senators agree with this, that we must always be judicious in our release of any genetically modified organisms into the community. I agree with all senators on that. Perhaps like Senator Hurley, however, I remain optimistic—perhaps more optimistic than Senator Siewert—as to the utility of GMOs. But only time will tell. Perhaps in the committee stage we will have more opportunity to flesh out that debate and look at future opportunities.

Senator Siewert spoke passionately about the emergency dealing determinations that are an integral part of the bill and that reflect, of course, the review that was completed in 2005-06. We will discuss this in greater detail in the committee stage, but can I just say—through you, Mr Acting Deputy President—that these are not unilateral powers that can be used by a minister. They are highly circumscribed. I will not go through all the provisions now, but the minister must receive advice from various officers, including the Gene Technology Regulator. He or she must be satisfied that there is an actual or imminent threat, and so forth. This is not a case of a unilateral decision by a minister; it is highly circumscribed.
I should also add that all these conditions and provisions were agreed to by states and territories. We will obviously get to that in the committee stage, but I just wanted to try to argue the case anyway, Senator Siewert, that we are not talking here about the unilateral decision of a minister. It is highly circumscribed. Also, you spoke about the definitions. Again, we can get into that in the committee stage, but the strong scientific assessment framework of the act will be maintained. That is why, in relation to the issue you raised about economic harm, that is not what the bill says and that is not what is contemplated. But, again, we will get to that later.

These amendments mean that the regulator’s resources may be more efficiently utilised in the evaluation of an application for the intentional release of genetically modified organisms and that the regulatory regime will be more able to respond swiftly to emergency scenarios where the use of a genetically modified organisms may be particularly advantageous. Furthermore, these refinements represent the collective input from all the states and the territories and will ensure that Australia has a world-class regulatory system that protects the health and safety of people and the environment as well as promoting research in this growing industry.

The amendments to the act serve to strengthen this link in the armour of protection afforded to the health of the Australian people and the environment by the Australian government. The Office of the Gene Technology Regulator, along with other Australian government regulatory schemes, provides a shield that protects the health of the Australian people and their environment.

Senator Siewert quite justifiably mentioned the guidelines for emergency response under the Gene Technology Act 2000 and the Gene Technology Agreement. She quite correctly referred to those. They were agreed to by the ministerial council last Friday and I table them. I commend the bill to the Senate. Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

The TEMPERARTY CHAIRMAN (Senator Hutchins)—The question is that the bill stand as printed. Senator Siewert, I suggest that we deal with Greens amendments (2) to (4) together before we deal with amendment (1). Are you agreeable to that?

Senator Siewert—Yes.

The TEMPERARTY CHAIRMAN—We are therefore not going to deal first with amendment (1), which is actually an item to be opposed. We are going to deal with Greens amendments (2), (3) and (4) together.

Senator SIEWERT (Western Australia) (12.38 pm)—I seek leave to move Greens amendments (2) and (3) together because I would appreciate an opportunity to review the guidelines that Senator Mason just tabled.

Leave granted.

Senator SIEWERT (Western Australia) (12.38 pm)—I move:

(2) Schedule 1, item 10, page 7 (after line 27), at the end of section 72B, add:

(5) For the purpose of this Act, an emergency dealing determination may only be made in respect of a medical emergency.

(3) Schedule 1, item 10, page 7 (lines 15 to 19), omit paragraphs 72B(3)(a) to (c), substitute:

(a) a threat from the outbreak of human disease;

(b) a threat from an industrial spillage.

Greens amendment (2) relates to limiting the emergency dealing provisions to medical emergencies. As I articulated in my speech
on the second reading, we have very deep concerns about the scope that these provisions may relate to. I was very pleased to hear Senator Mason say that the government does not see that these would be used for economic reasons. The reason I brought that up was that, very clearly, when we looked into this bill in the committee inquiry the agency representatives said that this may be used in economic circumstances. That is extremely concerning for us because we are deeply concerned about the release of organisms into the environment, and we are deeply concerned that economic reasons may be justification for releasing these organisms. I would like to clarify that to confirm what triggers would invoke the use of these provisions.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (12.39 pm)—Economic consequences, of themselves, are not sufficient to trigger these provisions. It is true, however, that it is possible that, for example, a threat to human health, such as from a flu pandemic, clearly has an economic consequence, but an economic consequence of itself is not sufficient. This bill is about strong scientific guidelines rather than economic, social or cultural ones. We have tried to narrow it right down to things that we can quantify scientifically rather than on cultural or economic grounds. So, no, economic consequences alone will not trigger it.

Senator SIEWERT (Western Australia) (12.40 pm)—The bill talks about human disease, but it also talks about plant and animal diseases. I am wondering what the circumstances are under which a plant or animal disease would trigger the provisions. Would the economic considerations be taken into consideration? The Greens have a great deal of difficulty understanding what would be a plant and animal threat that was imminent and would trigger these provisions which would circumvent a lot of the assessment process.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (12.41 pm)—There could be an issue where there is a threat to livestock or a threat to human life caused by, say, a virus where a cure involves a genetically modified organism which has not gone through the normal processes. That is why it might be necessary for the minister to move very quickly to introduce that to solve the problem. I would add that the idea of an emergency determination is not unusual in this regulatory context. For example, in the areas of the Therapeutic Goods Administration and the Australian Pesticides and Veterinary Medicines Authority—they are complementary regulatory agencies—there is also an allowance for emergency determinations. I accept that there is always a risk in any of these contexts, but it really is only based on threats to human life, threats to livestock, industrial spillage and so forth. Economic consequences are merely a potential threat, but they are not used to assess an emergency.

Senator SIEWERT (Western Australia) (12.42 pm)—My understanding from what you have just said is that particularly with animal diseases—I am having a bit more trouble understanding plant diseases—I cannot see why bird flu, to use a classic example of a disease that impacts on human health, would not fall into the definition of what we are proposing, which is ‘a medical emergency’. So it is limited basically to the impact on human health and that would then incorporate an animal disease that had a potential to impact on human health. If there were an emergency that we needed to deal with there, it would be accommodated in that definition. That is why I would prefer to go with ‘a medical emergency’, which then clearly limits it to human health, and you do
not bring in the economic consequences that way.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (12.43 pm)—The legislation encompasses both human health and the environment. The words of the bill are that there is an actual or imminent threat to the health or safety of people or the environment. It is fairly clear what that means. A threat may include, but is not limited to, any of the following: a threat from the outbreak of a plant, animal or human disease; a threat from a particular plant or animal; or a threat from an industrial spillage.

It is too difficult simply to talk about medical emergencies relating to human beings because an industrial spillage may not, for example, impact on human beings immediately but could in the very short term. The government would not want to cut off options to deal with an industrial spillage by not having the power to introduce a GMO in certain emergency contexts.

Progress reported.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order! It being 12.45 pm, I call on matters of public interest.

Australian Labor Party

Senator BERNARDI (South Australia) (12.45 pm)—Today is an auspicious day, not just because it is the first anniversary of my swearing in as a senator but also because it is the 80th anniversary of the first sitting of federal parliament in Canberra. On this day in 1927, the first sitting of parliament in Canberra was opened by the Duke of York, later King George VI, in the Old Parliament House building. Since that time, Australia has clearly been on a path to prosperity. While some may consider me biased, I believe this is due in no small part to the fact that a conservative government has been in power in Australia for the majority of that time, particularly since World War II.

During this time, our successful journey as a nation has only been interrupted when Labor has been in government. History demonstrates that the Labor Party is simply a roadblock on Australia’s path to prosperity. It has been a long journey to get back on the path since we inherited the disastrous results of Labor’s 13-year prosperity detour. And what a detour that was! It created a nation with a net government debt of $96 billion. The unemployment rate was 8.2 per cent; today it is 4.5 per cent. We had average inflation under Labor of 5.2 per cent; today it is half that. Average mortgage rates were 12.75 per cent, nearly 50 per cent higher than those of today. And real wages growth after 13 years of Labor was only 0.2 per cent, whilst real wages have risen by more than 19 per cent since then.

All this was thanks to the previous 13 years of Labor in government. Mr Hawke and Mr Keating took Australia down a road towards the ‘recession we had to have’. We had high interest rates, high unemployment, low productivity and high personal tax rates—products of incompetent economic policies and complete disregard for the welfare of ordinary Australians. Still, this is the Labor way. We should not forget the legacy of the earlier Whitlam Labor government. Again we saw a declining economy, high unemployment rates and unprecedented inflation rates, all fuelled by the Whitlam government’s irresponsible spending.

Today’s succession of Labor leaders has offered more of the same. Mr Beazley, Mr Crean, Mr Latham, back to Mr Beazley and now Mr Rudd have all offered a carefully camouflaged version of the same doctrine: union control of Australia’s economy. Mr Rudd’s road to ruin for all Australians fea-
tures a praetorian guard of union heavyweights, not to protect the interests of all Australians but to protect the personal interests of the union elite.

Let us have a look at Labor’s national conference. It was three days of stage-managed events. The whole show was produced, choreographed and staged by a declining union movement. Labor proved to the rest of the country who is really running the ALP—the unions. Indeed, the ALP’s relationship with the unions is becoming suffocating, both internally and in its outward effect on our economy.

But this is nothing new. Back in 1996 the unions were outraged to lose their control over the government. Who can forget the disgraceful riots at the front of this building in that year? It was the most forceful physical attack on the federal parliament in its history. The militant CFMEU had quite a lot to do with the group that caused the most damage that day and, if my sources are correct, at least one of Labor’s frontbenchers was working with that extreme group and was a key player in that shameful occasion. Has anything really changed within the union movement since then?

One thing is crystal clear. If the ALP gain power, the unions will once again jeopardise Australia’s continued prosperity. How else can we explain why the ACTU and not the shadow cabinet were left to approve Labor’s workplace relations policy? The more things change, the more they stay the same. Labor have once again capitulated to almost every demand of the union bosses who dominate their national conference. They are a clear and present danger to small business, job security and the continuing growth of the Australian economy. Not even the very special leadership of Mark Latham produced a workplace policy which represented such a capitulation to the masters of Labor’s universe at the expense of small business and jobs. In one single policy, Labor are prepared to derail our economy. By winding back the clock to collective bargaining and reinstating the union domination of every Australian workplace, Labor will make it harder, not easier, for small business to employ people.

It is just as well that Labor’s policy has drawn significant criticism. One newspaper editorial summed it up when it described the IR policy as having:

... all the hallmarks of being an old-style Labor, a smoky backroom deal between Julia Gillard, Greg Combet and the ACTU. It represents a return to the classic class warfare of the last century which pitted bosses against workers ...

Yesterday in the Australian Janet Albrechtsen outlined what could happen under Labor’s IR policy:

... a collective agreement will rule a workplace when agreed on by a majority of workers who turn up to vote. That means in a workplace of 1000 workers, if 100 workers turn up to vote and 51 workers vote yes to a collective agreement, that agreement prevails. The vote of 51 workers will bind all 1000 workers.

In the above scenario, the unions will charge the full 1000 workers a bargaining fee. Of course, this bargaining fee will be higher than the cost of joining the union, so most workers, having to balance a household budget—as we all do—will likely take the less expensive option and join the union. Since the Labor Party gets a percentage of union fees in addition to the levies that are currently being fleeced from workers, it is a cosy little deal. It is unfair to expect a worker who did not participate in and neither wants nor needs a collective agreement to be bound by its terms and conditions. But that is the Labor way.

When Work Choices was introduced, the Labor Party together with the unions would have had us all believe the country was ready to fall apart. We saw a scare campaign of
enormous proportions. We were warned of mass sackings and eroded benefits, none of which have occurred. Mr Kim Beazley warned us: ‘There will be more divorce.’ Mr Bill Shorten said that these laws will be ‘a green light for mass sackings’. Janet Giles, the head of Unions SA, said: ‘It is a pact with the devil.’ Mr Tony Upton, from the Transport Workers Union, boldly claimed: ‘This legislation is a direct threat to road safety in this country.’ Ms Sharan Burrow alleged: ‘Children won’t see their parents for Christmas.’

These alarmist and embarrassingly ridiculous predictions have been exposed as typical union scaremongering. The unions are today engaged in a desperate attempt to remain relevant. They will do and say anything to regain their dominance of Australian workers and the economy. Anything, that is, except reform their tired, discredited and obsessive agenda. That is why the average working Australian is turning their back on the trade union movement. Figures recently released by the ABS show that union membership has been declining steadily since 1976 when it stood at 51 per cent. Now unions represent just 15.2 per cent of private sector employees. It is no wonder the union bosses have more influence in the Labor Party than on the workers of Australia as they continue to lose relevance and power. In fact, ACTU Secretary Greg Combet last year stated in the Australian:

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

Mr Combet, it was a bad thing then; it would be a very bad thing for Australia if you managed to run this country again.

But they are not content with running the ALP from the sidelines; the union elite are now clawing over each other in a mad scramble to get into parliament and gain a head start on their leadership rivals. We have union boss Doug Cameron, the National Secretary of the Australian Manufacturing Workers Union, who stitched up the numbers in the New South Wales Left to knife his own mentor. It reminds me of a saying in politics: it is always those closest to you who sink the knife in the deepest.

We have got Mark Butler, the State Secretary of the Liquor, Hospitality and Miscellaneous Union in South Australia, who is running for the safe Labor seat of Port Adelaide. He is a key part of the ALP factional machine in South Australia and a major behind-the-scenes player in the ALP at a national level. There is also Bill Shorten, the National Secretary of the Australian Workers Union, who is the Labor candidate for another safe Labor seat, the federal electorate of Maribyrnong. And, not least, there is Mr Greg Combet, the man who wants to run the country. He is set to enter federal parliament after winning preselection last week—although no-one actually ‘wins’ preselection in the Labor Party; everyone knows that preselections are determined long before the voting ever takes place.

This preselection push is part of a move by the ALP to install more high-profile uber-unionists in safe Labor seats. So much for Mr Rudd’s fresh thinking. But if you think that is alarming, wait, there is more! According to media reports, we could see New South Wales Labor Council Secretary John Robertson, New South Wales Electrical Trades Union Secretary Bernie Riordan and Transport Workers Union Federal Secretary Tony Sheldon all running for preselection in the next election. And just today it has been confirmed that South Australia’s godfather of factional politics, SDA Secretary Don Farrell, has staked his claim for a Senate seat.

The union elite not only determine preselection outcomes but also sit as unelected members of shadow cabinet, dictating the
policy agenda. This is one of the great ironies of the Labor Party in Australia: they claim to represent all Australians and yet, in reality, their policies are dictated by a select few for their own benefit. Labor’s recent industrial relations policy, which I mentioned earlier, is a case in point. It is a policy determined by the unions, vetted by the unions and for the benefit of the unions.

But let us go back to the ALP national conference, that great bastion of democracy. It features 400 delegates, 73 per cent of whom are former union officials, current union officials, members of parliament or Labor Party staffers. It is much the same on the ALP front bench, where 27 of the 40 positions are occupied by former union officials. The unions have donated over $50 million to the ALP since 1996 in a desperate attempt to regain their power and take us back to the dark old days of union dominance.

Let us remind ourselves what life was like when Labor was in government and unions ran the country. Labor’s system was based on conflict between workers and employers. Under Labor, strike action was 13 times higher than it is today, damaging our nation’s productivity and growth. Labor prescribed a one-size-fits-all industrial relations system. There was less capacity to negotiate conditions around particular family responsibilities. And unions were able to force workers into unions—including the requirement that employers give preference to union members. This conflict based system was bad for jobs and bad for our economy.

For all their purported concern for workers, Labor did not even attempt to protect workers who were denied their wages or entitlements in cases of employer insolvency. Even though Labor created a recession that sent thousands of businesses to the wall, it ignored the plight of nearly 221,000 workers who lost around $1.25 billion worth of entitlements between 1983 and 1996. Labor certainly delivered during their 13 years in power. But it was a message none of us want to receive again.

They gave us the worst economic recession since the Great Depression, including record small business interest rates, high inflation and record unemployment. They gave us job-destroying unfair dismissal laws, new taxes and increased taxes. But Australia is now back on the path to prosperity. Under the Howard government, we have the lowest unemployment rate in over 30 years. We have kept the economy strong so that all Australians can plan for the future with confidence. This does not happen by accident but requires the difficult but necessary decisions that have to be made in the national interest.

Real wages under this government have increased by nearly 20 per cent. This is hardly the doomsday type predictions we have seen from the ALP and the union movement for the last 11 years. But their opposition to our important reforms is not about jobs, fairness or hope for the future. They are not concerned about rights and the interests of working Australians. The individual worker is doing well under this government. The only people who are not doing well under this government are the union bosses, and that is why the union movement is bankrolling a $30 million campaign against the federal coalition government. It is a campaign against jobs, real wage increases and a strong economy. It is a campaign not about a bright future but about returning us to a very dark past.

Labor remains controlled by the unions, thinking only of their sectional interest rather than the national interest. They threaten Australia’s continued prosperity. This prosperity is no accident. It requires careful policy de-
velopment, and Labor’s challenge, after 11 years in opposition and six months from the election, was to show the Australian people it could develop such policies. It has failed the first important test. Labor has failed the Australian people whenever it has been in power. Its legacy of high interest rates, high unemployment, excessive spending and budget black holes we cannot forget. Australia cannot afford a Labor government captive to union, factional and vested interests. With last night’s budget, the government has continued to implement reforms to keep Australia’s economy strong, to lock in prosperity and to keep our nation secure so that Australians can plan for the future with confidence.

Defence Management Review

Senator MARK BISHOP (Western Australia) (1.00 pm)—I would like to address, in this matter of public interest debate, the Defence Management Review released early in April. This so-called review has been a remarkably cynical exercise. It is straight out of the process textbook of Sir Humphrey Appleby. Tip No. 1 for ministers: what to do when there are endless bungles within your administration. Answer: commission a review so you can blame someone else and, of course, you can blame the system. It does not matter that it is your system, nor does it matter that the embarrassment is of your own making. A review, by definition, is a great circuit-breaker. Its very existence shows you are decisive and will tolerate no more. There is fault elsewhere and you, the minister, are determined to fix it. Real ministerial mettle! The minister is on top of his department, demanding answers and showing who is boss. It is an instant explanation for the gullible. By the time it is finished everyone has forgotten why it started in the first place. It is such a pity that most do not read the terms of reference, let alone the report that is the outcome. So with due respect to the reviewers, including Ms Proust, this defence review is a clayton’s review. It is a review you have when you are not going to have a review.

Let us recall why this review started and why Sir Humphrey’s textbook was referred to again and again. Dr Nelson has been the most accident-prone Minister for Defence there has ever been in the history of this nation. The litany of failure is virtually endless. The worst, of course, was the bungling of the investigation into the death of Private Kovco just one year ago. The minister bungled the investigation and the repatriation of the body. Those bungles were followed by a bungled inquiry into the bungled loss of the body. Getting it back by Anzac Day was the minister’s top priority for Defence—it had all been personally scripted. That was followed by the bungled board of inquiry, which failed because of the poverty of evidence from the bungled investigation. Even the Chief of the Defence Force conceded that its findings were unjustified.

There was no real need for the inquiry anyway, because the minister knew the cause of death immediately. In fact, in the days following, he had a couple of guesses. But no matter, our fearless minister battled on to right his own wrongs. At the end of the day he was able to appear on national television appropriately sombre at a state funeral with all the gravitas the Defence PR machine could muster. Is it any wonder the family was both disgusted and angry?

We have seen him since, unperturbed before the cameras, in the cockpit of his new fighter. Perhaps one day we will see the minister on one of the refitted guided missile destroyers—now, I mention in passing, three years overdue. Or we might see him in an AEWAC aircraft—likely to be two years late. Wouldn’t it be great to see the minister announce he had found all the stolen rocket launchers or all the other military weaponry that has gone missing in the past decade?
That would be a public relations coup. Wouldn’t it be nice to hear the minister saying that the military justice system had been fixed once and for all? Perhaps he might also admit in passing that our engagement in Iraq continues to be a disaster. In fact, the real PR opportunities for this minister are endless.

We have seen many reviews into Defence in recent times. Each one has tried to turn tragedy into triumph. Each one has responded to a disaster of some kind. For example, there was the review of training establishments. That was a response to a Senate committee’s damning report on military justice—again, with limited terms of reference. It was a volume of paper and process and an academic response to human tragedy—and of course no fault was found, as usual. Everything was tickety-boo.

These reports are carefully written from vague terms of reference. They are massaged with bland recommendations, all quite acceptable. They are released as a package and then consigned to a pigeonhole. Business goes on as usual. That is this government’s modus operandi in this area. All attention is drawn to the government’s acceptance of all but a few sacrificial recommendations. Perhaps one day we may have a fair dinkum review of defence matters by independent people with real power to penetrate the fog.

We can see the pattern. Every problem needs a review. Terms of reference must be circumscribed to avoid the real issues. Those carrying out the review must be eminently respectable, with judgement beyond question. Time should be limited—the matter is of greatest urgency—so investigation and necessary fact-finding are limited. Recommendations should exceed 50 and be written so that no-one could disagree. Making sure that any contradictable recommendation is smashed out of court is in the interests of confected concern. And all this should come after advice from Defence PR as to the most timely release. The standard here is the eve of Good Friday—as in this case. Christmas Eve is another good day, or during the running of the Melbourne Cup.

This Defence Management Review is incomplete. It is a smokescreen that would make the Navy proud. Looking at the subject matter, it is obvious that little of Defence’s organisation and operations is covered. Defence’s difficulty in acquitting its accounts is a major subject but with no addition, to our knowledge and understanding, of what is now an improving issue reaching the stage where it is almost complete. Also, there are difficulties faced with IT infrastructure and operations, and I am sure Defence learned little from the review’s observations in that area. There were more generalities flowing from limited terms of reference and restricted time, with general recommendations easily accepted.

However, the primary focus of the review is the relationship between the department and the minister’s office, a strange matter to concentrate on, given that it is not in the terms of reference at all. What terrible things must have been said by witnesses and those who submitted material to the inquiry. Is the relationship so poisonous, so bad as to warrant such an assessment? Obviously someone thinks so. But, never fear, we can all say that it is the department’s fault. Narrowly trained and operationally focused military personnel must be reskilled. Training in the minister’s office operations should be mandatory. It is all about No. 1, particularly the current No. 1. This focus gives the lie to the review’s motivation.

The minister is clearly unhappy with the departmental advice coming into his office. He obviously does not like his question time brief and is unhappy with response times. Departments should really wise up to what
Minister Nelson really wants—that is, the PR unit, billions of dollars of new toys for photo ops and lots of ceremonies, flags and fly-bys. That is the gist of chapter 4. It deals with accountability and service delivery. It is the essence of best practice in governance. Clearly Defence, according to chapter 4, has a long way to go.

The old excuse is that Defence is too busy—that is, involved in operations—to bother. But operations are, of course, bread and butter for Defence. To have no operations and to have no involvement would make the department like a hospital too busy to treat patients. I have no doubt that senior officers are distracted, but accountability is not about senior officers; it is about the management culture. It is about a system that avoids ownership, lacks continuity in staffing and is constipated with committees. How often have we heard this chestnut?

Putting aside the ministerial circus, here are the review’s main criticisms: the department has confused its accountabilities; there is a gap between responsibility and accountability; there is less concern about efficiency than in the past—caused by comparative wealth due to the generosity of this government; management information is inadequate; many necessary processes are deficient and they are not aligned with the future direction; and the culture of Defence can be and is risk averse, insensitive to cost, rules bound and—get this—tribalistic. Further criticisms include: management is remote from those in the field, there is overcentralisation, Defence is too sensitive to media issues, Defence has a secretive approach to public in matters, there is inadequate planning for the future, there is a misguided belief that performance is adequately measured by operational outcomes and there is less focus on those parts not directly impacting on or involved with operations.

Why has it taken so long for the bleeding obvious to be spelled out? Report after report by the ANAO contains much the same sort of diagnosis, but nothing seems to happen; nothing seems to change. So implementing the Proust review’s recommendation is essential. There is no reason for it not being done, even if it means upheaval. It was done within the DMO, and that is now a much improved organisation. To tinker with the senior structure, as the Proust review has attempted, is futile without looking at the entirety of the organisation. But this government has rejected that most fundamental and salient reform, so it is hard to believe this government will get serious about the Defence organisation. That was never intended anyway, as we know, and that is why the review is a clayton’s cocktail.

Job Education and Training Scheme

Senator SIEWERT (Western Australia) (1.11 pm)—I rise today to talk about a very important issue—in fact, to continue what I plan to be a series of commentaries and stories about people who are being adversely impacted by the Welfare to Work provisions. Last sitting I told the distressing story of a lady who had breast cancer and of her unfortunate interaction with Centrelink and I spoke of the unfortunate implications and impacts of the Welfare to Work provisions she had encountered. Today I would like to provide some information on the issue around principal carers, another issue I have been pursuing wherever I can, and also on the JET scheme. The JET scheme is highly relevant today, given the budget announcements—and I will go into that in a bit more detail. As I have said, in the past I have talked about Centrelink, about the health impacts on women with breast cancer and about the impacts of Welfare to Work on carers, family carers, people with disabilities and single mums. There is a continuing story
about JET, which impacts very strongly on single mums.

Last week the Senate Standing Committee on Community Affairs heard a very interesting story about the impacts of the contradiction between the concept of ‘shared care’, now enacted in family law, and the idea that Welfare to Work will recognise only one parent as principal carer. In response to a question I asked Jac Taylor from the National Council of Single Mothers and their Children, Ms Taylor shared a story with us which I would like to use to highlight what it means in human terms when these policies are put in place. Asked about case studies, Ms Taylor said:

There is one in particular where a single mum in country Victoria has shared care of her toddler child, a very young child. She does not have principal carer status because her partner bullied her into making sure he got it. Centrelink assigned it to him.

I remind the Senate that only one parent can be declared a single carer. She went on:

They have within the 10 per cent range of the fifty-fifty—that is, in care—so Centrelink have made their decision against her in favour of him. So she is what is known as a generic job seeker where she is on Newstart with child rate but has full-time obligations to look for work and to do anything that the Job Network requires of her to accept full-time employment. She has none of the protections that you get with principal carer status such as part-time work, no suitable child care available, the 60-minute travel rule—hers is 90 minutes. She has no access to a pensioner concession card, so she is in a seriously disadvantaged situation.

This is a mother looking after a toddler—I understand the toddler is around two years old—who has now got full work obligations under Welfare to Work and is not receiving the concessions that as a single mum she would normally be entitled to. I put to this place that this will have serious consequences for her ability to support and look after her child—a situation where, now that the family law changes have been put in place, the starting position for looking after children is shared care between parents. Surely all our legislation in this country should embody that concept, and one parent should not be discriminated against through other pieces of legislation. It undermines people’s ability to look after their children.

I want to turn to the JET—Jobs, Education and Training—Child Care scheme to raise some issues about the changes that have been made to it to let the Senate see how this is adversely impacting on women with young children. These women are trying to turn their lives around through education so that they can have a better income and a better quality of life in the future for their children and themselves—most importantly, for their children. ABS data continues to show that single parents with primary care of dependent children are at the highest risk of poverty of all family types. Single mothers make up 86 per cent of the sole parent population. Income and housing research has identified that 46 per cent of all sole parents with dependent children live on very low incomes. With the changes that have been made in child support combined with Welfare to Work, where many single parents end up having their income further reduced, we are potentially making this situation worse.

From 1 July last year, JET Child Care fee assistance for new participants is only available for courses of study or training of up to 12 months duration. Remember that: 12 months. This policy severely limits the ability of single mothers to access important training or education opportunities. For example, it makes university study virtually impossible and may lead to young women dropping out of university courses. I will highlight some examples shortly where there
is a very real danger of that. It also makes attaining higher level training certificates impossible—for example, certificate III or IV qualifications from TAFE. The budget provided—and there was some noise made about it—an extra 20,000 places for JET, but it is still only restricted to one year. Single mothers want to work and upskill, so why doesn’t the government provide them with pathways to do this properly? One year’s training in education is insufficient to assist single mothers into decent jobs with career paths. Rather, we see a policy leading single mothers to being condemned to unskilled, low-paid labour.

Child care is a pressing issue in this country, and we need to encourage and assist greater participation of women in the workforce. The government’s budget announcements on child care do not tell the real story. Here are some real stories from women caught up by this government’s policies that limit their access to education. This is a story from a lady called Peta who sent me an email. She wrote:

I am a single Mum of a 2 year old boy and I work 1 day per week. I am also a 1st year, mature age Psychology student at Murdoch University—she is 30 years old—

I worked hard to get into Uni, received a 1st round offer & I felt really proud & optimistic about the future.

At the beginning of my studies I was given the impression that I met all the criteria & was eligible for Centerlink’s JET Child Care Assistance. From what my Child Care provider has told me, women that are studying and on JET were paying roughly $2 per day for Child Care.

In my 5th week of Uni I received a letter saying my application for JET had been declined, (after clocking up a $500+ bill at my day care centre assuming I was covered by JET). The reason: that I am enrolled in a course, the total duration of which exceeds 12 months.

The policy was only just changed July last year. As my whole course duration exceeds 12 months I am not eligible for any childcare assistance above the 100% for 50 hrs that I was entitled to before I began studying.

I feel that this change in legislation is very discriminatory. It gives extra support to [some] single parents, (women particularly) that are studying a short course, that will accordingly get them into a menial, low paid job. However, a single parent (Mum) with any higher career aspirations, like becoming a Psychologist, is now being punished by the total withholding of the same extra support, thereby making it impossible to survive financially while studying.

I think it is extremely unfair that even though I would only require the JET assistance for 1-2 years anyway, (until my child was school age), I am still not afforded even the equal 12 months of JET assistance others doing a shorter course are receiving.

I am now facing the possibility of being forced to quit University: because I simply cannot afford to pay for child care.

In a big contrast to those on JET assistance that would be paying $10-$15 per week for child care, I currently have to pay $107.00 per week for the same amount of care. Furthermore, I am expected to pay this $107.00 p/w (+ the added expenses of fuel, books etc), out of my Parenting Payment on which I only just managed before I began to study. The extra $32 per week I receive for the Educational Supplement does not begin to cover this expense.

I believe there are many other single parents, (particularly women), that are in the same position as me as a result of this decision. I have spoken to the University Guild & Women’s Group who are supporting in every effort to try & reverse this decision.

They have begun circulating a petition to try and see if there are other people affected by this decision.

Surprise, surprise: there are many other women—this was just at Murdoch University—who are also affected. I have another
story of another lady, who would prefer that I did not use her name. She writes:

I am a single mum and I live in a rural area, with limited child care services and virtually no local employment opportunities.

My decision to return to University studies came some 18 months after my separation from my partner, and 2 years after the birth of my last baby.

I have three children. I am now in receipt of Centrelink benefits—a humbling experience, but necessary none the less.

I am grateful that after two years of family court intervention and legal drama my ex-partner will be forced to contribute financially to our lives, and I will also receive property settlement.

I started a new course at Murdoch University, knowing that completing a degree was the only way I could improve my employment options to a level that would satisfy my family’s financial requirements and obligations.

When I enrolled at the start of this year, I spent 3 hours at my local Centrelink office (my 3 kids in paid care too) applying for the JET assistance, some weeks later I was sent a letter explaining why I was not eligible. DRAT—and my day care centre manager had purposely withheld my entire care bill until she could calculate it at the JET rate—

which was a very expensive mistake for her. She goes on to say:

I now use my scholarship funds to pay for my childcare. Not the most suitable scenario. I’d prefer to be able to buy textbooks, but I have to beg and borrow for them instead.

If there are ANY changes that can be made to allow for University students to access JET assistance— I KNOW I WOULD BE VERY GRATEFUL.

I do not have any alternatives which are suitable for the needs of my unique family. I’m sure that many families would benefit from fee relief.

As I said, I have many other stories. One of the other letters I have received in my office relates to Balga Senior High School in Western Australia, which has a number of single mothers attending. They are also affected by this. In theory they cannot get JET beyond 12 months even for completing their secondary education. Since they wrote to me, they have in fact received a letter from the minister saying that a secondary education is exempt, which is good. So they are getting child care for their children while they are in secondary school. But what happens when they leave secondary school?

Through this system we are condemning these women who are trying to get a better education and provide a better future for their children. We are condemning these young women, who are trying to turn their lives around and support their children, to low-paid, unskilled work. There is no way that these young women will be able to afford a university education because they cannot and will not be able to get childcare support for their children beyond 12 months. They will not be able to finish getting adequate skills through TAFE because they will only get support through JET for 12 months.

If we were really serious about supporting and helping Australian families, upskilling our workforce and training and skill development, we would be doing everything we could to support these families, these single mothers. As I said at the beginning, most of the people affected as single parents are single women, supporting mothers. They are in one of the most disadvantaged groups in this country yet we are further punishing them—that is all I can see it is—by not giving them access to the child care they need to enable them to get a qualification from a university. It basically bans single mothers from a university education, and in this country that is outrageous.

Volunteering

Senator HURLEY (South Australia) (1.25 pm)—Volunteering is a quintessential
Australian value. It encapsulates a number of qualities that promote a cohesive society: loyalty, commitment, dedication and obligation. Australians volunteer in community welfare, sport, recreation, youth development and emergency services more than people in most countries do. Australia’s formal volunteering participation rate out-ranks both the US and Canada and, while participation rates in most countries are going down, Australia surges ahead.

Over six million Australian over the age of 18 per year actively volunteer, and the numbers are growing. That equates to 41 per cent of Australia’s population, compared to only 24 per cent in 1995, and provides a very significant financial benefit for our country. Many might be surprised by the age profile of volunteers in Australia—young people volunteer in significant numbers. Indeed, those in the 35- to 44-year age bracket are the most enthusiastic volunteers, according to the survey of voluntary work carried out in 2000 by the Australian Bureau of Statistics. Over one million Australians in the 35- to 44-year age group were volunteers. That gradually goes down but there are significant numbers of people who are also volunteering in the 75-plus age group. So it is an activity that not only interests people when they are young but continues, for many Australians, for all their lives.

The range of organisations that are included which use volunteers might also be surprising. The largest group is the community welfare sector, quite naturally, but education, training and youth development also has a significant percentage at 28 per cent. Sport and recreation has 34 per cent of volunteers. That is immediately obvious to anyone who sees the legions of parents and other volunteers out there on weekends in Australia helping to develop our sporting prowess. A number of people also volunteer in emergency services, environmental, animal welfare and arts and cultural activities. So there is a wide range of interests being catered for by people who volunteer.

I think it would be obvious to many also that volunteering in the education sector by parents is vital for the functioning of schools—everything from baking cakes to participating in learning programs that assist children to participate in their schooling. It is also interesting that single parents are very active in volunteering. I suspect the education area is one of the areas in which single parents are particularly active—for far more so, apparently, than two-parent families.

One of the reasons I am talking about volunteering is that next week South Australia will celebrate Volunteers Week. I would like today to highlight the importance of volunteers and some of the facts about volunteering in Australia. One of those facts is a very basic one—the cost of volunteering. Volunteering, of course, does not just happen, and costs include training, equipment, insurance and often police reports and other security measures.

Anyone who has had any involvement in community organisations over the last five or so years knows the great difficulty caused by recent increases in insurance costs and requirements. Many organisations, in fact, have folded because of this and many events are no longer held. I think that is gradually being resolved, and in South Australia the state government stepped in to provide some support to valuable community organisations.

Other organisational costs are basic to ongoing operations—rent, water, electricity and telephone. For many groups, rising costs in running their centres are unavoidable and starting to become crippling. Of course organisations are not the only ones to incur costs; individual volunteers themselves are facing increasing costs. The rising petrol
price is the most obvious example of a bar-
rier to the participation of many people, par-
ticularly those in regional and country areas.

Local governments have traditionally been
heavily involved in volunteer groups in their
communities. Many local governments sub-
sidise sporting and recreational groups and
other service organisations to varying ex-
tents. Particularly in recent years, state gov-
ernments have recognised the value of vol-
unteer and many have appointed ministers
responsible for volunteering. This has raised
the profile of volunteering and underlined its
importance to the community, as well as
providing practical support and recognition.

I believe it is really time the federal gov-
ernment recognised volunteers properly and
did something similar. The federal govern-
ment has the ability to ease red tape, provide
national recognition and give financial sup-
port to the volunteer sector. The tax system
could be reviewed to look at whether not-for-
profit organisations are getting enough sup-
port and whether individuals could be as-
sisted for out-of-pocket expenses. There are
ways that the federal government could ease
the administrative burden for volunteers and
provide a central calling point for volunteers
and their agencies. Such federal government
assistance would help to ensure the sustain-
ability of volunteer organisations and the
continued contribution by volunteers to our
social and economic wellbeing.

I think the federal government has a great
role to play in recognising volunteers, and I
think that role has not been sufficiently ful-
filled up until now. Given the increasing
costs and increasing stresses on not-for-profit
organisations, I think it is high time that the
federal government started to look at practi-
cal ways that it might assist volunteers.

In fact, Australian business organisations
already contribute in excess of $3 billion a
year in donations, sponsorships and commu-
nity programs. This is commendable, but
there is also room for business to further as-
sist employee engagement. The National
Australia Bank is one organisation that has
an excellent volunteering model that facili-
tates its employees in contributing time to
their community. Such initiatives could be
encouraged throughout Australia. Again, the
government could play a role in this.

This initiative could be part of an increas-
ingly recognised sector in business circles,
and that is the corporate social responsibility
of businesses. There is an excellent paper on
this matter written by Moira Deslandes, CEO
of Volunteering SA Inc., who has done a very
thoughtful analysis of corporate social re-
sponsibility and how businesses might fit
that into the volunteering sector to encourage
that unpaid sector of our community which
is, nevertheless, so valuable.

Of course big business is the best place to
do those structured programs that the Na-
tional Australia Bank is performing, but it
has to be recognised that many small and
medium sized businesses, particularly in
country areas, already play an invaluable role
by releasing their employees who volunteer
for country fire services or for emergency
services. On many occasions I have wit-
nessed people abruptly leaving their em-
ployment—with the goodwill of the boss,
and often accompanied by their boss—at the
drop of a to go off hat and fight a fire or at-
tend a road accident as part of the emergency
services system. Certainly, our country and
regional areas simply would not function
without that generous volunteering on the
part of the individuals involved and the busi-
nesses that support that kind of volunteering.

Local and state governments recognise
that part of our Australian society, and I call
on the federal government to do the same
thing in any way that is appropriate. We can
see from the list of organisations that I read
out previously that large numbers of people give of their time not only in obvious areas, the ones we all think of when we talk about volunteering, but also in arts and cultural areas; environmental areas; foreign and international areas; and law, justice and political areas. The federal government has recognised this to some extent, I must admit, in that those people over 55 who are not in work get their volunteering time recognised. That was certainly a valuable initiative and one that has given quite a spur to that volunteer sector, which, as we have seen, is becoming increasingly professional.

State government support in that area is particularly important, because the establishment of departments or offices of volunteering, plus having a minister responsible for the volunteering sector, means that volunteering organisations can organise better in many ways and link up potential volunteers with appropriate services and so on—so that those people with appropriate skills can be put into an appropriate sector.

Volunteering, of course, is not just volunteers giving; it is also volunteers receiving a benefit in terms of becoming part of a community and meeting other people, staying active and feeling fulfilled. At a time when we all understand the importance right through old age of being active, alert, engaged and involved, the benefits of volunteering are very clear and go well beyond the actual services involved. Volunteering is an activity that is undertaken with skill and enthusiasm by many Australians. It is an essential part of the fabric of our society and an activity that should get the recognition from the federal government that it has long deserved.

I am sure that every member of this chamber would agree with the observation that, without volunteers, we would find it very difficult to perform all the activities and provide all the services that we do at the moment, and the cost of providing those services otherwise would have a great impact on our local government, state government and, indeed, federal budget funds. I think it is incumbent upon the government to have a minister dedicated to this area and responsible for ensuring that the facts of volunteering in relation to federal government activities and the possibility of federal government assistance are collated so that the government knows the most effective ways to provide assistance to that sector—both the people responsible for coordinating volunteers and those volunteers who are happy to assist in performing the services that we rely on and that we possibly, in a number of instances, take quite for granted. I hope that we will see a significant change in that over time.

Dr Pat Stevens

Senator HUTCHINS (New South Wales) (1.40 pm)—I want to speak this afternoon about a member of the Labor Party who passed away suddenly at his home on 24 March this year. His name was known to me and to my successor as President of the New South Wales ALP, Senator Stephens. His name was Dr Pat Stevens and he was a general practitioner in Taree, in the Manning region of New South Wales. Dr Pat, as he was known, was held in high esteem by all those in the community and very much loved by those people, particularly of course his family. His wife, Mary, and his sons, Martin, John and James, miss him dearly. He was buried at the church where he undoubtedly was baptised, St Bernadette’s at Krambach.

I raise the subject of Dr Pat Stevens because he was, as I said, held in high regard by the members of his community; but he was also a Labor Party candidate in the year 2001 against the current Deputy Prime Minister, Mr Vaile. Despite the fact that I do not
think we have ever represented the North Coast of New South Wales in the federal parliament, Dr Pat did a sterling job in at least making sure that the Deputy Prime Minister had to spend a bit more time in his electorate than he otherwise would have wanted to. I know that the Deputy Prime Minister also held Dr Pat in high regard, and I am sure he has passed on his best wishes and condolences to the family.

Dr Pat led an interesting life. He was only 60 years old when he passed away. But he was from that region; his family had been there for some generations, on a dairy farm. He was also a national serviceman. He was a late starter in terms of becoming a medical student at the University of Sydney, from which he graduated with honours, becoming a doctor in 1975. He commenced his career in medicine at the Royal Newcastle Hospital then moved to the Mater hospital. I suppose one of the things that attracted him to my party and impressed whoever came into contact with him was his concern for social justice, which was able to find full expression in his years as a general practitioner in Moree, where he dealt with some of the very disadvantaged members of our Australian community, particularly the Indigenous community there. He moved back to his own region after that, staying there as a general practitioner until he passed away on 24 March.

Dr Pat Stevens was highly esteemed by his community, and I take this opportunity to advertise, I suppose, to the Senate that a memorial scholarship fund has been set up in his name by the people of the Manning region. Knowing that Pat himself went through some difficult circumstances in the early part of his life—in terms of access to money to be able to continue his studies—they set up a fund to preserve his memory. That scholarship will be available to a student in the Manning region who wants to study medicine at the University of Newcastle. The fund will target students who are from a financially or socially disadvantaged background and who would require financial support to study at the University of Newcastle, and who will hopefully go back to the Manning region afterwards.

Knowing Dr Pat as I did, I am pretty sure that he would have shied away from having anything like this named after him. But he was held in such high regard in the community of that region—and he does not have any chance to dispute it now!—that they want to commemorate in perpetuity the memory of this fine Australian who did a lot for the region. Indeed, he put his passion for people on the line almost daily to ensure that things were righted when and if he was in a position to do so. This scholarship fund has been set up and the intention is for it to operate from 2008.

Sitting suspended from 1.45 pm to 2.00 pm

LIBERAL PARTY OF AUSTRALIA
Office Holders
Senator MINCHIN (South Australia—Leader of the Government in the Senate) (2.00 pm)—by leave—I am pleased to inform the Senate that Senator Stephen Parry has been elected as Government Whip in the Senate, replacing Senator Jeannie Ferris, and Senator Julian McGauran has been elected as Deputy Government Whip in the Senate.

Opposition senators interjecting—

Senator MINCHIN—I congratulate Senator McGauran.

Opposition senators interjecting—

The PRESIDENT—Order! I am glad that Senator McGauran has received those congratulatory messages from the opposition side of the chamber.
QUESTIONS WITHOUT NOTICE

Budget 2007-08

Senator SHERRY (2.01 pm)—My question is to Senator Minchin, representing the Treasurer. Can the minister explain why productivity growth, critical to our long-term economic prosperity, was zero in 2006-07 against a forecast of 2.25 per cent? Is zero productivity growth the best the government can do? If this really is a budget for the future, can the minister also indicate why it forecast productivity growth of only 1.75 per cent per annum over the last two years of the forward estimates? Isn’t this barely half the productivity growth rate achieved during the 1990s? Why can’t the government do better on productivity than we were doing almost a decade ago?

Senator MINCHIN—I thank Senator Sherry for his question on productivity. Can I first say that at least there is something to be said for the opposition actually focusing on productivity and acknowledging that productivity is important to the Australian economy and important to the future living standards and welfare of the Australian people. In relation to productivity, the Labor Party has been seeking to make much of statistics, but of course there are statistics and statistics. I was surprised that Senator Sherry said, ’In 2006-07, productivity was zero.’ As far as I can tell, we are in May 2007 and we have not finished 2006-07. So we do not know from the ABS what the productivity outcome for 2006-07 will be, and we will not know for some time.

The last year for which we have productivity figures is 2005-06, when GDP per hour worked in the market sector—that is, productivity—grew by 2.3 per cent, similar to the average of the past decade. According to those same statistics, we had a most peculiar and aberrant decline in mining productivity of some 19 per cent. According to the ABS, mining productivity in 2005-06 fell 19 per cent. That of its own wipes one percentage point off the economy-wide productivity growth figure. If you take the non-mining sector productivity figure for the economy, in the last full year for which we have figures, you have growth in productivity of 3.2 per cent—considerably above the average in Australia for the past four decades.

So the whole basis of the Labor argument about productivity is without any foundation. The statistics themselves establish that productivity is growing at the long-term rate, if you take out this quite aberrant behaviour with respect to mining—which most commentators assume is a function of the fact that you have a lot of investment going in without the output growth that will result from that investment yet coming on stream but you have an increase in employment. That is the cause of this aberrant drop in mining productivity. On that basis, there is no foundation whatsoever for the Labor Party argument on productivity.

This budget focuses on the importance of maintaining Australia’s productivity. We have invested substantially in education to ensure the future productive capacity of the Australian workforce. We have invested substantially in transport infrastructure in this country to ensure that we can sustain the productivity of the Australian workforce. Most importantly, we have brought in far-reaching industrial relations reform. If there is one thing that is an absolute prerequisite for productivity growth it is flexible workplace relations.

If the Labor Party were interested in productivity, the absolute last thing they would do would be to re-regulate the labour market. On that score, I will quote Heather Ridout, who I think would be acknowledged as one of the more modern of the employer group representatives. She said:
Kevin Rudd talks a lot about productivity, but this re-regulation—his re-regulation of the labour market—will lower productivity.

So, Senator Sherry, if you are interested in productivity—and I accept that you are—go and talk to Mr Rudd about productivity.

**Senator SHERRY**—Mr President, I ask a supplementary question. If the Minister for Finance and Administration reads page 1.5, table 2 of his own Budget Paper No. 1, he will see that productivity is zero. Doesn’t the same budget paper forecast declining productivity for Australia beyond 2007-08—after your industrial relations reforms? How can it be a budget for the future if the government’s own forecasts show productivity going backwards? Read page 1.5 of your own budget paper. Doesn’t this highlight that the government has squandered the once-in-a-generation $300 billion mining boom and instead has gone with a budget designed to be a clever, short-term election fix?

**Senator MINCHIN**—What we know for sure is that if Labor were to be elected at the next election, productivity would go backwards because of their disastrous re-regulation of the labour market. Listen to what Michael Chaney of the Business Council of Australia said:

Despite claiming to support policies that will lead to continued productivity, the ALP has clearly ignored consistent and strong business representations about how productivity and jobs growth is achieved in the economy.

That was the greatest slag the opposition could ever have from the business community, who are responsible for productivity—saying you know nothing about how to increase productivity in this country.

**Budget 2007-08**

**Senator IAN CAMPBELL** (2.07 pm)—My question is directed to the Minister for Finance and Administration, Senator the Hon. Nick Minchin. Given the strong positive reaction to last night’s budget, could the minister inform the Senate of the importance of keeping the economy strong, of keeping the budget in surplus, of eliminating debt and of continuing to build for the future?

**Senator MINCHIN**—I thank Senator Ian Campbell for his question and acknowledge that this is Senator Ian Campbell’s last week of sitting in the Senate. I congratulate him on his enormous contribution to both this parliament and the government of this country.

Last night’s budget is a testament to what can be achieved when you run a strong economy with continuous growth, rising real incomes, low inflation and unemployment at generational lows. It shows what can be done when you get the budget into surplus and you eliminate debt. When the Labor Party last brought down a budget, in 1995, they spent more on interest payments on the big debt they racked up than they spent on education—a travesty. We are running surpluses of one per cent of GDP, we have eliminated Labor’s debt, we have established the Future Fund and we are saving the $8½ billion every year that Labor used to spend on interest payments. It is that platform that allows us to make substantial investments in the future. It has allowed us to create the Higher Education Endowment Fund, it has allowed us to cut personal income tax and it has allowed us to increase childcare benefits by 10 per cent and to cash out the childcare tax rebate. It has allowed us to invest $22 billion, under AusLink 2, for transport. These initiatives are made possible by the economic management of the past and they lay the foundations for future economic strength. Childcare assistance and income tax cuts are aimed squarely at boosting workforce participation. Our education investment helps to address skill shortages and to boost long-term productivity. Our infrastructure investment, through AusLink, will boost the econ-
Ten years ago, no-one dared to imagine that Australia could achieve the prosperity we now enjoy. No-one thought that we could get unemployment to 4½ per cent, that we could increase real disposable incomes by 25 per cent, or that we could increase real household wealth by 140 per cent. No-one believed we could eliminate government debt and fund our superannuation liabilities. These things are possible because of the work we have done over the last 10 years in government. All the difficult reforms that we have achieved have been despite constant opposition from the Labor Party. I think that, in another decade, Australians will look back and see this budget as a truly historic occasion—when the Howard government had the vision to establish the Higher Education Endowment Fund and to invest in education, workforce participation and transport infrastructure.

If this budget has been a symbol of the Howard government’s 11 years in office, Labor’s response has been equally symbolic of its now decade-long policy paralysis. Labor has criticised this budget, but it is going to support every single measure in the budget. It is our view that, under Labor’s policies, last night’s budget would never have been possible. When Labor was in government, it delivered recessions, 17 per cent interest rates and double-digit unemployment. In 2007, its policies on industrial relations and climate change do illustrate and confirm that Labor remains a serious threat to the future of the Australian economy. Under a Labor government, there would not be budgets like last night’s. Labor has no plans to keep the economy strong, to keep inflation under control, to keep unemployment low and to secure our future.

Budget 2007-08

Senator WONG (2.11 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. I refer the minister to productivity forecasts in the government budget papers. For ease of reference, it is Budget Paper No. 1, statement 1, table 2. I refer the minister to the forecasts in these papers, which confirm that productivity growth for the 2006-07 financial year will be zero. Don’t the government’s own figures demonstrate that there were absolutely no productivity gains resulting from the introduction of Work Choices? Given that today’s productivity is tomorrow’s prosperity, don’t the government’s own forecasts completely contradict its claims that Work Choices is good for the nation’s future?

Senator ABETZ—Last night’s budget indicated that productivity is expected to increase in 2007-08. Strong business investment is boosting the economy’s productivity capacity and laying the foundations for sustainable economic growth in the years ahead. There is no doubt that the current industrial relations system will boost productivity in coming years. With only three-quarters of the data since the introduction of Work Choices, and considerable volatility in quarterly estimates, it is far too early to make judgement about the productivity effects of Work Choices. But one thing we do know about the current system is that an extra 250,000-plus of our fellow Australians have been able to gain employment, and they have been able to gain real wage increases. That has laid the foundation, we believe, for the productivity growth that we trust we will experience in the year 2007-08.

The Labor Party need to tell the Australian people how they would deal with this issue. Instead of just picking at us and making assertions that, I am sure, they know are not
supportable, they need to ask themselves how their policies would increase productivity. They would raid the Future Fund. They would come up with a new industrial relations system, and do you know how they would increase productivity with their new industrial relations system? They were going to have a one-stop shop. A day later, it was going to be a two-stop shop. Then they were going to have a system of 10 minimum conditions. But guess what these great advocates of the workers forgot in those 10 minimum conditions? They forgot the minimum wage—and they had to introduce 11 minimum conditions.

If you ask the workers of Australia, ‘What is the most important component of your package?’ guess what they say it is. It is the wage. And that was the thing that that bright spark who delivered Mark Latham to the leadership of the Labor Party and Medicare Gold at the last election delivered to the Labor Party in her industrial relations policy. I would suggest to those opposite that they are on very weak ground when they seek to assert that their proposed new industrial relations system would be somehow better than ours. We will always accept that we can improve our system for the benefit of the workers of Australia. But what we will not countenance is the sort of nonsense policy on the run that we have seen emanate from the Australian Labor Party’s national conference, courtesy of Ms Gillard. The Australian people can be satisfied of this; we have shown over the past decade sound economic management and a willingness to make the tough decisions in the face of opposition from those opposite. Today, we are living off the dividends of that. Our fellow Australians know that and they know that the policies of the Labor Party would prejudice that future security. That is why we believe that this budget is in fact a budget for the future security of this great nation.

Senator WONG—Mr President, I ask a supplementary question. I again refer the minister to the economic forecast in the budget papers. Can he confirm that the forecasts say that in the five years following the introduction of Work Choices productivity growth is expected to average just 1.5 per cent per annum? Can the minister confirm that, by contrast, in the five years following the introduction of enterprise bargaining in 1994 productivity growth averaged 2.5 per cent per year? Given these facts and the government’s own budget figures, how can the government continue to claim that Work Choices, with its emphasis on AWAs, is good for productivity growth?

Senator ABETZ—You can always play games with statistics, and the Labor Party are masters at it. Everybody knows that when we got productivity gains after 1993 they were coming off one of the lowest bases that we had ever suffered in this nation. As a result, it is easy to point to productivity increases when you come from such a very low base. It is the same silly argument that they raise about employment growth. They say that there was a great degree of employment growth as we brought unemployment down from the one million plus to five per cent. Of course it is a lot harder to then reduce the unemployment rate from five per cent to 4.5 per cent. That is a lot harder task. Most people understand that. It is a pity that the Australian Labor Party do not. That is why they are unfit for office.

Budget 2007-08

Senator RONALDSON (2.17 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan, representing the Assistant Treasurer. Minister, the most important function of government is to ensure a stable, efficient and growing economy. What plans does the government have to further grow the
economy while ensuring that people pay an equitable rate of tax?

Senator COONAN—Senator Ronaldson is dead right that the running of a sound and stable economy is the most important function of any Australian government, and it is indeed a weighty responsibility. If you get it wrong—as our Labor colleagues on the other side of the chamber know only too well—you have record unemployment, you have people losing their homes because they cannot meet crippling interest payments and you have a budget deficit that bankrupts the country and leaves your children and grandchildren up to their eyeballs in debt. If you get it right, as the Howard government has done, you have unemployment at a record 32-year low, you have interest rates in single figures and you have real year-on-year economic growth that sets Australia up for the future and locks in our prosperity. When you run a sound and stable economy, you can return the benefits to the taxpayer. When you are up to your eyeballs in debt, you cannot—as Mr Keating knows.

The new income tax arrangements announced by the Treasurer last night will allow all Australian taxpayers to share in new personal tax cuts worth $31.5 billion. From 1 July 2007, the 30 per cent threshold will increase from $25,000 to $30,000, and the low-income tax offset will increase from $600 to $750 per year and will begin to phase out from $30,000. The increase in the low-income tax offset creates an effective tax-free threshold of $11,000 for low-income earners. From 1 July 2008, the 40 per cent threshold will increase from $75,000 to $80,000 and the 45 per cent threshold will increase from $150,000 to $180,000. The 2007-08 budget tax cuts ensure that over 80 per cent of taxpayers face a top marginal tax rate of 30 per cent or less. A taxpayer will need to earn $134,000 to pay an average tax rate of 30 per cent in 2008-09. Under the Howard government, over 80 per cent of Australians pay no more than 30c in the dollar tax. That means that only two per cent of taxpayers are in the top tax bracket. Back in 1996 under Labor, the highest marginal tax rate—higher than today’s top rate, I might add—applied from just $50,000. From 1 July next year, the top rate will apply from $180,000. This means that taxpayers will not reach the top marginal tax rate until they earn more than 3½ times the average weekly earnings in 2008-09.

Last night’s budget, with its tax cuts and investment in education, skills, road and rail and sharper work incentives, is all about the future. Running the economy for the future is not something that happens on autopilot. You do not trust it to luck and you certainly cannot trust it to Labor. Running the economy is a full-time job. It requires some tough decisions and some real experience, and the instructions are not written in Mandarin. This government stands ready and able to take the tough decisions necessary for further economic growth to lock in Australia’s prosperity. We will continue the strong economic management that the Howard government has delivered for the past 11 years.

Budget 2007-08

Senator CARR (2.22 pm)—My question without notice is to Senator Minchin, the Minister representing the Treasurer. Can the minister confirm that over the last 11 years government investment in education has fallen from two per cent of GDP in 1995-96 to 1.6 per cent of GDP? Can the minister explain how this can be a budget about the future if investment in education has fallen so dramatically over the life of the Howard government? Isn’t the education package announced in the budget just a cynical attempt to deflect attention from earlier cuts by this government and its failure to invest in education over the last 11 years?
Senator MINCHIN—We thank the opposition for drawing attention to our substantial and magnificent investment in education in this budget. I begin by reminding Senator Carr of what I said in my earlier answer and that is that we inherited the most extraordinary situation one could possibly imagine: that as a result of their 13 years in office, when we came into government, the financial accounts showed more being spent on interest payments to those lending money to the government than on education. What a travesty! What a record! How can he possibly stand up in here and criticise this government when what they left us with was a situation where less was being spent on education in this country by the federal government than was being spent on interest payments on the debts that they were racking up. We have turned that around.

In our budget now, you have spending of $17 or $18 billion on education and nothing on interest payments. That is the turnaround that we have been able to achieve without a shred of help from the opposition. It is a magnificent achievement on our part, to virtually double education spending under this government, and now, because we have eliminated debt and we are generating surpluses, we can do something that has never been achieved in this country before and put aside in perpetuity $5 billion. This is apparently only a drop in the ocean, according to Mr Rudd. Five billion dollars into the Higher Education Endowment Fund in perpetuity is something the universities are over the moon about. It is something they never expected from any federal government: a $5 billion endowment fund to ensure that our higher education sector has the resources and the facilities available to it in perpetuity. In one stroke we are doubling the amount available currently to universities in their endowment funds, and on top of that, introducing a $3.5 billion investment program over the next four years in education, half of which is going to the universities, the other half to schools—the responsibility of the states, where they are failing miserably and have to be propped up by us. This also ensures that we have a flow of apprentices and that we support apprentices and the trades. It is a very proud moment for the coalition government in terms of what we have been able to achieve in education.

Senator CARR—Mr President, I ask a supplementary question. In terms of priorities, is it not true that even after the initiatives announced in the budget, education spending is projected to remain at 1.6 per cent of GDP over the four years to 2011-12 and will actually fall as a percentage of the total government expenditure? I ask again: in terms of priorities, how can this be a budget about the future if government spending on public research as a percentage of GNP has fallen from 0.4 per cent to 0.29 per cent from 1996 to 2007?

Senator MINCHIN—Senator Carr keeps forgetting that we inherited the situation where the federal government was running annual deficits of $10 billion—that was in 1996 dollar terms—and paying $8.5 billion in interest. We had to take very dramatic steps to cure that situation, to correct the budget deficits and to get the budget back into balance and into surplus. Through all of that and despite having to introduce significant measures to bring the budget back under control, we have been able to maintain the investment in education, which means by definition that, if the economy is growing at 2½ to 3 per cent in real terms and you are maintaining the level of spending to GDP that you have on education, you are increasing investment in education by that 2½ to 3 per cent in real terms every year. That is a magnificent achievement, only made possible because we have eliminated Labor’s debt and got rid of their deficits.
Senator TROETH (2.27 pm)—My question is to the Minister representing the Minister for Education, Science and Training, Senator Brandis. Will the minister inform the Senate what the Howard government is doing to ensure that universities become truly world class?

Senator BRANDIS—I thank Senator Troeth for her question and acknowledge her longstanding and distinguished interest in higher education in this country. There is one assumption in Senator Troeth’s question that I would, with respect, challenge and that is that Australian universities are not already world class. The respected Times Higher Education Supplement world university rankings which were published in October last year list no fewer than six of Australia’s universities. The Australian National University, the University of Melbourne, Monash, the University of Sydney, the University of New South Wales and the University of Queensland are among the 50 top universities in the world. We only have 38 universities in this country and six of them are among the top 50 universities in the world. That has been the case for the past three years. Nevertheless, building upon the already strong international reputation of Australian universities, last night the Treasurer announced, in a red-letter day for Australian higher education, two important initiatives: the Higher Education Endowment Fund, of which Senator Minchin has already spoken, and the Realising Our Potential universities package. The Higher Education Endowment Fund, as Senator Minchin pointed out, will invest $5 billion in perpetuity for capital works for Australian universities and institutions of higher education. In a stroke this doubles the endowment of Australian universities.

We heard some rather cheap and mean-spirited criticism in Senator Carr’s question earlier, but let us see what the universities say about the Higher Education Endowment Fund. This is what the President of the Australian Vice-Chancellors Committee, Professor Gerard Sutton, said on AM this morning—

Opposition senators interjecting—

The PRESIDENT—Order on my left! Senator Carr!

Senator BRANDIS—Senator Carr—through you, Mr President—Professor Sutton said:

The university sector is thrilled with the budget, because it met each of the three requests that we made - student support, dollars per student and the establishment of that endowment fund ensures that the capital works of universities is taken care of forever.

It is taken care of forever. That is the voice of Australian universities, through the President of the Australian Vice-Chancellors Committee. Professor Sutton went on to say—

Senator Carr interjecting—

Senator BRANDIS—and it is advice you would do well to heed yourself, Senator Carr:

Let’s give credit where credit’s due, this assures the capital works programs of the university sector are forever, and that’s a spectacular outcome.

That is the view on the Higher Education Endowment Fund of the university sector itself: ‘a spectacular outcome’.

In addition to the Higher Education Endowment Fund, as part of the budget, the Treasurer released the Realising Our Potential package of $3.5 million in additional funding over the next four years. The package builds on the Our Universities: Backing Australia’s Future package, which provided
an additional $11 billion for the sector over 10 years to 2004. *(Time expired)*

**Climate Change**

**Senator NETTLE** (2.31 pm)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Abetz. Has the government conducted a study of the climate change impact of the logging of native forest in south-eastern New South Wales, in particular for the supply of Eden woodchip mill for export woodchipping?

**Senator ABETZ**—This may be a revelation to the Australian Greens, but forestry is the only carbon positive sector of the Australian economy. Therefore, if anybody is genuinely concerned about getting greenhouse gases out of the atmosphere, about cleaning up the atmosphere, they should be loud spruikers in support of forestry—forestry that is done on a sustainable basis, where every tree that is harvested is replanted and indeed more than replaced, such as we do in Australia today.

**Senator Bob Brown**—You don’t!

**Senator ABETZ**—And we get this ridiculous interjection suggesting that we do not. The simple fact is that the forest estate in Australia has grown and is continuing to grow. But, of course, inconvenient facts will never get in the way of propaganda from those sitting in the top corner.

We as an Australian government are very concerned to ensure that we have a very good, sustainable forestry sector within this country.

**Senator Bob Brown interjecting—**

**Senator ABETZ**—Mr President, you always know when the Greens are on dodgy ground, because Senator Brown does not want to listen to the facts and he will insist on his inane interjections. The simple fact is that the overwhelming evidence from all the scientists is that forestry is carbon positive for our environment. We do forestry like no other country in the world. My challenge to the Australian Greens has continually been: if you think we do not do forestry well in Australia, tell me one country that does it better. And there is a deafening silence—as there always is—because they know there is no country that does it better than Australia, and when you hit them with the facts, you get a point of order—

**Senator Bob Brown**—Mr President, I rise on a point of order. The question from Senator Nettle was about the logging of native forests in south-east New South Wales. That question is not being addressed and has not been answered by the minister. Has the survey been done or not? If so, what is the result?

**The PRESIDENT**—Minister, you have 1½ minutes to conclude your answer. I remind you of the question.

**Senator ABETZ**—As the Australian Greens know, within Australia we have generic studies that tell us what the facts are. You can then ask the question: what if we harvest this particular block; have you done a specific study on this particular block? Chances are that we have not. But we inform ourselves of all the body of science that is out there that tells us how good forestry is for the environment. Not only does it clean up the atmosphere; it provides a renewable resource that is recyclable and, at the end, biodegradable.

If we do not use wood products, we use plastic and we use aluminium. That is why certain companies stand on the sidelines cheering the Australian Greens when they denigrate the forest industry. It is because they know it is good for the petrochemical industry and the carbon polluting industries of this world when people such as the Australian Greens so perversely oppose forestry. We have done numerous studies indicating
the environmental benefits of forestry right throughout Australia. We can play the funny games of asking, ‘Have you done it in this block or that block?’ The simple fact is that we know that forestry is good for the environment and is good for the economy. What is more, it provides a genuine renewable resource and genuine jobs. (Time expired)

Senator NETTLE—Mr President, I ask a supplementary question. Is the government aware of studies by Dr James Watson which show that the logging of 1,000 hectares of forest releases approximately one million tonnes of greenhouse gas pollution into the atmosphere? This means that the logging of 18,000 hectares of native forest in south-east New South Wales and north-east Victoria contributes 18 million tonnes of greenhouse gas pollution into the atmosphere each year. Is that not 22 times the amount saved by banning incandescent light globes and equivalent to 3.6 million cars on the road? Will the government commit to ending the logging of native forests in south-east New South Wales as part of a strategy to prevent dangerous climate change?

Senator Bob Brown—Give us your figures.

Senator ABETZ—Yes, I can give the honourable senator more figures. That is based on the indication that there would not be any replanting. The simple fact is that forestry is a sustainable cycle. You chop down a tree, you replant it and any carbon that escapes is then drawn back out by the new growing tree. But of course carbon sinks are created when that wood is used for buildings, furniture, paper et cetera. If the Greens are concerned about the few thousand tonnes from south-east New South Wales native forest harvesting, why were they so deathly silent about the 40 million tonnes that escaped into the atmosphere from bushfires in Victoria this summer as a result of the delib-
hanced through better infrastructure with improved and innovative technologies, better traffic management systems and better rail signal upgrades. This will allow exporters to move their goods to ports more effectively and more efficiently. As a result of this massive expenditure on the nation’s infrastructure, interstate transport will be both quicker and, just as importantly, more reliable. In short, Australia’s regions will be better connected to their markets and services. Specifically, the $22.3 billion AusLink 2 program will deliver, from 2009-10, $16.8 billion for rail and road projects on the AusLink national network. The government will announce the details of the project in due course. The project will reflect the result of the 24 AusLink corridor studies that we are currently conducting with state and territory governments. These studies will set out the strategic priorities for making our major transport links work more efficiently and effectively. Unfortunately, AusLink 2 will have to bear the cost of substantial carry-overs and blowouts occurring because of the delays in state and territory governments implementing AusLink 1 programs.

I am only too familiar with such blowouts. In Western Australia, the Perth to Bunbury highway, incorporating the Mandurah bypass, was stalled by the Western Australian government. And I believe it is currently stalled, although it had to start in December of last year to get the funding. I remember the Premier turning a sod, and nothing has happened since. AusLink 2 will include new rules to stop the costs of projects running out of control due to poor planning and management. Unfortunately, that is what the states all too often bring to the party. We will step in and resolve that. We will require all state and territory governments to contribute to the cost of all new projects under AusLink 2. I could go on, but this is the greatest investment in Australian road and rail infrastructure ever made by an Australian government. I am very proud of last night’s budget.

Budget 2007-08

Senator CHRISS EVANS (2.42 pm)—My question is directed to Senator Minchin in his capacity representing the Minister for Industry, Tourism and Resources. Is the minister aware that, in his speech last night, the Treasurer stated in relation to climate change that the government’s $500 million Low Emissions Technology Demonstration Fund is already driving the development of solar and clean coal technologies? Isn’t it a fact that, despite the Treasurer’s rhetoric, not one dollar of the $500 million LETDF has been spent? Wasn’t this fund announced by the Prime Minister in June 2004 just before the last election? Doesn’t this again demonstrate that the government only talks about climate change before an election but reverts afterwards to doing nothing practical to address the enormous challenge of climate change? Why hasn’t any effort been put into spending that money and developing those technologies?

Senator MINCHIN—With respect to the Low Emissions Technology Demonstration Fund, I am advised that the first-round call for applications closed on 31 March 2006, with 30 applicants submitting proposals for a diverse range of low-emission technology projects worth more than $10 billion. That very good response demonstrates that industry is actively investigating low-emission technologies for the future. Eligible applications were considered by an expert panel, and six grants have been announced so far: $50 million to International Power for its ‘Hazelwood 2030 A Clean Coal Future’ project; up to $75 million to Solar Systems Australia for its ‘Large Scale Solar Concentrator’ project; $75 million to Fairview Power for its ‘Zero Carbon from Coal Seams’ project; $50
million to CS Energy for its ‘Callide A Oxyfuel Demonstration Project’; $60 million to Chevron for its Gorgon CO₂ Injection Project; and $100 million to HRL for its ‘Integrated Drying and Gasification Combined Cycle’ project.

Combined, these projects provide for a very strong low-emissions technology portfolio; brown coal, black coal, natural gas and renewable energy are all represented in the grants announced so far. Five of the projects demonstrate pathways to carbon dioxide capture and storage, which positions Australian R&D at the forefront of international efforts to advance what is a very promising abatement activity.

The Low Emissions Technology Demonstration Fund is on track to deliver very significant low-emissions technologies for Australia. But there is a big difference between the Labor Party and the Liberal Party. We actually take great care with the expenditure of taxpayers’ money. All this money comes from Australian taxpayers. We are not just going to splash it around like the Labor Party would; we want to make sure that all these projects stack up. We want to assess properly every one of these projects to make sure that they warrant the investment of taxpayers’ money. The Labor Party and the Greens just think money grows on trees; we know that. We know this is taxpayers’ money. We are going to make sure all of these projects are properly assessed, that they stack up, that they are fair dinkum and that they have some prospect of success before we advance the money.

The grants have been announced and applied and we look forward to these projects proceeding. That is against the backdrop of this country being responsible for something less than 1½ per cent of the world’s greenhouse gas emissions. We are not so stupid to think that we can just act unilaterally and suddenly change the climate of the globe, which seems to be the basis and the premise on which the Labor Party and the Greens operate. They think we can just unilaterally announce we are going to cut our emissions by 60 per cent in this case, bidded up to 80 per cent by the clowns in the corner, and that will save the global climate. What absolute nonsense. They have no idea how they are going to achieve such cuts, they have no idea of the impact on the Australian economy and they have no idea of what the impact would be on global emissions. We are approaching this issue with due responsibility, as custodians of taxpayers’ money, to invest it wisely in projects that we believe will realise low emissions.

Senator CHRIS EVANS—Mr President, I ask a supplementary question. I thank the minister for confirming that not one cent of the $500 million fund announced in 2004 has been spent and that no contribution has been made through this fund to tackling climate change. Maybe it is because the minister himself is a climate change denier. Not one cent has been spent. It is still in the budget papers; the money has not been spent. Isn’t it a fact that the budget papers also reveal that the Solar Cities program, also announced way back in June 2004, is also significantly underspent—that you have failed to spend the money allocated for that project as well? Aren’t Australians justified in concluding—

Senator Ian Macdonald—On a point of order, Mr President: the Leader of the Opposition in the Senate has now been speaking for 45 seconds on an address to the Senate and has not asked a question. This is question time.
The PRESIDENT—Senator Evans: a supplementary question.

Senator CHRIS EVANS—Thank you, Mr President. Aren’t Australians justified in concluding that the government is more interested in short-term politics than tackling the serious challenge that climate change represents?

Senator MINCHIN—A couple of things: I reiterate that we have already committed about $2 billion on greenhouse gas emission abatement, but what really worries me and should worry the Australian people is the tenor and the implication of the opposition leader’s question. It suggests that a Labor government would simply rush the money out the door, regardless of the quality of the proposals put before it. That is not the way to responsibly manage taxpayers’ money, but it shows you that is how Labor operated in government and they have learnt nothing. They will just rush the money out the door regardless of the quality of the proposals. We do take care. We regard ourselves as custodians of taxpayers’ money, which is to be spent wisely on quality projects. We have no shame about that.

Budget 2007-08

Senator ALLISON (2.49 pm)—My question is to the Minister for Finance and Administration. The Treasurer handed down his 12th budget last night with the usual fanfare, but I ask: when is the rest of the budget going to be delivered? What happens to the $10.6 billion left over this financial year and the surplus that remains unspent the next year and the one after that? When will the Treasurer deign to let us know where the rest of the money will be going? Can we expect Mr Costello to emerge from a cake spruiking even bigger promises and bigger handouts around election time?

Senator MINCHIN—The spectre of the Treasurer emerging from a cake is a rather extraordinary one to present, and I do not expect him to be doing that. I think the question was about budget surpluses, and I think it reveals—with great respect to Senator Allison—that she actually has no idea about government finances. Money that is not spent is a surplus. If it is spent, it is not a surplus. She seems to think that the $10 billion is there to be spent. No, it is not; that is the difference between the revenue and the expenditures. We spend some $235 billion; we have revenues of some $245 billion. The different is $10 billion; that is the surplus.

Under the Labor Party, what used to happen to those surpluses was they would all go off to the banks to pay for the borrowings. That is what used to happen with the Labor Party with any surplus, although they did not generate surpluses. But what we have had to do for the last eight years or so is devote those surpluses—that is, the difference between our revenues and our expenditures—to pay off Labor’s debt. Every single dollar of those surpluses went to reducing those debts, on which interest was payable. Now we are in the very fortunate and almost unique position in the Western world of having no debt to pay or the borrowings. That means that the surpluses are there for investment in the future. That is why, once we had eliminated net debt, we were able, historically and uniquely, to establish the Future Fund into which surpluses could be deposited in order to meet the federal government’s one remaining liability, and that is the unfunded super liability which no previous federal government in the history of this country has ever funded.

The states, to their credit, now all do fund their superannuation liabilities, and I note, for the benefit of the opposition, that they quite strictly prevent any government putting their hands into the cookie jar to get hold of that superannuation money—unlike this opposition, which is going to raid the Future
We are depositing surpluses into that Future Fund. We also announced that, because of the strength of the economy and the strength of the surpluses going forward, we will be able to establish, alongside the Future Fund, a Higher Education Endowment Fund into which we can deposit $5 billion to be preserved and protected from the ravages of those opposite, to be there in perpetuity, and the earnings of which will be available for universities into the future. That is what we will do with surpluses.

Senator Murray—Mr President, I rise on a point of order on relevance. The minister is failing to answer the question. The question was, in summary: what money is left for election announcements? If the minister is suggesting there is no money left for election announcements, he should tell us. If he is suggesting that there is money left for election announcements, we want to know when those will be made and how much they will be.

The PRESIDENT—The minister has almost a minute to complete his answer, and I remind him of the question.

Senator MINCHIN—I gather Senator Murray was helping Senator Allison ask her question because he thinks I did not understand Senator Allison’s question—the question about cakes and treasurers and surpluses. If the question is: ‘What will the government do at the next election with respect to its commitments to the Australian people in the next term of government?’ well, I am sure the Prime Minister will make any such commitments he desires to make at the relevant time. What we are presenting here is the government’s budget for the financial year coming and the forward estimates for the next four years. This is our plan to manage the Australian economy and Australian government finances for the next financial year, and the forward estimates for the three financial years after that.

We have extraordinarily transparent financial accounts in this country—you can see exactly where the money comes from, where it is going and what is left over by way of surpluses. We are a government that runs surpluses, unlike those opposite or those in the states that run deficits and have to borrow money in order to fund their expenditures. We live within our means; the others do not. (Time expired)

Senator ALLISON—Mr President, I ask a supplementary question. I appreciate the minister’s lesson in what is a surplus but I did already know this, sadly. Unfortunately, the minister did not use his time effectively in answering the actual question, which is: what is he going to do with the surplus? Minister, isn’t it the case that this budget fails because it is long on one-off cash handouts and short on solving the big problems that Australia faces? Will your election budget later this year be about climate change and nation building or will it be even bigger election bribes than we have seen in this budget?

Senator MINCHIN—With great respect to Senator Allison, I thought I did spend much of my answer describing to Senator Allison what we do do with surpluses, which we do not have to spend on paying off debt anymore. We are investing it for the future. We are ensuring that generations to come will not have to find out of the recurrent budget the billions of dollars required to meet the federal government’s superannuation liabilities because they will be available out of the Future Fund. We are ensuring that future generations will have available to them an investment fund to invest in our universities to ensure we have a world-class education system. When it comes to the election and what we as the coalition might put
forward as our plans for the future, well, you will see them when we get to the election.

**Budget 2007-08**

**Senator O’BRIEN** (2.56 pm)—My question is also to Senator Minchin, the Minister for Finance and Administration. Can the minister confirm that on page 24 of the glossy budget overview document, it says: 

... the government will provide a range of measures costing $741 million over five years—

to tackle climate change and its effects. Isn’t it the case that the budget papers reveal that actual additional spending on climate change will be less than $100 million each year over the next five years, or less than 5/10,000ths of one per cent of annual government expenditure? Hasn’t the government inflated the figure in its glossy overview document with money that was already in the forward estimates or will be redirected from other climate change programs? Did the minister, an acknowledged climate change sceptic, finally have a win in cabinet in blocking any real attempt to address the problem?

**Senator MINCHIN**—My job as finance minister is to make sure that every dollar of taxpayers’ money that the federal government spends is spent wisely and is not trashed, like you lot did for 13 years and wiped it down the drain. It is my job to make sure that federal government spending is wisely spent. I am happy to report that in this budget we are putting on the table a range of new policy measures at a cost to the Australian taxpayers of some $741 million over five years with respect to climate change. That includes allowing tax deductions for the costs of establishing carbon sink forests, $197 million to help protect the world’s forests, and the extension and expansion of the Photovoltaic Rebate Program. We are spending $126 million establishing the Australian Centre for Climate Change Adaptation. The CSIRO, which is a great institution in this country and a worthy recipient, will receive $103 million for a new national research flagship on climate adaptation. On top of all that, we are spending $10 billion over the next 10 years on the most important environmental problem facing this country, the risk to the Murray-Darling. These are things of which we should all be very proud. We are pleased with the prudent expenditures that we are making in ensuring that Australia plays its part in the job of ensuring that we contain our greenhouse gas emissions to the extent that Australia is contributing, through those greenhouse gas emissions, to global warming. But we will ensure that that expenditure is done wisely and prudently and in accord with the responsibility we have as the custodian of taxpayers’ money. The one thing we will not do is bankrupt the Australian economy by your ludicrous proposal to unilaterally cut emissions by 60 per cent over the next 40 years.

**Senator O’BRIEN**—Mr President, I ask a supplementary question. Regarding the 5/10,000ths of one per cent of expenditure going on the restoration of the rebate for photovoltaic panels to where it was two years ago, can the minister confirm that of the claimed $150 million cost of that measure only $39 million in additional funds are shown in the budget papers? Isn’t it a fact that the remaining $111 million was already in the forward estimates? Isn’t the government guilty of dodgy accounting in its attempt to hide its failure to deal seriously with the threat of climate change, not water?

**Senator MINCHIN**—The budget papers make very clear what moneys are in the forward estimates and what moneys are new moneys, and we are quite openly saying that the claimed $150 million cost of that measure only $39 million in additional funds are shown in the budget papers? Isn’t it a fact that the remaining $111 million was already in the forward estimates? Isn’t the government guilty of dodgy accounting in its attempt to hide its failure to deal seriously with the threat of climate change, not water?
ing to find extra money to put into what programs. You have accepted all our programs and all our spending. You have said the surplus should be maintained at one per cent of GDP, so you answer the question. What extra money are you going to put into this? Where are you going to find it? How can the Australian taxpayers be sure you are going to spend it responsibly? And they will get zero answer. Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Budget 2007-08

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (3.01 pm)—I move:
That the Senate take note of the answers given by ministers to questions without notice asked by opposition Senators today relating to the 2007-08 Budget.

Today’s debate reflects the very low opinion that the government have of the intelligence of the Australian electorate. The government seek to convince the Australian electorate that, after 11 years of neglect of some of the major challenges facing this country, there is some sort of short-term political fix to be found in throwing money at some of those problems. They think that those people who have suffered under the childcare crisis for the last 11 years, that those who have struggled to meet the cost of living as they try and balance work and family and that pensioners who have done it very tough as the GST and high food prices have affected their standard of living for a long period of time will somehow forget. They think that by sending them a cheque somehow those issues have gone away—that those people will not remember the serious neglect and the arrogance that the government have shown to their condition over a long period of time.

Senator Minchin is right: we endorse many of the payments that are contained in the budget, because at long last they provide some recognition and some compensation for some of those people who have been doing it tough. But, as I have said, there is a whole range of issues. The government go nowhere near compensating people for the pain and suffering they have had as a result of the neglect of the government in tackling the issues of Middle Australia.

The tax cuts are a classic example. For years the government has failed to deliver proper tax cuts to low- and middle-income earners but suddenly, six months out from the election, these are the people the government cares about. I think the reaction will be people saying: ‘Thanks very much for the money; we need it. It will be a help, but it is nowhere near enough. Quite frankly, it is far too little for too late. And we are not fooled. We can see the cynicism. The budget reeks of cynicism. It reeks of a short-term fix to a political problem.’ What the government fails to do—

Senator Fifield—Which is exactly why you are supporting it.

Senator CHRIS EVANS—Because it addresses a lot of the problems that the Labor Party has been highlighting in recent years. It throws money at problems that have been identified and that the electorate is concerned about, but it does not seek to fix any of those problems. It does not resolve those problems; it throws money at them as a short-term fix because there is a large surplus. It throws money at those problems without really dealing with them.

You have to ask yourself: what has this done for climate change? What has this done for productivity? What has it done for the great need for new broadband infrastructure in this country? What has it done seriously for education, apart from the Higher Educa-
tion Endowment Fund? What has it done to tackle the huge skill shortages and the huge need for further investment in education at all levels? Nothing. There is no strategy here.

The minister quoted Mr Chaney from the Business Council, but he did not quote what he said about the budget. People know there is no strategy here. They know there is no long-term approach to the major problems that confront Australian society. They know the government is tired; they know it is out of touch; they know it has run out of ideas. And the government’s response is to spend big and throw money, because that is its only way of hoping to convince the Australian electorate that it is worth being re-elected. The Australian electorate are very cynical about the government. They know that these are short-term fixes aimed to make them forget the failure to tackle the real issues.

In my portfolio, I am amazed. As shadow minister for resources and energy, I noted that the Treasurer never mentioned the resources boom, resources or mining in the whole budget speech. It is a sector that is contributing $55 billion this year to the growth of the economy and has added $300 billion to the economy over the last five years—and he did not mention it. Talk about a Melbourne-centric view of the world! He is in denial about it. The words ‘mining and resources sector’ will not pass his lips. The opposition know that a lot of that activity is driving our economy, but he is in denial about it and will not face up to the fact that he has failed to meet the challenges and use the mining boom resources and royalties to drive a long-term, strategic direction for our economy. He has failed to invest in climate change and failed to drive a more productive economy. This is a short-term fix. (Time expired)

Senator FIFIELD (Victoria) (3.06 pm)—I thought the performance of the member for Lilley last night on the 7.30 Report was dismal. But I have seen a performance which even outdoes the member for Lilley. The Leader of the Opposition in the Senate said that this budget does not fix the problems but he is going to support it; this budget does nothing for education other than higher education but he is going to support it; and the tax cuts do not go far enough but he is going to support them. This is extraordinary.

If you listened to the Australian Labor Party you would think that the government had a very easy time preparing the budget over the last 11 years. I suppose the government did have a very easy time if you ignore the fact that it inherited a $10 billion budget deficit. I suppose this government did have an easy time if you ignore the fact that it inherited a $96 billion debt. I suppose this government did have an easy time if you ignore the Asian financial crisis. I suppose this government did have an easy time if you ignore the dotcom bust. I suppose this government did have an easy time if you ignore the one-in-100-year drought. I suppose this government did have an easy time if you ignore the fact that Labor opposed every single measure designed to bring the budget into balance and that this government did not have a majority for the bulk of its time in government.

Unlike the opposition, we had a set of clear and simple goals. We wanted to see a broadly based economy, we wanted to lower unemployment, we wanted to lower inflation, we wanted to lower interest rates, we wanted to balance the budget and we wanted to repay debt.

The Australian Labor Party would have you think that fiscal policy, budget policy, is too complex, too hard, for the average member of the public to understand. Fiscal policy is actually pretty straightforward. Yes, there are complex assumptions behind budget
forecasts and budget modelling but it is actually a fairly straightforward thing. As a government you should live within your means. As a government you should provide for health, education, defence and welfare. Once you have done that, if you have money left over you retire debt. Once you have done that, if you have money left over you give it back in the form of tax cuts. As a result of this approach we have seen the government deliver the longest period of economic expansion since Federation. We have seen this government deliver 10 budget surpluses compared with nine budget deficits under Labor. We have eliminated government debt and we have secured Australia’s economic fundamentals and social services. We have delivered five rounds of tax cuts and a sixth round of tax cuts has been announced, and we are saving $8 billion a year in interest payments, which can go to hospitals, schools and defence.

It was extraordinary last night watching the member for Lilley. He said:

Well, I think we ought to be running surpluses like this, given how good world economic conditions are. We have to be running surpluses like this.

This struck me as extraordinary. Mr Swan is saying that running the economy is easy, having a growing economy is easy and running budget surpluses is easy when the world economy is growing. It is clearly not that easy because under Prime Minister Keating we had a budget in deficit and an economy in recession at a time when the OECD countries were booming and the tigers of Asia were roaring. Clearly, it does not follow automatically that a booming world economy leads to a booming Australian economy and a budget which is in surplus. During the Asian financial crisis the regional economy was in recession but in Australia we were still growing. We still managed to have surplus budgets. Running the economy does not take care of itself. We do not just run off the back of the international economy. Good policy settings in Australia do make a difference.

What I particularly like about this budget is that we have Labor proofed future surpluses with the Future Fund and the Higher Education Endowment Fund so that Labor cannot waste that money as they have previously. What I also like about this budget is that we have now created the expectation that, when a government has the means, when it has the surplus, when it has paid the debt and when it has paid for essential services, it will cut tax. That is an expectation that if Labor were ever to win office they would be bound by. (Time expired)

Senator CONROY (Victoria) (3.11 pm)—I used to defend Senator Fifield in the past. In his previous life he worked for the Treasurer and I knew that he would have been in there trying to convince the Treasurer to take the smirk off his face. But after that display of smugness and arrogance I am drawn to an article today in the Australian Financial Review. Senator Fifield, you should stay in the chamber for a moment because it talks about the ceremonial ironing that has evolved over the Costello era. It is the duty of one senior adviser to press the Treasurer’s shirt just before he steps into the House of Representatives. I am not surprised that Senator Fifield has run from the chamber in embarrassment because I understand it was his job to iron the shirt of the Treasurer just before he gave the budget speech.

The smug and arrogant government, as you have seen from last night’s budget, is alive and well because this is—not misunderstand this—a very clever election budget but it is a budget that fails the future test. This is a budget that does little to build Australia’s productivity. We asked the government in question time: where is productivity growth? The government even man-
aged to leave out of the budget papers the actual outcome of this year’s productivity growth because it is zero. It is a big fat zero. We listened to all the claims about the government’s IR reforms and how they are going to fuel the economy into the future. What do we find in the government budget papers? The long-term forecast for productivity growth is the long-term average. There is no increase in productivity growth forecast from the government’s IR reforms.

This is a government that has failed to address the future. It has failed when it has the most improved terms of trade in 30 to 40 years. We have had a long-term decline in our terms of trade and our economy has had to really pull its weight. But because we have had the biggest increase in the terms of trade in 30 to 40 years we have a complacent government that is coasting along. Fifty-five billion dollars was injected into the economy by this government last night for the next forward estimates period. That comes off $300 billion of growth in the economy from the mining boom. This is a massive injection of cash, and what it is masking is a low productivity growth. The government has failed to address our flagging productivity. It has failed to invest in a genuine education revolution. Today we had Senator Minchin and the Prime Minister and the Treasurer, Mr Costello, talking about the use of the $5 billion taken from the Future Fund.

Senator Minchin—It’s not taken from the Future Fund. You haven’t got a clue.

Senator CONROY—This government promised that all future surpluses—and there was your own promise—would go into the Future Fund. You have taken that money from the Future Fund. You have said that you are going to use the interest earned to spend on productive investment. We say that is a good thing; we believe in that principle.

Six or eight weeks ago when Labor proposed a national fibre-to-the-node network to build our productivity base—which according to the government’s own figures last night is impoverished—we were accused of economic vandalism. We had big stories about it. Now we have the Treasurer with his paws in the honeypot. Senator Minchin has spent the day wiping the honey off the Treasurer’s paws and the Treasurer has spent the day wiping the honey away from his mouth. Eight weeks ago this government said that it was economic vandalism to do exactly what it did last night. This government has not delivered a national high-speed broadband network. If you go through those budget papers you will find that again it has not faced up to that great challenge of climate change. It is smug and arrogant and it has not addressed the issues. There is nothing on clean coal innovation. There is nothing on an emissions trading scheme. There is nothing on renewable energy to encourage Australian made greenhouse technology. (Time expired)

Senator CHAPMAN (South Australia) (3.16 pm)—What a pathetic effort from Senator Conroy in his response to the budget and the issues raised in question time today! Contrary to what Senator Conroy claims, this budget exhibits a strong long-term vision on the part of the government. Perhaps more than any other, this budget demonstrates that the government does have a long-term vision. It is looking to the next decade rather than just the next year. It is possible to do that because of the strong economic management on the part of the Howard government in the years we have been in government, since 1996. This has made Australia a very different and much better place than it was in 1996.

It is worth reminding the Senate what has been achieved over the decade or so that the Howard government has been in office
which now provides the springboard for the next decade of economic achievement. Over that period inflation has been halved. Ninety-six billion dollars of government debt was built up year after year by the previous Labor government because they could not manage the government’s finances and they had year after year of deficits. That $96 billion of government debt has been eliminated. We have had 10 budget surpluses replacing those continual Labor deficits. We have got an extra two million Australians employed and real wages have increased by 20 per cent in a non-inflationary way. That gives the lie to what Senator Conroy claims about productivity growth. You cannot have real wage increases of 20 per cent and halve inflation unless you have substantial growth in productivity. That is exactly what has been achieved under the policies of the Howard government. That provides the basis now for the government to springboard policies into the next decade.

These achievements are not merely serendipitous. They have happened as a result of the hard work of the Howard government and the tough decisions that it took in its early years in government, and that has been built on with continuing prudential management of our finances over the years since those hard decisions were made. Again, they are characteristics that were never exhibited by previous Labor governments and would not be exhibited by a Labor government if we had the misfortune to have a Labor government elected later this year.

We can now secure those achievements to face the challenges of the next decade by building Australia’s economic capacity. That is what this budget does. It focuses on skills development, on infrastructure, on the environment and on the health and welfare of ageing Australians. One of signal initiatives of this government, which points to the fact that it is taking a long-term view rather than a short-term opportunistic view, is the establishment of the Higher Education Endowment Fund with an initial government investment of some $5 billion. That is a perpetual capital fund that will generate earnings year after year to provide money for capital works and research facilities in our universities. It mirrors the Future Fund that we established two years ago. Two years ago we were looking to the long term. At that time we were looking to the unfunded liability which the government had for the future payment of Public Service superannuation and we established the Future Fund to ensure that those unfunded liabilities could be met in the future. We have now established the Higher Education Endowment Fund to ensure that the education which is so important to our productivity growth is achieved and that the money is there, set aside as a capital sum, to earn income which can be applied for that purpose.

That is not the only long-term initiative we have taken in this budget. There are initiatives with regard to land transport, ensuring our water security, renewable energy and further encouragement for retirement savings. And of course, importantly, yet again the government has reduced taxation quite significantly, to the extent that now the top marginal rate, which we reduced in the last budget to 45c in the dollar, will not cut in until an annual income is reached of $180,000. That is three times the level of income at which the top marginal rate— which was substantially high than 45c in the dollar—was reached when the government came to office. Then it was an amount of $60,000. In this budget not only have we increased that threshold but, importantly, we have also increased the threshold applying to lower income earners. The rate at which the 30c in the dollar tax rate cuts in will not be achieved until an income of $30,000 per annum is reached, compared with the previous
level of $25,000. So there are enormous incentives provided there in terms of returning to workers the surplus that this government’s sound financial management has generated.

(Time expired)

Senator WONG (South Australia) (3.21 pm)—I rise to speak on the motion of Senator Evans to take note of answers provided by the government in question time in relation to budget matters. I want to start with what the budget papers, the government’s own figures, tell us about the government’s performance to date. This issue was raised with Senator Minchin during question time and also with Senator Abetz. Senator Abetz, as per usual, did not really answer the question. Senator Minchin said, ‘Damned statistics and lies’, in effect, suggesting that the budget parameters, which are set by the government and which indicate that productivity growth is forecast to be zero for 2006-07, were somehow irrelevant.

What the budget papers tell us is that the government’s own figures confirm their failure to engage in long-term investment in the productivity of the Australian economy over their 11 years in office. That is what the budget forecasts confirm. To have productivity forecasts at zero per cent growth for 2006-07 simply confirms that the government have not been doing what they ought to have been doing in terms of investing in human capital and infrastructure to increase the productivity of the nation.

And why is it that we talk about productivity? Is it just some statistic that people throw around for political purposes? It is not. It is a measure of the future prosperity of the nation. Today’s productivity is tomorrow’s prosperity. It is a maxim that economists and politicians for many decades have been talking about. You look to the future prosperity of the nation by looking to today’s productivity. That is why one of the important functions, tasks and priorities of a government must be to keep an eye on where Australia’s productivity is. We know from the government’s own figures that, at this stage, their forecast for the 2006-07 year is zero per cent.

It is an interesting proposition because when the government talk about productivity they like to talk about labour market deregulation and their Work Choices legislation. Of course, it is not quite clear whether they are talking about the new Work Choices regime, their current backflip, or the one before when they say Work Choices is the great saviour of the Australian economy. At this stage, the government’s forecasts confirm no productivity growth as a result of the introduction of Work Choices.

Senator Kemp interjecting—

Senator WONG—They are your figures, so you deal with your Treasury and Finance statisticians and you tell them why they are wrong, because their statistics clearly do not measure up with the story you want to tell the Australian people about what is happening to Work Choices.

But let us talk about what the government have failed to do. They have failed to wisely invest the proceeds of the resources boom. They try to dismiss it. As Senator Evans said, there was no mention of the mining and resources boom in the Treasurer’s speech. Let us look at the facts, though. Saul Eslake of the ANZ has stated that the resources boom is responsible for an estimated $283 billion increase to federal government tax revenues above its original estimates over the 2002-03 to 2009-10 period. That is $283 billion more flowing into federal government coffers than previously and over the forward estimates period, and yet we have a situation where their own forecasts are zero per cent productivity growth for the 2006-07 year. That is the reality.
Since MYEFO alone, an additional $53 billion has flowed into government coffers above what the original estimates were. That is the reality of the impact of the resources boom on government revenue. That is a good thing. But what is not a good thing is your failure in previous years, in particular, to invest in the Australian economy in terms of long-term productivity. Where has your investment in education been until the electorate and the opposition started talking up this education revolution? That is what this budget is about. It is responding to political pressure. All of a sudden in an election year, after having cut investment in universities and in R&D, in 1996 and onwards, as a proportion of GDP, magically you wake up to the fact that education investment is important to Australia’s economic future. And do you know what? Australians are alive to this. (Time expired)

Question agreed to.

Climate Change

Senator Nettle (New South Wales)

(3.27 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 Nettle today relating to the logging of native forests in south-eastern New South Wales.

In July last year over 600 people held a peaceful protest at the Eden woodchip mill to call for an end to the logging of native forests in south-east New South Wales and north-eastern Victoria for export woodchips. I had the great pleasure in joining those hundreds of people at this peaceful protest. The New South Wales and Commonwealth governments have both ignored the public sentiment that we do not want our native forests and the habitat of important plants and animals destroyed for export woodchips. Over one million tonnes of woodchips were exported from Eden in 2006.

In 1995 I first became involved in the community campaign to ensure that the native forests of south-eastern New South Wales were not destroyed for export woodchips. At that time the Labor state government made promises to protect our forests and then failed to deliver on those promises. Since then—and before then—many committed environmentalists have campaigned to protect the forests of south-east New South Wales, and this important work continues.

As the world grapples with climate change, the need to protect our native forests becomes even more urgent. The government, which has ignored climate change for the past decade, is now desperately thrashing around looking for solutions that do not require any real change. On 29 March this year the government committed $200 million to a global initiative on forests and climate. On ABC radio the Prime Minister recognised the importance of forests in combating dangerous climate change. He said:

In fact 20 per cent of global greenhouse gas emissions come from clearing the world’s forests and that is second only to emissions from burning fossil fuels to produce electricity and its more than all of the world’s emissions from transport, more than all of the world’s emissions from transport.

But when it comes to cutting down Australia’s forests, the Prime Minister and the Minister for Agriculture, Fisheries and Forestry are gung-ho.

On Monday, the Australian reported that the coalition would be making the logging of native forests a key issue in certain marginal seats in the coming election. The article indicated that they intend to attack the Labor Party and most particularly the Greens because the Greens have a policy of protecting our native forests. The Greens see the hypocrisy in paying money to Indonesia to stop
cutting down their forests—which, by the way, we think is a good thing—while at home the government are going to run a scare campaign against conservation and protection of our native forests.

When Mr Howard spoke on ABC radio he was right in saying that forests are crucial in stopping catastrophic climate change. They are huge banks of carbon. They pull carbon out of the atmosphere and secure it in soil and wood. They also stabilise our hydrological systems. Logging in the native forests of south-eastern New South Wales has silted up rivers and altered the natural hydrology of the region. We all know how important water is for our society, our economy and our environment, and yet we continue to deforest and alter the natural hydrology systems in New South Wales.

Dr James Watson has studied the effects of forestry on climate change and recently presented findings that showed that the logging of 10,000 hectares of forest in Victoria in 2005 led to the release of 10 million tonnes of greenhouse gas pollution into the atmosphere. Nine thousand hectares of native forest in south-east New South Wales are logged every year to feed the Eden woodchip mill in order to export woodchips to Japan and another 9,000 hectares of native forests are logged on the Victorian side of the border. Using Dr Watson’s calculations, this logging represents 18 million tonnes of greenhouse gas pollution. This is a huge amount. As I said in my question to the minister, it is 22 times the amount saved by banning incandescent light bulbs and the equivalent of all the cars on Sydney’s roads.

Our forests are not only beautiful places that provide vital habitat to many and varied creatures; they play a crucial role in regulating the world’s climate. To log them for woodchips, as if they were just a commodity to be exploited, is short-sighted and plainly stupid. The government should urgently conduct its own study into climate change effects of logging in our native forests and stop the logging of the native forests in the south-west of New South Wales and the north-east of Victoria. These trees are used to fuel the Eden woodchip mill and are exported overseas with no benefit for the local community here. The finances of the operation at the Eden woodchip mill mean that the taxpayers of New South Wales suffer a loss because of the logging of our precious native forests in south-eastern New South Wales. State Forests of New South Wales subsidise the woodchipping industry and the royalties that they receive are far smaller than the costs that are incurred. (Time expired)

Question agreed to.

CONDOLENCES

Mr Alan Ritchie Cumming Thom

The PRESIDENT (3.32 pm)—It is with regret that I inform the Senate of the death on 14 April 2007 of Mr Alan Ritchie Cumming Thom. Mr Cumming Thom was an officer of the Senate for 33 years, from 1955 to 1988. He served as a distinguished Clerk of the Senate for 33 years, from 1955 to 1988. He was Clerk when I was first elected, and I will always remember his kindness and professionalism. On behalf of all senators, I tender my profound sympathies to Mr Cumming Thom’s family in their bereavement.

Senator KEMP (Victoria) (3.33 pm)—by leave—I was on the staff of Dame Margaret Guilfoyle from 1977 to 1982. Alan Cumming Thom was a senior member of the Clerk’s office during this time and I came into contact with him from time to time. The President of the Senate has outlined the very distinguished career of Alan Cumming Thom, who spent the last five years of his 33 years in the Senate in the very significant and substantial position of Clerk of the Senate.
The creation of the Senate committees is certainly one of the high points of the Australian parliamentary story. As the officer in charge of the Senate committee secretariat, Alan Cumming Thom is regarded as being largely responsible for the shaping, as I understand it, of the modern Senate committee system, after the establishment of the new standing committees in 1970. He was rightly very proud of his work. He believed that the Senate committee system was ‘the best constructed committee system in any legislative chamber in the world’.

If he was associated with some of the high points of our parliamentary story, it is also true that he was associated with rectifying one of our low points. I refer to the very unhappy story regarding the publication of the 6th edition of *Odgers*. In essence, in 1982 some members on the Senate Standing Committee on Procedure objected strongly to the publication of the 6th edition of *Odgers* on the grounds that *Odgers’* views on the constitutional background to the events of 1975 were unacceptable to them. By this time, Alan Cumming Thom was Clerk of the Senate. Not to be defeated by what was obviously very partisan behaviour, he arranged for the 6th edition of *Odgers* to be published by the Royal Australian Institute of Public Administration. This volume finally appeared in 1991, about a year after I entered the Senate. Peter Durack then tabled the 6th edition of *Odgers* in the Senate and copies were distributed to all senators, and I proudly retain my copy. Fortunately, this attempt at ‘book burning’ by some members of the Senate failed, and we can be thankful for the assistance of Alan Cumming Thom on this very important issue.

The issue of *Odgers* which so clearly transfixed a limited number of senators in the 1980s has not caused any concern, I might say, to those who came after. I am pleased to report that the subsequent five editions of the *Odgers* guide—we are now up to the 11th edition—were published by the Senate and edited very well by the current Clerk, Alan Cumming Thom’s successor as Clerk of the Senate, Harry Evans, recently gave what I believe was a most interesting eulogy at the service of Alan Cumming Thom at St Andrews Church in Canberra. I will quote a couple of lines from this eulogy which I think give an excellent picture of Alan Cumming Thom as a man and as Clerk of the Senate:

More than procedure, he influenced the culture of the Senate Department. It was, first of all, a culture of the work ethic. Whenever I see committee staff, particularly, beavering away in their offices late on a non-sitting day, I think of the pattern Alan set. It was also a culture of integrity. Alan gained a reputation as something of a puritan because of his constant concern with questions of probity and propriety. I well recall an occasion when committee members were proposing to do something which was only slightly dubious, but they were anxious that Alan should not get to hear of it and raise those questions of propriety which he always raised and which they were not too keen to have raised on the occasion.

Above all, he instilled in us a belief that we were there to serve the institution, as well as those temporarily in charge of the institution. He always reminded us that our duty was to the institution, and that the Senate was more than merely the sum of the people in it and the people serving it. We were made aware that devotion to the institution could sometimes cause conflict with those in charge, and Alan never shrank from such conflict if he thought that some proposal was contrary to the best interests of the institution.

Harry Evans concluded his eulogy by saying:

We who worked with Alan for so long feel a great sense of loss, but we cannot know the loss sustained by his family. I hope that they will draw some consolation from the fact that we have a better Senate and a better Commonwealth than we would have had without him.

As you can tell from these remarks by the current Clerk of the Senate, Alan Cumming
Thom was certainly a Senate partisan and proud of it. He was quoted in the press when he retired on 15 February 1988 as saying:

The biggest mistake you can make working here is to have the impression that you’re here to get something out of it, whereas you’re not, you’re here to give something to the institution.

Alan Cumming Thom lived his life by these precepts. The Senate is a better place as a result of his tireless work.

Senator WATSON (Tasmania) (3.39 pm)—by leave—I offer my condolence on the passing of Mr Alan Cumming Thom. I rise today to give my personal thanks for the enormous contribution made to the Senate by the recently deceased Alan Cumming Thom. I commence by saying that Mr Cumming Thom was a personal friend of mine and a man with whom I had maintained some contact since he retired as Clerk of the Senate back in 1988 until his death recently.

He contributed greatly to my ability to do my work in this place over many years, and his knowledge and dedication cannot be questioned. I got to know him quite personally as a result of an overseas delegation to Europe, where we developed a strong friendship. I was very impressed by his professionalism. Each morning he made sure that each member of the delegation was fully briefed on their responsibilities for the coming day. That is an important thing for people travelling with delegations.

Alan Cumming Thom arrived in Australia as a boy with his family, who had migrated from Scotland. He graduated in arts and law from Sydney University and was employed by the Attorney-General’s Department from 1951 to 1955, when he was appointed as Clerk of Records in the Senate. His career after that appointment followed a progression which was well deserved by someone who took his work very seriously. Alan Cumming Thom once described himself as an ‘institutional man’ as his career was dedicated to the smooth running of his institution—our Senate.

From 1970 to 1979 he was Clerk Assistant and had administrative responsibility for the Senate committee system at a time of rapid growth in the system we now know. The successful establishment of the committee system was largely due to his profound advice and assistance. In this task he was helped by his long experience as a secretary to committees, including major select committees such as those on medical and hospital costs.

In 1972 he was awarded a Churchill Fellowship to allow him to travel overseas, where he strengthened his knowledge of committee systems and helped improve his reputation as a leading authority on parliamentary committee operations. In 1982 he was appointed Clerk of the Senate, a position he retained until his retirement at the age of 60 just before the opening of the new Parliament House in 1988.

I mentioned that Alan Cumming Thom was of immense help to my work during my first decade as a senator. His characteristics of a deep knowledge of the traditions and working of the Senate combined with his calm approach to problems made him the first person a young senator would approach for advice. Mr Alan Cumming Thom also took on the mammoth task of updating and republishing the bible of our chamber, Ogilvy’s Australian Senate Practice.

In his later years of working here there could have been no more suitable person to take charge of keeping us up to date on the procedural matters of the Senate than Alan Cumming Thom. I note that praise was widespread on the occasion of his retirement in 1988. The Hansard of that time records speeches of thanks from Senators Button,
Haines, Stone, Harradine, Brownhill and Michael Baume.

Those of my colleagues who were here in early 1988 would well remember the challenges we faced in the move to this new Parliament House and the regret we faced knowing that Alan Cumming Thom would no longer be at our beck and call to answer our questions about how to conduct proceedings in the new chamber and the new building. That we survived that move so well was due in no small part to the institution Alan Cumming Thom and his colleagues put in place during his many years of sterling service to the Senate.

To simply say that Alan Cumming Thom was a ‘true gentleman’, which he was, or was a ‘dedicated servant to the Senate’, which he also was, would be to miss the point that he was essentially a very special man whose strength of will and depth of knowledge ensured his success in his important role. I join honourable senators in passing on my personal thanks for the life of a fine man and a good friend. To his family, I add my sincere condolences at the passing of Mr Alan Cumming Thom. The Senate will not forget him.

Senator PATTERSON (Victoria) (3.44 pm)—by leave—Alan Cumming Thom, as has been mentioned, was Clerk of the Senate from July 1982 to February 1988. His term as Clerk was the culmination of 33 years of long and dedicated service to this parliament and particularly to the Senate. He was, as Senator Watson said, a Scot who came to Australia as a young boy. He studied arts and law at the University of Sydney and worked at the Attorney-General’s Department before he came to work in the Senate—after applying for a position, I think, as Clerk of Records. He went on to serve in a variety of positions.

From 1970 to 1979, I think it was, he served in the role of Clerk Assistant in the Senate, and in that role he had administrative and advisory responsibility for the Senate committee system. He was particularly involved in the Senate’s establishment and expansion of standing committees, and his sage advice, based on his service in the Senate, had a significant influence on the outcome of that process, which is, as has been acknowledged publicly and internationally, one of the best committee systems in the world. He ensured that that was made public through writing journal articles and academic papers, and through presenting papers and making sure that students of politics and parliament were aware of this committee system and aware of the function of the Senate. As Senator Watson said, Alan Cumming Thom was awarded a Churchill Fellowship during which he visited America and studied legislative committee systems, and that added to his understanding of and expertise in the operations of parliamentary committees.

He was involved in the very challenging task of moving the Senate from Old Parliament House to the new Parliament House—I do not know whether we should still be calling it ‘new’ 20 years on—and he faced numerous challenges in that move, although I am not privy to those challenges. But he used his knowledge, his skill, his wisdom and his grace, I would say, to ensure that the Senate’s interests were protected in that move and not undermined. Senator Harradine said in this place, on the occasion of Alan Cumming Thom’s retirement:

I am sure it was not those pressures that led to his retirement.
It was in some ways a premature retirement. He was still a fit, active man, full of vim and vigour, and at the time I was surprised when he retired.
He was the Clerk when I came into the Senate. I look around and I realise that there are not many of us left, Senator Watson, who were here when Alan Cumming Thom was the Clerk—in fact, I think you and I and Senator Ray are the only ones in the chamber at the moment.

Senator Abetz—And the President!

Senator PATTERSON—Oh, and Senator Calvert; sorry, Mr President! But he was incredibly helpful and gave me very good advice. I had one situation which was a constitutional issue and could have affected me personally, and he spent a great deal of time seeking appropriate legal advice and appropriate assistance. When he gave me that advice I was sure that it was sound and appropriately sourced and I took his advice, and he ended up being correct. It was a time when I needed his advice and he gave it to me.

Like many other servants of the Senate, and I said this previously of Anne Lynch—and there are others who are still here but, to avoid the risk of offending anybody, I will only speak about those who have left the Senate—he would patiently answer, with the same grace and dignity, the same question that you had asked three or four times, instead of sarcastically telling you to read Odgers or to remember what you had been told the last three times you asked that question. The same question would be answered patiently and politely. It always amazes me that the Senate staff can be so patient with those of us who sometimes fail on the details of Senate process. Alan Cumming Thom was very much a Senate man. He believed in the role of the Senate, he fought for the role of the Senate and he served senators well.

He had interests outside the Senate: he was a keen cricketer in his youth, and a hockey player. I do not think he would have thought it was cricket when his wife, Mary, was taken from him. Some time after she died, I happened to meet him in Manuka and he told me how much he missed her and how different his life was without her. But, having said that, he told me about his family, focusing in typical Alan Cumming Thom style on the positive rather than the negative, and the positive was his family.

He was a gentle man and a gentleman. He had strong views, strong convictions. He was a dedicated servant of the parliament. I think the public often do not understand the incredible role that members of the parliamentary staff, particularly the clerks, deputy clerks and the committee secretaries, in both houses, play in ensuring we have a stable democracy. We take it for granted. When this place was opened—it is appropriate to talk about it because it was 20 years ago this week—Sir Ninian Stephen got up and said, ‘We share with only a very few other countries in the world the longest unbroken democracy on this planet,’ something that took me aback, because we forget that so often; we take it for granted in Australia. People groan about voting, but we do have a stable democracy, and one part of that stable democracy is the role that people like Alan Cumming Thom have played over the history of this place, a tradition that is continued by the staff of the Senate and the staff of the parliament. So often, until a time like this when somebody leaves us, we forget to express our gratitude and also to explain to the public just how important a role these people play in ensuring that we have a stable democracy and that it works to the best of all our ability.

So he was a gentle man and, as I said, he played an important role in ensuring that we have this strong, robust parliamentary system. With apologies to Shakespeare, I say: his life was gentle and the elements so mixed in him that nature might stand up and say to all the world, ‘This was a Senate man.’
Senator ROBERT RAY (Victoria) (3.51 pm)—by leave—On behalf of the opposition I would like to join Senators Watson and Patterson in paying tribute to the former Clerk of this place. The Senate is basically configured by a provision in the Constitution and controlled by its standing orders. But, if that were all it had, it would not be a successful institution. It also runs on convention and runs on continuity, and some of the people who provide both that convention and that continuity are the clerks of this place. Alan Cumming Thom was very much part of that tradition that has continued for the entire time I have been here, and it existed long before. They never saw their role as being to dominate; they saw it as being to facilitate.

He was a very avuncular man, a very charming person and a person who obviously, if you look at the various successes he had and the success stories since, nurtured a lot of people, including new senators, through this place and was always open to that sort of advice. I only ever clashed with him once and that was over the reprint of Odgers in 1981-82. It was known as the ‘great standing orders massacre night’, in which John Button and I, and eventually Sir John Carrick, decided not to reprint Odgers in its current form because it had made some enormously provocative statements about 1975 which we did not believe the Senate should pay for. As a result of that, the Clerk did get around us very easily. He had it printed by a private printing company and then used Senate funds to buy all Odgers back, so we were done like a dinner on the subject. As it turned out, eventually Odgers became what we regarded as a slightly less partisan volume and it has been reprinted by the Senate ever since.

He will be missed and we should never undervalue the great contribution that he made to this place. We all appreciate it and we all appreciate the fact that maybe he did go a bit early in his career. But 33 years was a long time to spend in the service of his country. He did it well and he will always be remembered for it.

Senator Jeannie Margaret Ferris

The PRESIDENT (3.53 pm)—With the indulgence of the Senate, I would like to pass on to the Senate a comment that was made yesterday. At the conclusion of the condolence motion to Senator Ferris yesterday, I received a phone call from a former minister in this place who had listened to the debate all afternoon. She passed on to me her terrific admiration of the way the condolence motion was debated yesterday and said it reminded her of what a great institution this place is. I concur with that. I thought the debate yesterday was genuine and sincere and I congratulate all those who participated in it.

PETITIONS

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

Child Abuse

The Australian Government should do all it can to combat the production and transmission of material depicting child abuse and child pornography. Transmission of such material by post is a serious offence but is not recognised as such under Commonwealth law, and offenders do not receive the penalties they should.

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 The President (from 10 citizens)
Members and Senators: Eligibility
To the Honourable Speaker and Members of the House of Representatives assembled in Parliament.
This petition of Mr. Gabor Laszlo Horvath of 10 Lesney Street Richmond, Melbourne of the State of Victoria Electoral Division of Melbourne (Vic) draws to the attention of the House: On June 23, 1999 the Full Bench of the High Court of Australia ruled that the United Kingdom is now a foreign power, within the meaning of section 44(i) of the Constitution. That section declared that:
“Any person who:
(i) is under any acknowledgment of allegiance, obedience, or adherence, to a foreign power, or is a subject or a citizen or entitled to the right or privileges or a citizen of a foreign power, ...
shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives,”
On June 23, 1999 every senator and every member of the House of Representatives under Section 42 of the Constitution within the meaning of section 44(i) of the Constitution, been declared that shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives,

Note: The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the being it to substituted from time to time”
The Common Informers (Parliamentary Disqualifications) Act 1975 (Cth) on 23 April 1975, s3(1) and s3(2): command a penalty for any person sitting as a senator or as a member of the House of Representatives while he was a person declared by s.44(i) and s.44(ii) of the Constitution to be incapable of so sitting.
Your petitioner request the House: To move the following motion: That this petition be referred to a committee for consideration to take necessary steps by the members to renounce their allegiance jointly to a foreign power or the validity of the upcoming election will be absolutely void! within the meaning of s.44(i) and s.44(ii) of the Constitution.

by Senator Allison (from one citizens)

Mary River: Proposed Dams
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 the dams proposed to be built by the Queensland State Government at Traveston crossing on the Mary River and Wyaralong in the Logan River catchment, will have a significant impact on matters of national environmental significance and as a result will trigger the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999.
The petitioners note that according to section 87 of the EPBC Act 1999 the Environment Minister decides which assessment approach to assess the relevant impacts of the action. Because of the significant impact the proposed dams will have on matters of national and environmental significance, we call on the Federal Environment Minister to undertake an assessment by inquiry (section 87(1)(e) of the EPBC Act 1999).

by Senator Bartlett (from 67 citizens)

Australian National Flag
To the Honourable the President and the Members of the Senate in Parliament assembled.
The Petition of the undersigned respectfully showeth that:
1. We the undersigned wish to signify our strong opposition to any change in the design or colour of the AUSTRALIAN NATIONAL FLAG.

2. We believe that the current flag has served Australia well and will continue to do so in the future and represents a true manifestation of the nation's history.

by Senator Kemp (from three citizens)

Asylum Seekers

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

Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following motion:

“That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;

and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.”

We, therefore, the individual, undersigned attendees at the Uniting Church, Blairgowrie, VIC, 3942 petition the Senate in support of the above mentioned motion.

And we, as in duty bound will ever pray.

by Senator Kemp (from 59 citizens)

Nuclear Waste

The honourable President and Members of The Senate Assembled in Parliament:

We, the undersigned, call on the Senate to commit to keeping Western Australia free of nuclear waste. We ask that you consider the burden that we will be leaving our children, and future generations of Western Australians, who will be force to live with the results of our actions.

by Senator Webber (from 83 citizens)

Nuclear Waste

Stirling and Western Australia should be kept nuclear free. You are urged to sign the petition below so that the true feelings of West Australians are known.

The Honourable The President and Members of the Senate Assembled in Parliament.

This petition of citizens of Australia calls on the Parliament to urge Government members to:

(1) Table all environmental evidence and other studies supporting the proposal to build a nuclear reactor in Western Australia;

(2) Identify which bodies in Western Australia have been consulted over such a proposal;

(3) Advise on what consultation has taken place with the community in Western Australia over the proposal; and

(4) Identify all the sites in Western Australia under consideration for the construction of this nuclear reactor.

by Senator Webber (from six citizens)

Petitions received.

NOTICES

Withdrawal

Senator WATSON (Tasmania) (3.54 pm)—On behalf of the Standing Committee on Regulations and Ordinances, and pursuant to notice given on 29 March 2007, I now withdraw business of the Senate notice of motion No. 1 standing in my name for five sitting days after today.

Presentation

Senator Eggleston to move on the next day of sitting:

That the Environment, Communications, Information Technology and the Arts Committee he authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 10 May 2007, from 1 pm.

Senator Watson to move on the next day of sitting:
That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 13 June 2007, from 11.30 am to 1 pm, to take evidence for the committee’s inquiry into the financial reporting and equipment acquisition at the Department of Defence and the Defence Materiel Organisation.

Senator Payne to move on the next day of sitting:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Committee on the Cluster Munitions (Prohibition) Bill 2006 be extended to 31 May 2007.

Senator Stephens to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the growing incidence of, and pressures on, grandparents who are being called upon to resume the role of parenting of grandchildren because of family tragedies, family breakdown, or the devastating impact of drug or alcohol abuse,

(ii) the important role played by community organisations and support services in highlighting these issues and seeking funding for services, and

(iii) the fundamental role many grandparents play in holding family units together, and their struggle to provide a safe, secure and supportive environment for their grandchildren;

(b) acknowledges:

(i) the support currently provided by government departments and agencies,

(ii) the contribution of peak organisations, including research and reports developed by such bodies as Families Australia (Grandparenting: present and future, January 2007) and, in the Australian Capital Territory, the Canberra Mothercraft Society Inc (Grandparents parenting children because of alcohol and other drugs, 2006), and

(iii) calls to achieve substantive improvements in quality of life for grandparents and the children in their care by advocating for legislative recognition of these particular family units and their unique situations;

(c) recognises:

(i) the need for relevant, current and accessible information as soon as children arrive,

(ii) the potential for significant financial hardship and compromise when they take on parenting of grandchildren,

(iii) the need for access to affordable legal advice and support,

(iv) that parenting over the age of 55 years has significant health impacts,

(v) the significant contribution grandparents make to the social capital of their communities and the nation, and

(vi) the need for further research to identify the extent of grandparent families, particularly Indigenous grandparent families; and

(d) calls for improved responses by government to these issues, including in relation to:

(i) accessibility of relevant information and advice,

(ii) consideration of financial implications,

(iii) legal complexities and costs,

(iv) health impacts on grandparents and children,

(v) impact on grandparents and their contribution to society, and

(vi) the need for further research.

Senator Sherry to move on the next day of sitting:

That the Senate notes the 2007-08 Budget:

(a) fails to:

(i) tackle Australia’s poor productivity performance,

(ii) meet the challenges of climate change,
(iii) deliver practical solutions to the water crisis, and
(v) ensure long-term investment in broadband infrastructure; and
(b) focuses on a short-term election fix rather than long-term nation building.

**Senator Joyce** to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) on 30 April 2007, CPA Australia presented Senator John Watson with the Meritorious Service Award, and
(ii) the Meritorious Service Award is the highest honour bestowed by CPA Australia; and
(b) commends Senator Watson, the father of the Senate, for his long-standing contribution to the Senate and the people of Australia particularly for his work on superannuation.

**Senator Milne** to move on the next day of sitting:
That the Senate—
(a) notes:
(i) the extensive history of violence directed towards human rights defenders and non-violent activists in Colombia, and
(ii) that Article 3 of the Fourth Geneva Convention prohibits violence against civilians in the context of armed conflict that occurs within the borders of a sovereign state and is not of an international character;
(b) recognises the importance of human rights and peace work in the current situation in Colombia;
(c) recalls its resolution of 4 August 2004, in which it expressed its ‘hope that the Colombian Government will guarantee the safety of the people of San José de Apartadó, and of the international observers who accompany them’;
(d) remembers the death of Luis Eduardo Guerra, leader of the Peace Community of San José de Apartadó, his partner and child, in a massacre of eight people in the Department of Antioquia, Colombia in February 2005;
(e) notes that the United Nations High Commissioner for Refugees has strongly condemned these murders and called on Colombian authorities to prosecute those responsible;
(f) recognises the importance of the Colombian Public Prosecutor calling in 69 soldiers from the 17th Brigade, based in Carepa, Department of Antioquia, for questioning in regards to this tragic crime; and
(g) calls on the Colombian Government to:
(i) ensure that this investigation is carried out in an exhaustive and impartial manner to ascertain all the relevant facts and bring to justice those responsible for the murders, and
(ii) open an investigation of the 130 murders of members of the Peace Community of San José de Apartadó which have not yet been duly investigated.

**Senator Allison** to move on 13 June 2007:
That the following bill be introduced: A Bill for an Act to establish a Commission for peace and non-violence, and for related purposes. **Peace Commission and Non-Violence Bill 2007.**

**Senator Milne** to move on the next day of sitting:
That the Senate—
(a) notes that most industrialised nations now accept the imperative of constraining global temperature increase to 2 degrees or less to avoid catastrophic climate change; and
(b) agrees that the imperative of constraining global temperature increase to no more than 2 degrees above pre-industrial levels should underpin government policy responses to global warming.
Senator Bob Brown to move on the next day of sitting:

That the Senate calls on the Government to inform the Senate by 13 June 2007 on the following matters:

(a) the number of civilians displaced by the war in Iraq, both internally and externally;
(b) the circumstances of these Iraqi refugees;
(c) what aid or assistance is going to the refugees and what component of that aid comes from the Australian Government;
(d) how many such refugees have been accommodated in Australia and what plans there are to give refuge to more; and
(e) what calls from the United Nations, the Red Cross or any other international agencies have been made to nations, including Australia, to meet the refugees’ needs.

Senator ABETZ (Tasmania—Manager of Government Business in the Senate) (3.55 pm)—I give notice that, on the next day of sitting, I shall move:

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

Social Security and Veterans’ Affairs Legislation Amendment (One-Off Payments and Other 2007 Budget Measures) Bill 2007

I also table statements of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statements incorporated in Hansard.

Leave granted.

The statements read as follows—

SOCIAL SECURITY AND VETERANS’ AFFAIRS LEGISLATION AMENDMENT (ONE-OFF PAYMENTS AND OTHER 2007 BUDGET MEASURES) BILL 2007

Purpose of the Bill

The bill gives effect to measures in the 2007 Budget to provide extra assistance for certain older Australians, carers and members of the veteran community. The first and second measures involve one-off payments being made to certain older Australians and certain carers. The third measure provides a one-off compensation payment to certain veteran and civilian prisoners of war interned in Europe during World War Two or their surviving widows or widowers. The fourth measure increases the amount of funeral benefits payable in respect of veterans. The fifth measure increases the rate of veterans’ special rate and intermediate rate disability pension. The sixth measure extends backdating periods in relation to war widow/widower pensions.

Reasons for Urgency

The one-off payments are generally to be paid in June 2007 and the remaining veterans’ measures are to commence on 1 July 2007.

SUPERANNUATION LAWS AMENDMENT (2007 BUDGET CO-CONTRIBUTION MEASURE) BILL 2007

Purpose of the Bill

The Superannuation Laws Amendment (2007 Budget Co-contribution Measure) Bill 2007 provides an additional one-off Government co-contribution to double the co-contribution payable in respect of the 2005-06 income year for those already eligible to receive a co-contribution in respect of that year.

Reasons for Urgency

The measure needs to be enacted urgently to enable prompt and timely payment of the additional co-contribution as provided for in the 2007-08 Budget.

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett
for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport Committee, postponed till 10 May 2007.

General business notice of motion no. 747 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Lobbying and Ministerial Accountability Bill 2007, postponed till 12 June 2007.

General business notice of motion no. 775 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the introduction of the Lobbying and Ministerial Accountability Bill 2007, postponed till 12 June 2007.


UNITED NATIONS RESOLUTION ON SUSTAINABLE FISHERIES

Senator SIEWERT (Western Australia) (3.57 pm)—I move:

That the Senate

(a) congratulates the Government on its leadership in achieving the outcomes of the United Nations General Assembly (UNGA) Resolution on sustainable fisheries in November 2006;

(b) calls on the Government to implement UNGA Resolution 61/105 on sustainable fisheries as soon as possible;

(c) urges the Government to actively assist other nations to implement the resolution in the timeframe set;

(d) calls on the Government to continue its leadership through the United Nations (UN) to ensure integrated global governance of high seas areas; and

(e) calls on the Government to:

(i) continue its leadership in international fora to strengthen regional fisheries management organisations (RFMOs), including performance reviews of RFMOs and the implementation of the precautionary approach and an ecosystem approach consistent with the UN Fish Stocks Agreement, and

(ii) ensure that the interim management measures agreed at the recent South Pacific RFMO negotiations in Chile are effectively implemented.

Question agreed to.

MR ICCHO ITOH

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.58 pm)—by leave—I move the motion as amended:

That the Senate—

(a) notes:

(i) that on Tuesday, 17 April 2007, the Mayor of Nagasaki, Iccho Itoh, was murdered in a senseless crime,

(ii) that Mayor Itoh was born just 2 weeks before the atomic bombing of Nagasaki and throughout his life worked tirelessly for the eradication of nuclear weapons,

(iii) that Mayor Itoh was vice president of Mayors for Peace and a leader of their global campaign to eliminate nuclear weapons.

(iv) his significant role in the three Nagasaki Global Citizens’ Assemblies held while he was mayor;

(v) recalls his opening address to the Assembly in 2006 where he began by asking ‘What can people possibly be thinking?’ 61 years ago ’a single atomic bomb destroyed our city, instantly claiming the lives of 74,000 people;

(c) notes that around 27,000 nuclear weapons exist today;

(d) considers that the world has lost a great peace leader in Mayor Itoh; and

(e) conveys its condolences to the family of Mayor Itoh, the Mayors for Peace and the Japanese Prime Minister Shinzo Abe.
Question agreed to.

GUANTANAMO BAY

Senator NETTLE (New South Wales) (3.59 pm)—I move:

That the Senate—

(a) notes the pledge by United States of America (US) Republican presidential candidate Senator John McCain that he will close Guantanamo Bay if he becomes President; and

(b) calls on the Government to make representations to the US Administration to shut down Guantanamo Bay.

Question put.
The Senate divided. [4.03 pm]

(The Deputy President—Senator JJ Hogg)

AYES


NOES


Question negatived.

STUDENT INCOME SUPPORT

Senator STOTT DESPOJA (South Australia) (4.07 pm)—I move:

That the Senate—

(a) notes:

(i) the recent report on student finances by the Australian Vice-Chancellors’ Committee (AVCC), Australian University Student Finances 2006, and

(ii) that the Government has yet to respond to the Employment, Workplace Relations and Education References Committee report, Student income support, tabled on 23 June 2005; and

(b) urges the Government to respond to both the committee report and the recommendations for alleviating student financial stress put forward by the AVCC on 15 March 2007.

Question put.
The Senate divided. [4.08 pm]
OLD-GROWTH FORESTS

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.11 pm)—I am being distracted by Senator Abetz saying that they do not burn forests. There has been an overnight change, you see. I move:

That the Senate calls on the Government to halt the burning of old-growth forests and wildlife habitats in Australia.

Question put.

The Senate divided. [4.12 pm]

(A 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.
Campbell, G. * Crossin, P.M.
Conroy, S.M. Evans, C.V.
Fielding, S. Faulkner, J.P.
Hogg, J.J. Forshaw, M.G.
Hutchins, S.P. Hurley, A.
Lundy, K.A. Marshall, G.
McEwen, A. McLucas, J.E.
Milne, C. Moore, C.
Murray, A.J.M. Nettle, K.
Polley, H. Ray, R.F.
Sherry, N.J. Siewert, R.
Stephens, U. Sterling, G.
Stott Despoja, N. Webber, R.
Wong, P. Wortley, D.

NOES
Abetz, E. Adams, J.
Bernardi, C. Birmingham, S.
Boswell, R.L.D. Boyce, S.
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. Fierravanti-Wells, C.
Fifield, M.P. Humphries, G.
Johnston, D. Joyce, B.
Kemp, C.R. Lightfoot, P.R.
Macdonald, I. Macdonald, J.A.L.
Mason, B.J. McGauran, J.J.
Minchin, N.H. Nash, F.
Parry, S. * Patterson, K.C.
Payne, M.A. Ronaldson, M.
Scullion, N.G. Troeth, J.M.
Trood, R.B. Watson, J.O.W.

PAIRS
Brown, C.L. Vanstone, A.E.
Kirk, L. Barnett, G.
O’Brien, K.W.K. Heffernan, W.

* denotes teller

Question negatived.
MATTERS OF PUBLIC IMPORTANCE

Budget 2007-08

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—The President has received a letter from Senator Sherry proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

(a) the fact that the 2007 Federal Budget contains welcome tax cuts and one-off payments for the many Australian families and carers who are under financial pressure, yet little is included to lift Australia’s future productivity which is low; and

(b) the fact is that long term challenges for Australia’s future such as: reviving Australia’s productivity, investment in an education revolution, delivering a national high speed broadband; and decisive action to deal with the economic cost of climate change and the national water issues, require more attention and greater leadership.

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

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

The 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 SHERRY (Tasmania) (4.18 pm)—The matter of public importance that I have moved today deals with aspects of last night’s budget. Naturally, the day after the budget there would be a focus on some aspects of it. I intend to touch on these in my contribution.

First and foremost, as the Labor Party have indicated, we welcome the tax cuts and one-off payments that were announced in last night’s budget. The tax cuts will apply from 1 July, generally to low- and middle-income earners. Those earning between approximately $10,000 to $26,000 receive a tax cut ranging between $3 and $6 per week and those earning between $27,000 and $70,000 receive a tax cut of between $10 and $14, but the tax cut peaks at about $21 per week for those earning between $30,000 and $40,000. There are further tax cuts for middle- and higher income earners from 1 July next year. Labor broadly welcome those tax cuts.

Frankly, it is about time that low- and middle-income earners did receive a tax cut, because what has been a contrast in previous budgets is that group of low- and middle-income Australians—the battlers—who have been doing it tough in many respects. They have had increases in petrol prices, food prices, rent and mortgages. There have been four interest rate increases since the last election. I would remind the chamber and those listening of the promise of the Prime Minister and the Treasurer that interest rates would remain low under a re-elected Liberal government—a promise made and broken. So low- and middle-income earners do deserve some tax relief, and that is delivered from 1 July. Unfortunately it is a bit late and was not given great consideration in previous budgets.

However, looking at the value of those tax cuts, many of the taxpayers in the low- and middle-income bracket who receive a tax cut from 1 July are receiving back little more than bracket creep. Bracket creep occurs when the increase in wages takes you into a higher tax bracket. It varies from income tax payer to income tax payer, but a large pro-
portion of that tax cut effectively represents the increase in bracket creep that has occurred over the previous few years.

Looking at the budget papers from last night, one of the interesting aspects of the tax cuts is that after those tax cuts are delivered to that group of battling Australians the individual taxation from income tax still increases. Income tax collection still increases even after those budget tax cuts: in 2006-07, it is $107,000 million; in 2007-08, $110,700 million. This is an outcome of two things. It is an outcome of bracket creep, which I referred to earlier, and also of economic growth.

Turning to the issue of economic growth, one of the fundamental drivers of a strong economy for the long term—sustaining economic growth, sustaining growth in the economic cake, in wealth creation, so that we can either have tax cuts or important expenditures to support health, dental care and like matters—is productivity growth. That is a key fundamental to the economic equation and to the long-term strength of the Australian economy.

I want to refer to a couple of aspects of productivity growth that I think should be of concern to the Australian people. If you look at last night’s budget papers, in table 2 on page 1-5 of Budget Paper No. 1, you can work out productivity growth for the 2006-07 year. You may recall that I asked Senator Minchin a question about this in question time. With not much of the year left to run, the calculation for productivity growth is zero for the current financial year. If you look at last year’s Budget Paper No. 1, the forecast for this current financial year for productivity growth was 2 1/4 per cent. So the forecast for productivity growth, which is important for underpinning long-term economic growth, was forecast 2.25 per cent but is going to come in at zero.

If you look at the forecast for productivity growth in 2007-08 on page 1-5, it is approximately 2.25 per cent. It is then projected, over the following three financial years, to drop away to 1.75 per cent. That highlights one of the lies around the so-called Work Choices legislation. That legislation is not going to be a major feature of my contribution today. But if the argument from the government is—and it has been their mantra—that Work Choices is about contributing to productivity growth, why is it that, for the three years from 2008-09 through to 2010-11, productivity growth is projected to fall if Work Choices continues in operation in the event that a Labor government is not elected at the end of this year?

Even more disturbingly, the long-term average productivity growth over the last three years has been below that which Australia enjoyed in the early and mid 1990s. This is a worrying sign for sustainable economic growth in the long term, because we are heavily dependent at the moment on a mining boom. I think I saw a figure from the ANZ Bank showing that the mining boom had delivered approximately $300 billion, although that may have been updated today. Indeed, while I am on the ANZ Bank and their well-respected economic commentator, Mr Eslake, the bank notes its disappointment at the low productivity growth that is implicit in the budget productivity forecasts; however, I am not sure if that should be attributed to Mr Eslake. Frankly, the government has run up the white flag on productivity growth, which is so necessary to ensuring our long-term economic future.

The best way of summarising the budget is that it is a clever political document designed to assist the government in securing re-election. It is a clever political document. We have seen it from Mr Howard and Mr Costello—but particularly from the Prime Minister, Mr Howard—time after time:
canny political calls which are exemplified in a number of ways in the budget. I refer to one: the income tax cuts for low and middle-income earners who have largely been ignored in budgets in recent times. The government knows that it needs to lift its support amongst this group of battlers, so it delivers a tax cut for them on 1 July. The government is finally giving them some attention.

There are a couple of other interesting measures that are one-off payments. There are two in particular I want to refer to. One is the $500 that is to be paid to senior concession card holders—pensioners and seniors who are eligible for that card. They are to receive a $500 one-off payment. They are receiving some attention—rightly, I think. If you look at the battlers in our community, full age pensioners are really doing it tough. In Braddon on the north-west coast of Tasmania, where there is a high proportion of full age pensioners, I receive regular reports about food prices and petrol price increases in recent times. I even receive reports about things as basic as paying the rates on their homes. Where I live, the majority own their own homes and it has become a real battle for them. But I would pose a basic question about this one-off $500. You cannot help but think that this is yet another clever short-term payment, to a group in the community who deserve a payment, to help secure re-election of the government. What happens next year?

Senator Ronaldson—Shouldn’t they get it?

Senator SHERRY—No, they should get it. That is exactly my point, Senator Ronaldson. They have largely been ignored and they should get it. But what happens next year to the battlers—the basic age pensioner receiving about $13,700 a year? A pensioner came into my office a few weeks ago with a rate bill for $1,200. She owned her own home but was sadly widowed. She was really battling to pay the rate bill. It is $500 one-off, but what happens next year and the year after? If there is a logic to paying the battlers like the full age pensioner $500 because they are doing it tough—and I think they are doing it tough—what happens next year when there is no one-off payment?

Senator Carr—It’s not an election year.

Senator SHERRY—Of course, as Senator Carr reminds me, there is no election next year; it is this year. Maybe that is why a bit more attention is being paid in this budget to the basic, battling age pensioner.

The other one-off payment that I want to touch on is the one-off superannuation co-contribution payment of $1,000. Labor supports the co-contribution scheme. If Labor is elected to government, it will continue. It is a watered-down version of Labor’s original co-contribution scheme, which the government signed up to and then dropped. It made a promise it would implement but dropped it in 1997. Nevertheless, the co-contribution scheme will continue under Labor. Labor welcomes the additional $1,000 going into the individual superannuation accounts of slightly more than one million people. Labor welcomes that extra up to $1,500—the payment varies depending on your income and your level of contribution—but it is going into the superannuation accounts of people who made a contribution in the 2005-06 financial year. It is rewarding past saving. It does not deal with some critical threshold issues that need attention in the co-contribution scheme to encourage future saving.

I note that a number of commentators from the financial services sector have mentioned this. It is not just commentators from the financial services sector; according to an inaccurate budget leak some weeks ago, the Assistant Treasurer, Mr Dutton—to his
credit—was purportedly arguing that the parameters of the co-contribution scheme should be changed going forward, particularly to assist under-45s, the younger group in our community. But he obviously got done over by Mr Costello and probably the finance minister, Senator Minchin. What have they come up with? Rather than redesigning the scheme to lift superannuation savings going forward into the future, there is up to $1,500 placed in the superannuation accounts of people who have already saved. Whilst there is an extra $1 billion going into super—that is fine; that is extra moneys—the fundamental design issues of the voluntary co-contribution scheme to give encouragement and incentive going forward were not dealt with, and that is unfortunate.

My colleague Senator Carr is going to comment expansively, I am sure, on some issues relating to the new part of the Future Fund that is being created for higher education. Five billion dollars is being placed in that section of the Future Fund, and the revenue is to be used for various capital purposes at universities. We have seen this before—smoke and mirrors, I call it. We saw it with the first sale of Telstra, where there was an environment fund set up with the proceeds from the first tranche of the Telstra sale. This was to support extra environment expenditure. But what happened on the expenditure side? In following budgets, the Commonwealth government cut expenditure on the environment in other areas. They gave a boost on one side of the ledger and cut environment spending on the other side of the ledger—smoke and mirrors. That occurred after the election, and I suspect we will see something similar if this government is re-elected at the next election. (Time expired)

Senator RONALDSON (Victoria) (4.33 pm)—If that had been the focus group testing of the budget reply, it would have to be viewed as a remarkable failure. The focus group has viewed that as a remarkable failure. In 15 minutes we did not hear one policy from the Australian Labor Party. It is the day after the budget, and we did not hear one policy from the Australian Labor Party or Senator Sherry. Mr Acting Deputy President Lightfoot, while you were reading out the letter from Senator Sherry proposing a matter of public importance, I thought it probably should have read: ‘The utter incompetence and all too obvious inexperience of the ALP’s economic spokesmen and spokeswomen and the danger to Australia’s future were the ALP to be elected to government.’

Today we have heard probably the most enthusiastic endorsement of the budget we have heard from anyone. The Australian Labor Party thinks this is a good budget. But, prior to that, Senator Sherry—so that his master in the other place did not get too antsy with him about the whole thing—had the gall to talk about the potential threat to tax cuts. This is coming from the Australian Labor Party, and Senator Carr may well hang his head in shame because he remembers it. What happened to the Keating government’s l-a-w law tax cuts? They just disappeared. It was the Labor Party blatantly misleading the Australian public in relation to a tax cut. In the last five budgets, we have delivered tens of billions of dollars in tax cuts to Australian families.

The Australian Labor Party has the gall to talk about battlers. When did you suddenly reinvent concern for battlers? When did you suddenly concern for battlers when interest rates were at 18 per cent? Where was your concern for battlers when unemployment was at 11 per cent? Where was your concern for battlers when you saddled every Australian family in this country with $96 billion—$96,000 million—worth of debt?

Senator Carr, you are virtually the only one left in the chamber, and that reminds me:
this is so important that how many ALP senators were here to support Senator Sherry? Twelve. The day after the budget, 12 ALP senators came to support their colleague on a matter of public importance relating to the budget—

Senator Joyce—it wasn’t very important.

Senator RONALDSON—I think they voted with their feet, and they thought this budget was so good they stayed in their rooms and dreamed about next time. Senator Carr, $96,000 million is $160 million per week that the Australian people are not having ripped out of their pockets. The government has paid off $96 billion. As Senator Scullion said during question time today, that is $160 million per week, $23 million per day, that the Australian Labor Party would have ripped out of their pockets if it had not been for us repaying $96 billion.

It is extraordinary that the only response you can give to the budget is to talk about productivity. Are we talking about productivity in 2004-05? No. But yes we are, indeed: it grew 2.4 per cent. Senator Sherry has come into the chamber today and alleged that there has been no productivity growth in 2006-07 and that is the result of Work Choices. I looked at my calendar this morning, Senator Sherry, and guess what, my friend? The year 2006-07 is not finished. ABS will not release their data until the end of the financial year. What an incredibly ignorant line to run about the budget. How utterly desperate are they?

If you want to talk about productivity, I will revisit a couple of things that Senator Minchin talked about today. He quoted some comments from Heather Ridout of the Australian Industry Group, who said:

Kevin Rudd talks a lot about productivity, but this reregulation will lower productivity.

This reregulation, of course, is the Labor Party’s new IR laws. What about Michael Chaney of the Business Council of Australia? He said:

Despite claiming to support policies that will lead to continued productivity, the ALP has clearly ignored consistent and strong business representations about how productivity and jobs growth is achieved in the economy.

The editorial in the *Australian* said that Mr Rudd’s reregulation of industrial relations will increase business operation and compliance costs and reduce productivity. It is very interesting if you listen closely enough in this place. When Senator Sherry asked Senator Minchin a question about productivity today, he quoted Heather Ridout’s comments and Senator Evans leaned across the table and interjected, “Oh, was that before last week’s changes?” In other words, by their own admission, the Australian Labor Party have said that regulation of IR will dramatically impact on productivity—out of the mouths of babes.

Senator Joyce—Senator RONALDSON—that is right!

What the Australian people are going to have to make a decision about in five or six months time is whether they are going to allow the Australian Labor Party to dramatically reregulate the IR that has put up this very productivity that they are crying crocodile tears over today. Senator Carr, you are no friend of business but I invite you to listen to the comments of those in the business community. You might even want to ring the fellow that you have suddenly apparently dropped, Sir Rod Eddington—your conduit to the business community. How many phone calls did Sir Rod get in relation to industrial relations policy? None. Your conduit into the business community, so proudly trumpeted by the Leader of the Opposition, did not get one phone call from anyone in the Australian Labor Party in relation to IR. Not one phone call! This engagement with the business community—well, I think I have a
rough idea of what Sir Rod Eddington thinks about you people and quite frankly I share his views; you are not worthy of his time.

There is only one group of people who dictate ALP IR policy and that is the ACTU and the union bosses, who are single-handedly responsible for the destruction of the small business sector in this country under the last Labor government and who have clearly dictated to the Australian Labor Party that they must return to their traditional roots. There is this line that has been run by some in the union movement that they have had to make concessions: well, there have been no concessions and they are charging you the full fare, my friend, for their $30 million in advertising. There are no concessions; this is a full fare and you are paying 100 per cent of the debt that you owe the ACTU.

You are only there for the protection of sectional interests. You have no interest in the wider Australian community. Your past indicates that you have no interest; your new IR laws indicate that you are hell bent on ripping apart the engine room of the Australian economy, which is the small business sector. Your IR policy, Senator Carr, is designed to allow your union mates to once again go into every small business in this country and enforce and impose on them your philosophical views on life. You have always hated the small business sector; you have bowed to the ACTU, which is determined to make sure that you make the lives of small business absolute hell. I think you get some perverse enjoyment out of it. And you get enjoyment out of it because you simply cannot control it. (Time expired)

Senator BARTLETT (Queensland) (4.44 pm)—That was another fire and brimstone performance from Senator Ronaldson, although there were some valid points in amongst the finger-pointing. I think that it is important to bring some balance back to the debate before the Senate today. Productivity is an important issue and for that reason it is understandable that the productivity implications of workplace relations have found their way into the debate, and I would like to follow on from Senator Ronaldson’s remarks in that area.

He has pointed to the criticism that any form of shift from the coalition’s extremist Work Choices legislation would somehow harm productivity. Yet last week we saw Mr Howard make some of those changes. I recall the last federal election and the workplace relations legislation that was in place up to 2005. At no stage did Mr Howard go around in the election campaign saying: ‘Our industrial relations legislation is far too constrained. It is harming our productivity. Business is not able to operate effectively under our workplace laws.’ Indeed, if I recall correctly, the government used to talk quite proudly about the positive impact of its workplace laws. These workplace laws, I remind the Senate and the community, were shaped and maintained in a balanced form by the Democrats. It was only because the coalition obtained control of the Senate that they were able to wipe out the Democrats’ workplace relations regime and put in place their own extreme measures.

Suddenly, when the ALP put forward a policy—one that does not even go back to 2004—there is an outcry. Labor’s policies only go part of the way. They have accepted part of Mr Howard’s unfair dismissal changes. They have accepted the secret ballot. If the Democrats had allowed the secret ballot through this place at any time in the previous 10 years we would have been ripped limb from limb by various senators here and people in the union movement for daring to support such a travesty. Yet Labor have adopted that. Now it appears that there are 11 allowable matters—down from the
previous number. So Labor’s policy is actually far closer now to Mr Howard’s, in many respects, than Mr Howard’s own laws were in 2004. Yet we are expected to believe that any change back is going to destroy productivity and lead to union hordes marching in and chaining up the whole Australian economy.

Minister, it is a ludicrous debate. It is about time we pulled it back to the facts before us. It is important to have more productivity, and adequately flexible workplace laws are an important part of that. But they must be tempered and flexible with adequate protections against exploitation. I believe that the Democrats did very well in shaping the workplace relations laws over the previous periods the Howard government has been in office. Since the loss of the Senate and the Democrats’ ability to put in place a balanced approach, we have seen great change. There was a balance between the undoubted pull of the union movement on the Labor Party and the extremist ideology that we are now seeing governing those that count in the coalition. But now the ability to find a middle path to deliver that balance has been lost. That is why this issue has caused such damage to the government that they have started to put in place the Democrats’ safety net that they so gleefully shredded at the first available opportunity. This was despite giving no warning of it during the 2004 election.

It is important in taking a balanced view to note that there are positive measures in this budget. I think that it is churlish and unreasonable and inaccurate to simply nitpick the bits that are bad and ignore some of the positives. For the first time in a few years the income tax cuts are directed at areas where they are most needed—at lower income earners—and they are directed and operated in a way that should enable and encourage lower income earners to engage in more work, including part-time work. That will assist productivity and the real capacity constraints that currently exist in the Australian economy. So it is a good measure.

But the trouble with budgets is that they are always one-offs. There is always a mad frenzy about one budget and then we all forget it and look at the next one—and of course we will have another mini-budget pre-election ‘bribefest’ later on this year and we will focus on that and forget what has happened now. We have not made the structural changes needed. A long-term policy of the Democrats, and one that we will continue to push for, is not to continually battle budget after budget to get tax cuts delivered back in a fair way to assist lower and middle income earners but to index the tax thresholds so that people continually maintain the real value of tax cuts. Whilst these income tax cuts for lower income earners and the hike in the low-income earner offset are welcome, in many respects this is just returning bracket creep. If we could do just one thing it would be to index or even partially index the tax threshold. Then we would not have the government raking in large amounts of extra revenue largely because of bracket creep and CPI impacts and then expecting a huge round of applause when they are just belatedly handing money back a few years later. We need to be putting in place some of those structural reforms that will have a lasting impact rather than just these temporary one-off bursts of largesse. That is a failing in this budget; the positives have not been locked in.

Another failure indicating lack of vision in this budget—and it also goes to issues of productivity—is the total failure to address housing affordability. As National Shelter have indicated today, even with the $15 a week tax cut for lower income earners—which is very much welcome—that is about how much rents have gone up in the last year.
in many parts of the country, and in some cases they have gone up more. People have already had to cover that just for the rent hikes without anything else regarding their cost of living. The whole issue of housing affordability has been left in the too-hard basket. It does not even need money spent on it to fix it. I acknowledge the government’s adoption finally of the Democrats’ long-standing calls for rent assistance to apply to people over 25 receiving Austudy. This was a ludicrous anomaly that has finally been fixed. It is not even going to cost significant amounts of money to address housing affordability, but it needs vision and structural reform. That has been left in the too-hard basket and that, frankly, does impact on other measures like productivity.

Another measure that should have been in the budget is addressing Indigenous disadvantage, and Indigenous health in particular. It was not, which goes to a lack of vision in core issues of productivity and key areas where capacity could be injected into the Australian economy. I simply cannot believe the total paucity of extra measures that have been put in place to deal with Indigenous health. At best count, about $35 million a year of extra measures for Indigenous health has been allowed, when we all know how much extra funding is needed for that. That is not only a matter of justice; it is a matter of delivering better results for productivity and capacity in the Australian economy. Those are just a few key areas. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (4.52 pm)—The hallmark of this government’s performance in the last 11 years has been unswerving attention to the state of the Australian economy and the capacity to manage the basic economic conditions facing Australians in a way that builds up the resilience of the Australian community through having a strong and secure fiscal outlook. What we have done with that has also been a very important part of our economic management. It is important to state that we have never seen the maintenance of good budget circumstances, the reducing of debt, the elimination of deficits or other good hallmarks of economic management as ends in themselves. We have seen these things as ways of delivering opportunities in two senses: firstly, opportunities for individuals, families and businesses in the Australian community to pursue ways of creating wealth, making those organisations and individuals self-sufficient and self-reliant; secondly, opportunities on the part of government to generate stronger safety nets for those people who are unable to take advantage of those marketplace opportunities of which I have just spoken. That is what this budget, I believe, demonstrates very clearly.

The matter of public importance before us today makes reference to tax cuts and payments to strengthen or support Australian families and carers. We look at this document, this budget, and see very clearly that we have pursued that philosophy. We have strengthened the economic conditions to continue to create opportunities out there but we have also strengthened the Australian safety net. As far as tax is concerned, this budget continues the trend of the last five Australian budgets, which have delivered tax cuts to the Australian community. That is on top, of course, of the very important tax cuts delivered in the 2000 budget, which was part of the new tax system around the GST.

The aggregate impact of personal income tax since 2004-05 is that a taxpayer on $30,000 has had their tax liability cut by 45 per cent since that time, and a taxpayer on $40,000 has had their tax liability cut by 23 per cent. That does not just compensate for bracket creep; that goes beyond bracket creep and delivers real buying power into the hands of Australians. It has done so as a pat-
tern over the last six or so budgets. Since 2000, every tax rate has been cut and every threshold has been increased. It used to be the case that once their income exceeded $50,000 a taxpayer faced the top tax rate, but from 1 July next year that top tax rate will be incurred at $180,000.

This budget has been described as a budget that delivers a number of benefits to the Australian community, but they have been described in the matter of public importance debate as one-off. I want to run through some of the things the budget delivers to strengthen the support available to Australian families, to carers and to those people who are unable to take advantage of the good economic conditions. Let me run through them. There is $2.1 billion for childcare incentives, an increase in the rate of childcare benefit of over 13 per cent. That is not a one-off benefit. Payment of the childcare tax rebate has been brought forward. Necessarily, that is one-off, but there is also an additional $71.3 million for the inclusion support subsidy program for children with high needs. That is not a one-off initiative. There is $43.8 million to provide further financial support to kids in rural and remote communities. That is not a one-off initiative. There is $1.4 billion for seniors. There is $406.8 million for carers, which includes a one-off bonus of nearly $400 million, but an extra $6 million is in there for people needing immediate and short-term respite. That is also not one-off. There is $81.1 million to support volunteers, with an extension of the volunteer small equipment grant program. There is $128 million for disability services. There is $12.2 million over four years to increase the level of services delivered through the National Disability Advocacy Program. That is also not one-off. There is $116 million to ensure that up to 18,000 people with disabilities will be able to access employ-

ment services. That is also not one-off. The list goes on.

I think we make the point that these provisions are sustainable, are continuing and are about strengthening the support that Australian families and carers receive. That is all important. It is very important to have an effective safety net but, as I said before, it is also important to make sure that the general economic conditions sustain a sense of people being self-reliant and able to fend for themselves in an active and vital Australian economy. In a sense it is like the drought. What would you rather have to fix the drought—good measures to provide for emergency assistance to those who need it or rain? The Australian government has, in a sense, provided that rain through strong economic management over the last 11 years, but we also have an effective emergency net.

Our record has been outstanding, and I think it is fair in those circumstances to again contrast what we have done with what the Labor Party in office did in the same circumstances. Their record was falling real wages, high interest rates and high unemployment. How did any of that help families under financial pressure—the ones referred to in this matter of public importance debate? How did it help them? Of course, it did not. It created more families under financial pressure. There is nothing more important in our environment today than relieving financial pressure on families by creating opportunities for jobs, and that is what we have obviously done in spades.

A strong economy and fiscal discipline provide jobs, provide the capacity to increase services and family payments, and provide the ability to make sure that there is a real dividend to communities. Unlike what the Left of the Labor Party would have us believe, a strong economy is not only compatible with social justice but also essential for
it. Productivity is important as part of that debate, but again I ask: where is the Labor Party on that issue? Where has the Labor Party been on all the big productivity issues and debates in the last decade? Where was the Labor Party, for example, on the critical question of water? *(Time expired)*

Senator CARR (Victoria) (5.00 pm)—At least Senator Humphries made an attempt to defend this government. He made an attempt to argue the government’s case, unlike Senator Ronaldson, who thought that he could bluff and bluster his way through his presentation and talk about his own arrogant contempt for working people, in a manner which highlights just how out of touch he has become, why he was driven out of the seat of Ballarat and why it is he finds the red seats in this chamber so comfortable.

The budget that the government brought down last night and presented to the Australian people is essentially a poll driven exercise—a big-spending budget, an election year budget. Unfortunately, it is also a budget of missed opportunities. Labor takes the view that what we require at this time is a comprehensive plan to build Australia’s future capacity for productivity. We need to tackle the challenges of climate change and our crumbling infrastructure and we need to address the bottlenecks within our economy, which are putting such pressure on our productivity and on inflation and may well lead within the next 12 months to further interest rate rises. Unfortunately, the government failed to deal with those matters.

It failed to deal with the huge problem of what we do in this country once the mining boom is over. The Labor Party argues that there needs to be a determined effort by government to build our capacity for innovation through education and building our national innovation system. But we need to start from the very early times, from early childhood, and go right through to schools, vocational education, universities and university research. We need to be able to ensure that prosperity is sustained at the same time as social justice is maintained. We need to be able to build a fair and just society. What we saw with last night’s budget was the government’s neglect of those fundamental concerns. It failed to deal with those issues. And it cannot be argued that there is a shortage of money. After all, $71 billion was thrown around last night. Senator Humphries talked about rain. Well, it rained money last night! But this government failed to deal with those basic challenges facing the country and failed to develop a long-term vision for where this country is going.

I am particularly concerned about the failure to take up the opportunity that so much money provided to deal with the whole question of social exclusion in this country, which has now become a dominant feature of this government’s term in office. We have seen it through 11 years. This government has essentially sought to divide Australians. It has not sought to deal with the question of social inclusion but has sought to exclude people from the benefits of prosperity—for instance, with respect to housing. In last night’s budget there was no real effort to deal with the fundamental concerns that relate to the capacity of Australians to be able to join in this society and to share productively in the benefits of an advanced country such as ours. If we look at some basic propositions regarding our capacity, we see that our national investment in education in literacy and numeracy for four-year-olds leaves us at the bottom by international standards—at the very bottom of the international table. You would expect that Australia would seize the opportunity to provide real and meaningful access for four-year-olds right across the country. Labor has a proposal to do that. This government did not pick up that opportunity.
I have already spoken on the housing crisis and the failure of this government in relation to access to and equity in our education system. There could be nothing that is more damaging to the capacity of Australians to do well at school than homelessness. Every night in this country there are 100,000 who are homeless, and a majority of those people are under the age of 12. But what did this government do about that last night? There was not a word about it—not one word. The government said nothing about the need to allow people to have the equality of opportunity that you would think would be fundamental in a society such as ours. If we look at the broader approach this government takes to equity, we again see this government’s fundamental failure. The higher education statistics show that there is a decline in the number of Indigenous students, a decline in the number of students from low socioeconomic groups and a decline in the number of students from rural and isolated areas. What a fine achievement! We have more money than this country has ever had, but the government has failed to deal with these basic questions about the capacity of this country to come together and enjoy the benefits of that prosperity.

We have seen a failure to seize opportunity. We have seen the government’s failure to face up to the challenges of the future. As a result, what we saw last night was a piecemeal, erratic budget, with no coherent plan to deal with the big questions facing the country. What we saw from the government was a response to a whole lot of focus groups. The government sought to plug political gaps in its campaign to catch up with the policy initiatives that have been announced by Kevin Rudd. We had basic facts being neglected by this government in its quest to seek short-term political advantage.

Let us take another fundamental issue with regard to productivity—that is, the contribution this country makes to innovation, particularly research and development. This is an area where the government should hang its head in shame. Australia’s gross expenditure on research and development sits at less than 1.8 per cent of GDP—well under the OECD average of 2.3 per cent. But what did this government do about that? Nothing. After 11 years of this government, business spending on R&D has grown as a percentage of GDP—true enough—but it remains at a very low base by international standards. It is well below our international competitors. What did the government seek to do last night about expenditure on research and development? We did not see any movement from this government. If you look at government expenditure on research and development, you see that, in terms of our OECD position, we slipped from about third to about ninth in the period from 1996 to 2004. As a share of our national economy, expenditure on research and development as a percentage of GDP has declined by about a third under this government.

We have a government that has failed to deal with these fundamental questions. We are seeing a disinvestment in the future needs of this country and in facing the challenges of the future. We have a government that has failed to appreciate the significance of these issues when it comes to productivity. It has failed to appreciate the importance of research in ensuring that prosperity and the diversification of the Australian economy are maintained. What we have got is a cynical, cunning, clever budget which is aimed at the survival not of Australian industry, not of Australian economic security but of the political future of a particular government. The government seeks to beguile the Australian people, to buy their support and to present a position that it is concerned about these issues—but it has failed to deal with them for 11 years.
If you think about what is happening in terms of our international position, one simple measurement is the number of PhD students. We talk a lot about a skills shortage in this country but we hardly ever talk about the problems at the skilled research end of the labour market. Taking OECD figures produced in the 2007 fact book as an example, Australia produces 7.8 PhDs per 1,000 members of the workforce. Canada produces 8.2, the United States produces 10.7, Germany produces 21.1 and Switzerland produces 27.7. If you look at the number of PhD students per 100 graduates, in Australia it is 2.3; in Canada, 3.9; in Germany, 11.2; and in Switzerland, 10.1. By international standards, we are actually slipping behind. We are failing to measure up to our international competitors. This is in a context where we have an ageing academic workforce within our universities. With respect to the next generation of researchers, we have a serious long-term problem with replacing those people. This is at a time when we have also got limited opportunities for young people to join our universities because of a failure to develop the necessary research infrastructure. We have a problem with mid-career researchers and, at various levels throughout the university system, we have got major challenges before us. But what did we hear from the government about this last night? Stony silence. Nothing. We heard not a word about research training. We heard not a word about grant funding for the Australian Research Council.

We hear of additional money being spent for a new centre to be established in Queensland, around the research of Professor Ian Fraser—which in itself highlights the great benefits of Professor Fraser’s 20-year career and public support for his research. His vaccine for cervical cancer will probably earn him a Nobel prize. This underscores the importance of public investment in long-term basic research. But do we see that in this budget? No. We see a proposition for a special fund to be established: some $300 million per year—the equivalent of less than $10 million per university. In the case of a number of universities, this will not even begin to scratch the surface of the backlog of requirements for replacement of capital and research infrastructure in this country. We have a situation where the government is now suggesting that this money will be available only to some universities and only to universities that sign up to its industrial relations agenda.

What we have is an agenda where the government is seeking to present a clever and cynical political exercise. It is more sophisticated than Malcolm Fraser’s old ‘fistful of dollars’ approach; nonetheless it is essentially the type of approach that assumes that people will be able to be beguiled. I have a lot more confidence in the Australian people than this government perhaps does. We will wait to see whether or not the Australian people buy these arrangements.

Senator TROETH (Victoria) (5.12 pm)—After that extremely high-flown rhetoric by Senator Carr, I would like to concentrate particularly on the education segment of this matter of public importance. The actual terms of the MPI before us today talk about investment in an education revolution. I would like to suggest to the Senate that that is exactly what the Howard coalition government have been doing since our accession to government in 1996. When you think back to Labor’s New Schools policy, which put a cap on the number of schools that could be established under the Australian education framework, when you think about the way in which Working Nation was managed—which offered a dead-end road to people who were not fortunate enough to have a job but were enrolled and were recycled around and around in meaningless training programs—I
think everyone would agree that, in the 11 years of the coalition government, we have done a great deal more than that.

It is no accident that cumulative budgets have put us on a much stronger economic path. If you take, for example, the population’s investment in superannuation and the government’s investment in education, it is no accident that higher employment has led to higher wages. With the addition of tax cuts, it means that people are now able to put more money into super, which in turn will benefit them in their old age and will mean that the government bears less of a burden. If that is not investment in a good economic framework, I would like to know what is.

I probably do not have time to encompass the three areas of education that I would like to talk about this afternoon, but I want to refute a couple of the myths that were posited by Senator Carr. In almost every education inquiry in which I have been involved in my 14 years in the Senate, two measures that were dealt with in last night’s budget have come up time and time again. The first is eligibility for rent assistance to Austudy recipients. As we know, many university students, particularly if they come to capital cities, have to find rental accommodation a long way from their homes, which imposes extra costs. We are providing $87 million over four years to give rent assistance to Austudy recipients, and that benefits around 11,000 students aged 25 years and over. In addition, another criticism of our education policy has been that those students undertaking master’s degrees by coursework have not been eligible for the youth allowance and Austudy in their turn. We are now spending $43 million over four years to extend eligibility for youth allowance and Austudy to those students studying for qualifications that are a minimum entry requirement to a profession or part of a restructure of existing course requirements. That money in turn will help those students maintain their studying regime so that they are able to finish their course.

As well, our package A Better Future For Indigenous Australians means that in last night’s budget there is additional support and improved access to school and tertiary education for Indigenous students. The number of Indigenous students in tertiary education is very low for a variety of reasons. We are going to provide financial assistance, scholarships, training and employment opportunities for Indigenous young people from rural and remote areas, as well as education and job placements in urban and regional areas. When you think about the fact that we are also providing increased Commonwealth learning scholarships at a cost of $91 million to assist talented students from low-income backgrounds to attend university, this is not the social exclusion that Senator Carr talked about; it is social inclusion. We would like to help every student who wishes to go to university to do so. Some may think that that is an unattainable ideal, but we have certainly moved a long way along that road in 10 years of trying to help them to do that.

I will now quickly move to apprentices and technical colleges. We have made enormous strides in the number of apprentices we see in Australia. That number has increased three or four times since we came to office. It is important to recognise that only 30 per cent of school leavers go on to university. The rest find a trade, get a job or do other study. We want to support them, because the shortage of skilled workers which exists in most Western countries at the moment means that tradespeople are very strongly required. We need to encourage students to take up apprenticeships in the first place and employers to keep them on. Eligible Australian apprentices under the age of 30 will get an additional tax exempt payment of $1,000 per year as a wage top-up. That is again some-
thing that has been raised with me time and again around the countryside. They will also receive a voucher to reimburse the course fees payable to their registered training organisation by up to $500 per year. This is something that was mentioned to us in the transport inquiry being undertaken by the Senate Standing Committee on Employment, Workplace Relations and Education at the moment.

I wish I had more time to talk about the Investing in Our Schools Program, which has been such a success for primary and secondary schools that we are extending it to the end of the year 2008. I wish that I could talk about the literacy and numeracy initiatives that we have undertaken, the encouragement of teachers to gain better qualifications—particularly in literacy and numeracy—and the way in which our capital grants will continue for schools. As well, at least we have managed to persuade state governments to bring together core curricula for basic subjects such as English, maths, history and science. But never forget that that is the responsibility of state government.

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order! The time for the debate has expired.

COMMITTEES
Scrutiny of Bills Committee
Report


Ordered that the report be printed.

Senator GEORGE CAMPBELL—I seek leave to move a motion in relation to the report.

Leave granted.

Senator GEORGE CAMPBELL—I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling speech in Hansard.

Leave granted.

The statement read as follows—

In tabling the Committee’s Alert Digest No 5 of 2007 I would like to draw the Senate’s attention to the Broadcasting Legislation Amendment (Digital Radio) Bill 2007, the Food Standards Australia New Zealand Amendment Bill 2007, the Liquid Fuel Emergency Amendment Bill 2007 and the Native Title Amendment (Technical Amendments) Bill 2007. Each of these bills includes provisions declaring that an instrument is ‘not a legislative instrument’ but fail to provide an explanation of what is meant by this statement.

Under the Legislative Instruments Act 2003 instruments that are legislative in nature are automatically subject to the disallowance and sunsetting provisions outlined in that Act. If an instrument is not to be subject to these provisions, then the enabling legislation must provide for a specific exemption.

On numerous occasions since the Legislative Instruments Act commenced, bills that have come before the Committee have included a statement to the effect that an instrument or determination is ‘not a legislative instrument’.

Where a provision specifies that an instrument is not a legislative instrument, the Committee expects the explanatory memorandum to explain whether the provision is:

- merely confirming that the instrument concerned is not legislative in nature, and therefore not subject to disallowance and sunsetting; or
- expressing a policy intention to exempt an instrument, which is legislative in nature, from the usual tabling and disallowance regime set out in the Legislative Instruments Act 2003. Where the provision is a substantive exemption, the Committee expects to see
a full explanation justifying the need for the provision.

If the Senate is being asked to forego an opportunity to review and disallow a legislative instrument, then it is essential that Senators are provided with the information necessary to allow them to make an informed decision. In the absence of such information there is a risk that legislative instruments will become exempt from parliamentary scrutiny, not because the Senate has made a conscious choice to exempt them, but because Senators were not cognisant that this was the intent of the provisions of the bill. It is therefore essential that statements to the effect that an instrument is ‘not a legislative instrument’ are clearly explained in the Explanatory Memorandum to the bill.

On 29 March 2007 the Government tabled its response to the Committee’s Third Report of 2004 — The Quality of Explanatory Memoranda Accompanying Bills. The Committee welcomes this response, in which the Government has agreed to implement a number of the Committee’s recommendations. In particular, the Government has agreed that the Department of the Prime Minister and Cabinet will review and update the chapter in the Legislative Handbook which sets out the requirements for preparing explanatory memoranda. The Committee trusts that the revised Handbook will include information about declarations in respect to legislative instruments and will facilitate the production of explanatory memoranda which are of adequate quality and detail to inform the reader about the nature and intent of each provision.

Question agreed to.

Intelligence and Security Committee Report

Senator PARRY (Tasmania) (5.20 pm)—On behalf of Senator Ferguson and the Parliamentary Joint Committee on Intelligence and Security, I present the report of the committee Review of the re-listing of Tanzim Qa’idat al-Jihad fi Bilad al-Rafidayn (TQJBR). This organisation, led by Abu Mus’ab al-Zarqawi until his death in 2006, was also known as the al-Zarqawi network. Now it is called Al Qa’ida in Iraq or by the acronym TQJBR.

The Committee first considered the listing of this organisation in 2005.

The inquiry was advertised in the Australian newspaper on 14 February 2007 and information regarding the inquiry was then placed on the Committee’s website. No submissions were received from the public. A private hearing was held in Canberra on 23 March 2007 attended by the Australian Security Intelligence Organisation, the Attorney-General’s Department and the Department of Foreign Affairs and Trade.

Procedural concerns about the listing of organisations remain. Broadly, these concerns are that the consultation process with state and territory governments is not yet adequate, the method of informing the community is insufficient and the quality of information underpinning the proposals to list or re-list an organisation is lacking in the coherence and rigour necessary for a process upon which severe penalties rely. The Committee will address these concerns more fully in its report on the use of the proscription power to be tabled later this year.

On the substance of the case against TQJBR, the Committee concluded, on the basis of the Statement of Reasons and other open source information, that TQJBR was an organisation that used extreme violence in pursuit of its objectives, that it intimidated not only the Coalition forces in Iraq but also members of the elected government and Iraqi civilians. To that extent it met the requirement of the Criminal Code Act 1995 that it might
be proscribed as a terrorist organisation. Therefore, the Committee has not recommended the disallowance of this regulation.

Nevertheless, the Committee would have appreciated more up to date information about the TQJBR and a more rigorous analysis of the way in which it operated in Iraq. It is rare for the Committee to be informed about the implications of a listing, that is, how the listing assists in the fight against terrorism, how it works in conjunction with, or in addition to, the separate obligations Australia has under the Charter of the UN Act. The statements of reasons do not comprehensively address ASIO’s own stated criteria for a listing, being silent on at least half of them.

On this occasion, the Committee sought a contribution to its deliberations from the Office of National Assessments. The Committee was looking for broad strategic analysis and background information on TQJBR and its operations in Iraq, information of the type that is provided by the Office to Senate Estimates or by the Director in public speeches. This request was refused on the grounds that ONA plays no role in the listing process and was prohibited under the Intelligence Services Act from sharing with the Committee the contents of its assessments.

The Committee believes that this is an unnecessarily narrow view of the statute and does not distinguish between a formal review of the contents of assessments, such as was conducted into the intelligence on Iraq’s weapons of mass destruction, and the agency’s contribution of its knowledge and judgement to the Committee in carrying out its statutory functions. The Committee at no time had an intention of reviewing individual assessments or even the general judgements of ONA for their accuracy, independence or competence.

In the light of this narrow interpretation, the Committee will itself review section 29 of the Intelligence Services Act for its compatibility with its other statutory functions. This section of the Act was introduced in 2005 when ONA came under the Committee’s scrutiny and, as it stands, it would appear to preclude another inquiry such as the inquiry on Iraq. This is potentially a very limiting factor in the Committee’s proper oversight.

In conclusion, I would like to thank the members of the Committee who continue to undertake their duties in a bipartisan fashion and who recognise the need to put the national interest and effective Parliamentary scrutiny of highly sensitive matters before any partisan political interests. The work of the Committee continually presents the members with the challenge of reconciling the demands of national security with Parliamentary and public scrutiny.

I recommend the report to the Senate.

Question agreed to.

Standing Committees
Reports

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Pursuant to order and at the request of the chairs of the respective committees, I present standing committee reports as listed below which were presented since the Senate last sat.

The list read as follows—

Environment, Communications, Information Technology and the Arts Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Australia’s national parks, conservation reserves and marine protected areas (received 12 April 2007)

Legal and Constitutional Affairs Committee—Report, together with the Hansard record of proceedings and submissions received by the committee—Migration Amendment (Maritime Crew) Bill 2007 [Provisions] (received 20 April 2007)


Employment, Workplace Relations and Education Committee—Report, together with submissions received by the committee—Higher Education

Community Affairs Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Gene Technology Amendment Bill 2007 (received 1 May 2007)

Community Affairs Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Food Standards Australia New Zealand Amendment Bill 2007 (received 1 May 2007)


Economics Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—Corporations (NZ Closer Economic Relations) and Other Legislation Amendment Bill 2007 [Provisions] (received 3 May 2007)


Ordered that the reports be printed.

Environment, Communications, Information Technology and the Arts Committee
Report


Economics
Report

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—I present the interim report of the Senate Standing Committee on Economics into the provisions of the Tax Laws Amendment (2007 Measures No. 2) Bill 2007.

Public Accounts and Audit Committee
Report: Government Response

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—I present the government’s response to the report of the Joint Committee of Public Accounts and Audit—372nd report—Corporate governance and accountability arrangements for Commonwealth government business enterprises received on 12 April 2007. I seek leave to incorporate the government response in Hansard.

Leave granted.

The document read as follows—

GOVERNMENT’S RESPONSE TO THE OUTSTANDING RECOMMENDATIONS OF THE JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT

REPORT NO. 372

CORPORATE GOVERNANCE AND ACCOUNTABILITY ARRANGEMENTS FOR COMMONWEALTH GOVERNMENT BUSINESS ENTERPRISES

APRIL 2007

Response to the recommendations:

Recommendation 2

That all portfolio Ministers be removed from their government business enterprise shareholder responsibilities, but remain as the responsible Minister under GBEs’ enabling legislation. The Government’s shareholder interests in GBEs should be represented by, and be the responsibility of, the Minister for Finance and Administration.

Disagree.
The shareholder oversight of Government Business Enterprises (GBEs) should be considered on a case-by-case basis and be individually tailored to suit the circumstances of the business. A number of factors should be taken into consideration in determining the most appropriate shareholder arrangement for a GBE, including the Government’s objectives for the entity, the regulatory environment and the industry in which the GBE operates.

Recommendation 3
That the Minister for Finance and Administration amend the 1997 Governance Arrangements for Commonwealth Government Business Enterprises to include a section that all Ministerial directions to GBE boards should be in writing and tabled in both Houses of Parliament within 15 sitting days.

Agree.

All Ministerial directions to GBEs will be required to be in writing and tabled in both Houses of Parliament within 15 sitting days.

The 1997 Governance Arrangements for Commonwealth Government Business Enterprises will be amended to reflect this.

Recommendation 6
That the Minister for Finance and Administration develop draft guidelines for the scrutiny by Parliamentary Committees of commercially confidential issues relating to GBEs. The draft guidelines should be submitted to the Joint Committee of Public Accounts and Audit for approval.

Disagree.

The Australian Government considers that there already exists an appropriate regime for the scrutiny by Parliamentary Committees of commercial-in-confidence issues relating to GBEs. With respect to Senate Committees, the Senate agreed a motion on 30 October 2003 that the Senate and Senate Committees shall not entertain any claim to withhold information from them on grounds that it is commercial-in-confidence, unless the claim is made by a Minister and is accompanied by a statement setting out the basis for the claim, including a statement of any commercial harm that may result from the disclosure of the information. As with Senate Committees, House of Representatives and Joint Committees also have the ability to request commercial-in-confidence information relating to GBEs for their scrutiny. The House of Representatives and Joint Committees consider (and ultimately decide on) any request to withhold commercial-in-confidence information based on the factors applying in each case.

DOCUMENTS
Tabling

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Pursuant to standing orders 38 and 166, I present documents as listed below which were presented to the President, the Deputy President and Temporary Chairmen of Committees since the Senate sat. In accordance with the terms of the standing orders, the publication of the documents was authorised.

The list read as follows—
Intergenerational report 2007 (received 2 April 2007)
Productivity Commission—Report—No. 41—Road and rail freight infrastructure pricing (received 13 April 2007)
Productivity Commission—Report—No. 40—Review of price regulation of airport services (received 27 April 2007)
Inquiry into certain Australian companies in relation to the UN Oil-for-Food Programme—Government response (received 3 May 2007)

AUDITOR-GENERAL’S REPORTS
Reports Nos 32 to 35 of 2006-07
The ACTING DEPUTY PRESIDENT (Senator Forshaw)—In accordance with the provisions of the Auditor-General Act 1997, I present the following reports of the Auditor-General, which were tabled since the Senate last sat:
Report no. 32 of 2006-07—Performance Audit—Administration of the job seeker account: De-
Department of Employment and Workplace Relations (received 17 April 2007)

Report no. 33 of 2006-07—Performance Audit—Centrelink’s Customer Charter—Follow-up Audit: Centrelink (received 18 April 2007)

Report no. 34 of 2006-07—Performance Audit—High frequency communication system modernisation project: Department of Defence and Defence Materiel Organisation (received 1 May 2007)

Report no. 35 of 2006-07—Performance Audit—Preparations for the re-tendering of DIAC’s detention and health services contracts: Department of Immigration and Citizenship (received 2 May 2007)

BUDGET 2006-07

Portfolio Supplementary Additional Estimates Statements

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—On behalf of the President, I present the portfolio supplementary additional estimates statements for 2006-07 as listed below, which were presented since the Senate last sat.

The list read as follows—
Agriculture, Fisheries and Forestry portfolio
Attorney-General’s portfolio
Communications, Information Technology and the Arts portfolio
Education, Science and Training portfolio
Employment and Workplace Relations portfolio
Environment and Water Resources portfolio
Families, Community Services and Indigenous Affairs portfolio
Health and Ageing portfolio
Immigration and Citizenship portfolio
Industry, Tourism and Resources portfolio
Prime Minister and Cabinet portfolio
Transport and Regional Services portfolio

BUDGET 2007-08

Portfolio Budget Statements

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—On behalf of the President, I present the portfolio budget statements for 2007-08 as listed below, which were presented since the Senate last sat.

The list read as follows—
Parliament—Department of the Senate and the Department of Parliamentary Services
Agriculture, Fisheries and Forestry portfolio
Attorney-General’s portfolio
Communications, Information Technology and the Arts portfolio
Defence portfolio
Education, Science and Training portfolio
Employment and Workplace Relations portfolio
Environment and Water Resources portfolio
Families, Community Services and Indigenous Affairs portfolio
Finance and Administration portfolio
Foreign Affairs and Trade portfolio
Health and Ageing portfolio
Human Services portfolio
Immigration and Citizenship portfolio
Industry, Tourism and Resources portfolio
Prime Minister and Cabinet portfolio
Transport and Regional Services portfolio
Treasury portfolio
Veterans’ Affairs

COMMITTEES

Environment, Communications, Information Technology and the Arts Committee

Report

Senator BARTLETT (Queensland) (5.22 pm)—by leave—I move:

That the Senate take note of the document.
I wish to take note of one of these reports. There are a lot of documents that have been presented that were tabled out of sitting since the end of March. I want to take note specifically of the report from the Environment, Communications, Information Technology and the Arts committee on Australia’s national parks, conservation reserves and marine protected areas. As the Senate would know, these reports will all go across to Thursday afternoons when people can talk to them, but I thought that on a report as significant as this it was appropriate to note it at a time in proceedings when people pay a little bit more attention than they do on Thursday afternoons, when they are usually halfway to the airport.

It is an important report; it is, as the title indicates, about our protected areas and national parks, including marine protected areas. It was tabled nearly a month ago now and has received some attention. I hope it receives more attention. It is an overview report rather than a forensic examination of the finest detail of what we need to do, but I think it provides some good guidance. The report was initiated by the Senate back when I was chair of the environment references committee. As the Senate would know, the government took control of all of the Senate committee chairs and the reference and legislation committees were merged in about August last year, so Senator Eggleston was chair of the committee for the final stages of the inquiry. Without reflecting negatively on any of us on the committee, I think that significant shift halfway through the inquiry, plus the fact that it went on for so long that many people moved in and out of the committee and went on to do different things, as well as changes in the secretariat, meant that there was a bit less continuity to the whole proceedings than would have been desirable. Having said that, I hasten to add that I still believe it is a solid and very important report.

I want to emphasise a couple of the recommendations that were in the report but, before I do that, I must say that on the whole it was a unanimous report. Senator Siewert put in some additional comments and dissented from one of the recommendations but, apart from that, the report is a unanimous one and it has some important recommendations in there. Firstly, a recommendation that I particularly want to emphasise is the recognition of the need for more resourcing at federal level for World Heritage areas. As with many areas of inquiry, there is a constant battle between whether funding should come from the federal level or state level, and there is no doubt that national parks and many other protected areas are primarily the responsibility of the states. The federal government provides some backup funding in other ways through the Natural Heritage Trust and other things, and particularly through the National Reserves System program. There is a very credible argument to say that when it comes to World Heritage areas, the listing of an area on the World Heritage List is something that is done by the federal government at federal government level. It is listed on the international stage that there should be more consistent funding from the federal government into those World Heritage areas.

I am thinking about my own state of Queensland, which has some crucial World Heritage areas. There is, of course, funding for the Great Barrier Reef Marine Park—and I should note in passing the very positive increase in funding that was announced for the Great Barrier Reef Marine Park Authority in last night’s budget. But among other incredibly important areas is particularly the Wet Tropics World Heritage area centred around Cairns but going quite a way to the
north and to the south of Cairns, which does not have adequate funding in my view and does not even have reliable funding. It relies year to year on what it can get from the Natural Heritage Trust. I do not think that is a good enough and reliable enough mechanism to use in ensuring the management of what is an incredibly important area, both in terms of its ecological diversity and, as the committee received evidence to demonstrate, its cultural diversity as well. As a Queenslander, I am rather prone to pointing out that, despite the attention that is sometimes received by areas such as, for example, the forests in Tasmania, without trying to get into a competition about these things, the ecological values of the Wet Tropics World Heritage area and Cape York to the north of that far outweigh virtually anywhere else in Australia as the most mega-diverse area within Australia. It is incredibly significant ecologically and it is also very important culturally. The Cairns region is an area that has very heavy population pressures, draws in an enormous amount of money to Australia through its tourism and has a lot of people living in and around those World Heritage areas. It merits better resourcing than what it gets and there is a clear responsibility, I believe, of the federal government to do that, as they should also with other World Heritage areas.

I also want to emphasise the recommendation for more resourcing for Indigenous protected areas. The inquiry found that the Indigenous Protected Areas program is a very important one and is very valuable. It has delivered a lot with quite a small amount of money. It was not just the Senate committee inquiry that found this; it was also in the Gilligan report, which was a separate report that occurred around the same time and specifically examined Indigenous protected areas. This report also found it to be an immensely valuable program: immensely valuable in delivering ecological benefits and in maintaining and building biodiversity, immensely valuable in delivering a valuable role for Indigenous traditional owners in working on their country, and immensely valuable in making use of those skills that traditional owners have in land management that are not adequately being made use of in many parts of our environmental management. In recognising culture, in employment opportunities, in showing respect—in all sorts of areas it delivers positives. It is one of the best examples I can think of of a multiple win program and it is one that the federal government deserves credit for establishing. Like many government programs at state level as well as federal level, they have relied a lot on using CDEP labour on the cheap to be able to do the program without properly funding it.

Another positive measure from last night’s budget, I note, was the funding to transform some CDEP jobs into full-time government service delivery jobs. The largest area that it applies to is in the environmental service delivery area. I certainly hope and expect that some of those will apply in areas of Queensland but also obviously in states other than my own where it will deliver results. There is still a lot of potential for expanding in that regard with further government resourcing of environmental service delivery through Indigenous people, both traditional owners and others, and also through further funding and expansion of Indigenous protected areas. That is a very important recommendation.

That links to another recommendation which calls on both state and federal levels of government to make much more meaningful use of the expertise in environmental management that Indigenous people around Australia have. It is not just some sort of feel-good measure; it is a simple fact that one of the reasons we are not doing as well as we could in managing some places around
the country is that we do not know well enough what we are doing, and we have genuine expertise in many traditional owners in many parts of the country that is not being tapped into. In many cases, it is—even if inadvertently or unconsciously—pushed aside.

I note in particular the evidence that the committee received in Cairns from both the Aboriginal Rainforest Council and the Cape York Land Council about how, when things are done badly, setting up national parks or other protected areas can actually be another form of dispossession for Indigenous people. That is not only unjust but also, even from those who simply see the need for ecological management, cutting off our nose to spite our face, because we are excluding the expertise that we should be making much more use of.

I hope this report serves as an opportunity to enable that expertise to be used, and I urge the government to pick up on those recommendations and some other key ones, such as those on invasive species. One thing I have to emphasise is that it was a pretty poor reflection, frankly. The first two recommendations of this report acknowledge that the report on invasive species from 2004 has not been responded to. Finally, I thank the secretariat. In particular, I thank Jacqueline Dewar, the initial secretary to the inquiry, and Ian Holland and the many others who worked on this very important report, which I hope will be beneficial in further focusing on and making improvements in what is a very important area of environmental activity—that is, our protected areas.

Senator SIEWERT (Western Australia) (5.32 pm)—I seek leave to continue my remarks on the same report later.

Leave granted; debate adjourned.
lowed the whole Irish situation for many years with personal interest. But I also think we could learn a lot of lessons from it.

It is absolutely extraordinary. I still cannot believe that I heard on the radio of Ian Paisley sharing government with anybody, frankly, let alone with anybody from the Catholic side of the spectrum or with people from Sinn Fein. That should be a tribute to him as it should be to those from the Sinn Fein side and to those who worked over the years in what would be perceived to be the middle ground. They are probably just as bamboozled as everybody else that the middle ground disappeared and it is the people on the perceived extremes who have managed to pull together what I hope turns out to be a workable government.

I think it is appropriate for the Senate to acknowledge the response from the UK Prime Minister and I put on the record both my support for the resolution in a personal sense and a recognition of how important and historic this event is and the lessons we can learn from it. No situation anywhere in the world translates perfectly to somewhere else, but it is worth looking at what it was that managed to get peace between some extremely divided groups.

It is worth noting how the definition of who is and who is not a terrorist and who is or is not a bad guy can shift over time. Gerry Adams from Sinn Fein—along with others whom the Senate acknowledged by a resolution as being part of this peace process—is the same Gerry Adams who was refused entry into Australia not that many years ago because of him being seen to be not a fit and proper person. People often say the same thing about Nelson Mandela and others who were called terrorists at one stage and then statespersons and people of peace the next.

It is a reminder that even the most impossible situation can still have a resolution if people look and work towards peace. It is also a reminder about the importance of working to try to include people—even some of those who appear most on the extreme—rather than simply dismissing, exiling and alienating people. I note the response from the UK Prime Minister and welcome the UK peace process that it relates to.

Question agreed to.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Forshaw)—Order! The President has received letters from a party leader seeking variations to the membership of committees.

Senator JOHNSTON (Western Australia—Minister for Justice and Customs) (5.37 pm)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

- Appropriations and Staffing—Standing Committee—
  Appointed—Senator Parry
- Australian Crime Commission—Joint Statutory Committee—
  Appointed—Senator Parry
- Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—
  Appointed—Senator Parry
- Community Affairs—Standing Committee—
  Discharged—Senator Fierravanti-Wells
  Appointed—Senator Boyce
- Economics—Standing Committee—
  Appointed—Participating member: Senator Sandy Macdonald
- Employment, Workplace Relations and Education—Standing Committee—
  Discharged—Senator Fifield
  Appointed—
    Senator Birmingham
First Reading

Bills received from the House of Representatives.

Senator JOHNSTON (Western Australia—Minister for Justice and Customs) (5.38 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 JOHNSTON (Western Australia—Minister for Justice and Customs) (5.39 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—

The Education Services for Overseas Students Legislation Amendment Bill 2007 is the third Bill to implement measures recommended by the independent evaluation of the Education Services for Overseas Students Act 2000 (the ESOS Act). The ESOS Act protects the high quality reputation of Australia’s education and training export industry by regulating education and training providers, providing consumer protection and tuition assurance for overseas students, and ensuring the integrity of the student visa programme.

This Bill includes amendments that support the revised National Code of Practice for Registration Authorities and Providers of Education and Training for Overseas Students (the National Code 2007), enhance national consistency, streamline administrative procedures for international education providers and ensure that the ESOS legisla-
tion supports student visa conditions and migration regulations.

The evaluation of the ESOS Act and the Joint Standing Committee on the National Capital and External Territories report in August 2004 have recommended that the ESOS legislation be extended to enable Christmas Island District High School to apply to be registered to enrol overseas students. Christmas Island District High School and other representatives of the Christmas Island community have sought this amendment to ensure the ongoing viability of years 11 and 12 at the school and assist the island’s economy. My Department has worked with the Department of Transport and Regional Services and the West Australian Department of Education Services to resolve the policy and operational implications of the amendment. This amendment will enable Christmas Island District High School to seek registration under the ESOS Act to deliver education to overseas students.

My Department has been working with the state and territory governments to review their respective roles and responsibilities in the administration of the ESOS legislative framework. This amendment provides greater flexibility in relation to the investigatory roles to be undertaken by the Australian and state and territory governments in relation to the National Code 2007. Measures made possible by this amendment will enhance national consistency and minimise any perception of duplication in compliance monitoring by the designated authorities and the Australian Government.

An increasing number of both vocational education and training and university courses include an element of study completed with an inter-state partner. Inter-state work-based training opportunities are attractive to providers facing a scarcity of industry places in their state or territory. There is a strong call from providers, industry representative bodies and some states and territories to allow international students to undertake part of their course inter-state. A further amendment will facilitate course delivery by arrangement across state boundaries. This will allow for industry placements and course components to be offered by institutions in other states where the designated authority approves the arrangement and takes on the responsibility for regulation and compliance monitoring.

The National Code 2007 allows international education providers to more effectively manage the educational outcomes of their students. Providers have some discretion as to when they elect to report a student for breaches of visa conditions in relation to attendance, where course progress is satisfactory and compassionate and compelling circumstances exist. The consumer support mechanisms of the provider, such as specified timeframes for access to independent dispute resolution processes, have been strengthened. Consequently, when a student is reported to the Department of Immigration and Citizenship for unsatisfactory course progress or attendance, its officers will not look behind the educational judgement of the provider. This amendment will ensure that the provider is responsible for educational issues. The role of the Department of Immigration and Citizenship will be to finalise the student’s visa status.

A technical amendment to the ESOS Act is proposed to reflect the requirement for international education providers to have written agreements with all overseas students. Previously, written agreements with students were optional for providers. This has been revised in the National Code 2007 to reflect the importance of formal agreements for all overseas students.

A technical amendment is also required to allow for the removal of the late penalty payment currently imposed on an international education provider’s annual contribution to the ESOS Assurance Fund. The ESOS evaluation identified that the penalty does not act as a significant deterrent and is not viable on a cost benefit basis.

The ESOS Act and its complementary legislation ensure the quality of education and training provision to overseas students, provide overseas students with consumer protection and maintain the integrity of the student visa system. The amendments contained in the Bill will simplify procedures for international education providers and enhance national consistency in the administration of the ESOS Act. These amendments will be welcomed by the international education industry. I commend the bill to the Senate.
The Families, Community Services and Indigenous Affairs Legislation Amendment (Child Support Reform Consolidation and Other Measures) Bill 2007 introduces several different measures affecting the Families, Community Services and Indigenous Affairs portfolio legislation.

In particular, the bill consolidates the government’s major 2006 legislation that restructured the Child Support Scheme in line with the recommendations of the Ministerial Taskforce on Child Support, chaired by Professor Patrick Parkinson. As is usual following such a substantial legislative task, a follow-up bill is needed to complete consequential amendments and make minor refinements. These consolidation measures will be in place, ready for the implementation of the new child support formula on 1 July 2008.

Most of the consolidation amendments are to provide, in various provisions, further fine detail of the new policies passed by the Parliament, such as in clarifying some of the processes to do with review by the Social Security Appeals Tribunal of child support decisions and the changed arrangements with the courts. Technical details such as how the two child support Acts interact are being addressed, and consequential amendments are being made to taxation legislation. A refinement is being made to the new formula to make sure the assessment of child support is more appropriate in certain cases in which the children are in different households. The basis of some of the provisions dealing with child support agreements between parents is being strengthened. Remote area allowance under the social security and veterans’ entitlements legislation is being extended so parents with regular care of a child (that is, care of between 14 and 35 per cent) continue to receive the allowance after the 1 July 2008 changes to family tax benefit.

In a further child support initiative, the bill relocates many amendments from the Child Support Legislation Amendment Bill 2004. That bill, which will now no longer be needed, was introduced in late 2004. However, there were many worthy measures in that bill and, now the Taskforce reforms have been enacted, the 2004 measures still required in light of the Taskforce reforms can move ahead.

Among the measures from the 2004 bill are amendments to move into the primary child support legislation certain provisions currently contained in regulations. These allow Australia to meet its international obligations to certain other countries in assessing and enforcing child support liabilities across jurisdictions. Mostly, the provisions are simply being relocated from the regulations. However, after some years of experience with the provisions, the opportunity is also being taken to refine some aspects of the provisions.

The 2004 bill measures also include several amendments to improve equity, between the two parties to a child support case, in access to court for review of any decision about whether one of the parties is a parent of the child in question. Some minor streamlining refinements are also being made to the internal review system for child support decisions generally.

The last of the 2004 bill measures are of a minor policy or technical nature, and are generally to address anomalies in the current system or improve aspects of child support administration. For example, the requirement to give information about an administrative assessment to both parents affected by the assessment is being rationalised to make sure only necessary information is given in each case, while still making sure each parent has enough information to explain fully the basis for the assessment.

This new bill also includes several family assistance amendments, some of them associated with the child support reforms. For example, the maintenance income test provisions for family tax benefit are being refined. This is partly to reflect the new treatment under the child support reforms of child support agreements and lump sum child support. Refinements are also made to certain elements of the formula used to work out the notional amount of maintenance income an individual is taken to have received under a child support agreement or court order where there is an underpayment of child support registered for collection by the Child Support Agency. It is also being clarified that maintenance income received by a
payee for one or more children would reduce the payee’s amount of family tax benefit Part A above the base rate for those children only.

Separate amendments to the baby bonus provisions will ensure that under 18 year old claimants are paid the baby bonus in 13 instalments, rather than in a lump sum, will introduce registration of birth as a condition of eligibility for the baby bonus, and will formally rename the payment from ‘maternity payment’ to ‘baby bonus’, in line with most people’s understanding.

Under this bill, the usual 13 week period for full payment of family tax benefit while temporarily outside Australia will be extended for members of the Australian Defence Force and certain Australian Federal Police personnel of the International Deployment Group, who are deployed overseas as part of their duties and, as a result, remain overseas for longer than 13 weeks.

The bill will extend the asset test exemption of principal home sale proceeds from 12 months to up to 24 months. The change will assist people who cannot purchase or build a new home within 12 months due to factors beyond their control. The bill will also extend the current 12 months principal home temporary absence rules for absences of up to 24 months, for people who have suffered loss of or damage to their homes due to a disaster. Cyclone Larry has shown that a year may not be long enough where the rebuilding efforts of a disaster-affected community are stretched.

Lastly, the bill will make minor refinements to the operation of the income streams provisions of the social security and veterans’ means test.

Senator JOHNSTON—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

First Reading

Bills received from the House of Representatives.

Senator JOHNSTON (Western Australia—Minister for Justice and Customs) (5.40 pm)—I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator JOHNSTON (Western Australia—Minister for Justice and Customs) (5.40 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—

BROADCASTING LEGISLATION AMENDMENT (DIGITAL RADIO) BILL 2007

The transition to digital is the arguably the most important strategic issue facing Australian radio since the introduction of FM services in the 1970s and early 80s.

Radio broadcasting has an established and unique position in the Australian media landscape. It is the most ubiquitous of all media, being found in virtually every home, car and workplace in the country.

Digitisation is transforming all media and communications sectors, enabling the delivery of a common range of audio-visual, entertainment and information services to an increasingly more engaged, demanding, and fragmented audience. This is no more evident than in radio, where evolving digital technologies – such as MP3 players, iPods and other handheld digital audio devices – are changing listening patterns and re-shaping the way audio content is created, distributed and consumed.
In this context, it is notable that radio is the last significant broadcasting platform to remain analogue-only.

The Broadcasting Legislation Amendment (Digital Radio) Bill 2007 provides radio with the opportunity to build upon its existing strengths and define its position in the emerging digital landscape. By encouraging the delivery of a range of new and innovative digital services, this legislation will advance the potential consumer benefits of digital radio and enhance the high quality radio services already enjoyed by millions of Australians every day.

I now turn to the substance of the bill.

The bill amends the Broadcasting Services Act 1992, Radio communications Act 1992 and Trade Practices Act 1974 to enable the licensing, planning and regulation of digital radio services. It also provides sufficient powers for the Australian Communications and Media Authority (ACMA) and the Australian Competition and Consumer Commission (ACCC) to undertake such activities.

These amendments implement the Government’s policy framework for the introduction of digital radio services that was announced in October 2005. The key premise of the framework is that digital radio will supplement existing analogue radio services for a considerable period, and may never be a complete replacement. This is the clear message to emerge from the experience with digital radio overseas and from the research and consultations undertaken to support the development of the policy framework.

While most countries to have introduced digital radio anticipate that it will eventually replace analogue services, none have done so with a firm expectation of analogue switch-off. Analogue radio shutdown is a long-term prospect at best, with the dual operation of analogue and digital likely to continue for a significant period. In recognition of this, the bill provides for a progressive transition to digital radio, without seeking to mandate an unrealistic and costly conversion from analogue.

The first digital radio broadcasts are expected to occur in the state capital city market markets by 1 January 2009. To this end, the bill amends existing licence categories for commercial and community radio broadcasting to authorise the provision of digital radio services.

The participation of commercial, national and community broadcasters in the first phase of digital radio implementation recognises that the strength of Australian radio over recent decades has been based, in no small part, on the individual contributions made by each of these sectors. Diversity of services will be as important to the success of digital radio as it has been in analogue, and the involvement of each these sectors will ensure the new platform can capitalise on the established skills and brand names of existing broadcasters.

These first digital radio services will be deployed using the European Digital Audio Broadcasting or DAB standard, which is the most widely deployed terrestrial digital radio system internationally and, importantly for a small market like Australia, for which a wide range of reasonably priced, consumer receivers are available.

While the Government favours an industry-based approach to developing technical standards, the bill provides ACMA with the power to determine such standards in relation to digital radio where necessary. ACMA will also be provided with the power to require industry to develop and register codes of practice relating to a range of digital radio issues and determine standards where these codes do not operate effectively. These measures will help ensure that consumers are appropriately protected as this new technology is introduced.

While digital radio services will initially be introduced in the state capital cities, listeners outside the state capitals have not been overlooked. The Government remains committed to ensuring equitable access to new services in broadcasting for people living in rural and remote Australia, and commercial broadcasters in regional markets will be provided with the opportunity to commence DAB services should they wish to do so.

The bill also provides for a statutory review of issues surrounding the development of technologies that may be better suited to rollout in regional areas. This review, due to occur by 2011, will provide a timely consideration of the opportunities for regional digital radio in the context of the development of the platform in metropolitan areas as well as internationally.
To provide a measure of stability and certainty for the commercial broadcasters as they rollout digital radio transmission infrastructure and commence broadcasts, the bill introduces a six year moratorium on the issue of new licence area planned commercial digital radio licences from the commencement of services in the respective markets. This moratorium gives effect to the Government’s 2004 election commitments and is consistent with the period of legislative protection provided for digital television.

However, the moratorium will be contingent upon each of the incumbent commercial radio broadcasting licensees commencing at least one digital radio service in the relevant market and continuing to provide such a service for the duration of the moratorium. Failure by any licensee to meet this requirement will result in the licensee forfeiting their right to provide digital radio services and will require the regulator to issue a new digital commercial radio licence for the licence area in question. This obligation will ensure that the commercial industry is provided with appropriate incentives to make the most of the opportunity to digitise provided in this bill.

The bill also provides for a statutory review of the regulatory regime for digital radio, to occur before the end of the moratorium.

In relation to the community radio sector, the bill will authorise the provision of digital radio by those community stations whose licence area is the same as licence area for the commercial radio services in the market. These services are known as wide-coverage community radio broadcasters. The bill provides for these broadcasters to form a representative company to take-up the opportunity to operate in digital on a collective and equitable basis.

The introduction of the DAB standard involves a new approach to the transmission of radio services. The DAB digital radio system utilises a multiplex to aggregate a number of radio services for transmission on the one frequency channel. While generally more spectrum efficient, this approach marks a departure from analogue radio where one service corresponds to one frequency channel.

To accommodate these new transmission arrangements, the bill establishes a new multiplex transmitter licence category. In the case of commercial and community broadcasters, the first multiplex transmitter licences will be issued via an equitable, election-based process, providing current broadcasters with the opportunity to form a company to jointly hold the licence for their services for an administrative charge only.

This is consistent with arrangements for analogue radio and digital television where broadcasters manage the transmission of their services and control the associated spectrum. Any further allocation of multiplex transmitter licences for digital commercial and community radio broadcasting services in an area will be via a price-based system.

Separately, the bill creates a specific category of multiplex transmitter licence to accommodate the digital radio services of the national broadcasters – the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS) – and provides for the reservation of frequency channel capacity for this purpose. This recognises the key role that the ABC and SBS may be able to play in driving consumer take-up of digital radio, and will ensure the ABC and SBS have access to spectrum to provide a comparable range of digital services throughout Australia as the technology is progressively introduced.

The digital radio services provided using multiplex transmitter licences will be subject to existing content regulation arrangements administered by ACMA applying to analogue radio services, including codes of practice, standards and licence conditions. With these safeguards in place, the bill provides broadcasters with the scope and stimulus to develop innovative new digital radio programming likely to be essential for the take-up of the new platform.

Commercial and community radio broadcasting licensees, together with the national broadcasters, will be permitted to provide multiple digital radio services, rather than a single stream of radio content. This harnesses the potential of the DAB standard to expand the range of radio services in a spectrum efficient manner, enabling broadcasters to provide a wide range of programming responsive to audience needs.

The delivery of unique-to-digital content has been seen to be critical in driving consumer interest in
digital radio in many overseas markets. As such, there will also be no requirement for these broadcasters to simulcast their existing analogue services in digital, although some broadcasters may choose to do so. However, the bill will require that any additional multiplex capacity acquired by commercial radio broadcasters, beyond the initial ninth of a multiplex to which they are entitled, must be used to provide essentially new services.

Additionally, the bill establishes a new category of restricted datacasting licence to enable the use of the digital radio platform to offer new, non-traditional radio services, including text, data, images and related content. This provides an appropriate pathway for new entrants to digital radio during the moratorium period, and enables innovative, new digital services to emerge in response to consumer needs.

The introduction of the DAB multiplex raises a number of unique competition and access issues that are not present in analogue. With limited available spectrum for digital radio, multiplex transmitter licensees have the potential to act as gatekeepers in accessing digital radio transmission facilities in any market, with the power to set terms and conditions of access which may be unreasonable or discriminatory.

To address this concern, the bill introduces an access regime that is designed to ensure efficient, open and generally non-discriminatory access to digital radio multiplexes. The regime will require multiplex transmitter licensees providing commercial or wide-coverage community radio broadcasting services to develop and obtain approval from the ACCC for undertakings setting out the terms and conditions of access to multiplex capacity. These undertakings will be enforceable by an order made by the Federal Court.

Multiplex transmitter licensees will also be required to abide by a set of obligations relating to the use and distribution of multiplex capacity. Each incumbent digital commercial radio licensee will have an opportunity to access one ninth of the multiplex capacity on transmitter licences issued to provide the digital radio services of incumbent broadcasters (known as foundation multiplex licences). These access rights are referred to as standard access entitlements.

Community broadcasters will also have an opportunity to access multiplex capacity through standard access entitlements. The bill enables the community broadcasting representative companies to nominate licensees to hold up to two ninths of the multiplex capacity on any foundation licence. These standard access entitlements provide incumbent broadcasters with surety of access to multiplex capacity for their digital radio services, irrespective of whether or not they choose to control the relevant foundation multiplex licence.

In addition, the bill establishes obligations for the distribution of multiplex capacity not constituting part of standard access entitlements in a fair and open manner. It also sets out a requirement for multiplex licensees to uphold the technical and operating quality of services on a non-discriminatory basis. These obligations will be enforceable by an order or injunction made by the Federal Court.

Taken as a whole, the measures contained in this bill provide a sound basis for the introduction of digital radio broadcasting in Australia. The bill cements radio’s important position in the Australian media landscape, providing industry with the opportunity to invest in innovative new digital content and provide listeners with a rich and more diverse radio offering.

**RADIO LICENCE FEES AMENDMENT BILL 2007**

The Radio Licence Fees Amendment Bill 2007 complements the Broadcasting Legislation Amendment (Digital Radio) Bill 2007 which implements the Government’s policy framework for the introduction of digital radio services in Australia.

The Digital Radio Bill will allow incumbent commercial radio broadcasting licensees to provide their existing analogue services, together with one or more digital radio services, using their existing licences. Any new digital commercial radio licensees in the future will also be able to provide multiple digital services.

Taken together with the Digital Radio Bill, the Radio Licence Fees Amendment Bill would amend the Radio Licence Fees Act 1964 to ensure
that all revenue earned from analog and digital radio broadcasting services is counted for the purposes of calculating the radio broadcasting licence fee.

This is consistent with the licence fee arrangements for analogue and digital broadcasting services and datacasting services provided by commercial television broadcasters.

Senator JOHNSTON—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

TAX LAWS AMENDMENT (2007 MEASURES No. 2) BILL 2007

First Reading

Bill received from the House of Representatives.

Senator JOHNSTON (Western Australia—Minister for Justice and Customs) (5.41 pm)—I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator JOHNSTON (Western Australia—Minister for Justice and Customs) (5.41 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

This Bill implements a number of changes and improvements to Australia’s taxation system.

Schedule 1 to this Bill contains technical corrections and amendments to the uniform capital allowances system to more closely align the decline in value deductions for mining, quarrying and prospecting rights with other depreciating assets.

This measure will ensure that the provisions in the tax law for these rights operate as the Government intended.

Schedule 2 to this Bill will improve the fairness of the taxation rules that apply to income earned from certain boating activities, while ensuring that the tax system cannot be used to subsidise the private use of boats.

The current law generally denies income tax deductions for expenses incurred in holding or using a boat, other than expenses incurred by specified types of boating business, such as a ferry service. However, the current law still taxes all boating income.

The measures in schedule 2 to this Bill implement the Government’s decision to allow taxpayers to deduct expenses denied under the current rules, up to the amount of boating income earned. Excess deductions will be able to be carried forward and deducted against boating income in future years. GST input tax credits may also be available for these expenses, provided the requirements in the GST law are met.

These amendments will address the unfairness in the current law while Schedule 3 to this Bill ensures the law reflects the Government’s original policy intent for the refundable research and development (or R&D) tax offset for small and medium businesses. It also ensures the law reflects the Government’s intent with regard to the 175 per cent premium incremental concession for additional labour-related expenditure on R&D.

These amendments will improve the operation of the R&D tax offset by extending the time companies have to choose the offset. They will also allow companies to object to decisions made by the Commissioner of Taxation, regarding the allowable amount of the offset.

The amendments ensure that the existing exception to the minimum expenditure of $20,000 for contracted expenditure to a registered research agency, applies to both R&D tax deductions and the R&D tax offset. The amendments also ensure that all companies in a group are covered by the R&D tax offset provisions.

These amendments will improve the operation of the 175 per cent premium incremental concession by ensuring that a premium deduction amount can
be allocated to all companies in a group that have increased R&D expenditure over their three year average.

Schedule 4 gives effect to the Government’s announcement in the 2006-07 Budget to extend the gift provisions to promote philanthropic giving by allowing taxpayers to claim a tax deduction for the donation of certain publicly listed shares to deductible gift recipients.

Schedule 5 will amend the list of deductible gift recipients in the tax legislation. Deductible gift recipient status will assist the listed organisations to attract public support for their activities.

Schedule 6 to this Bill amends the tax legislation by extending the eligibility for tax deductions for contributions to deductible gift recipients, where an associated minor benefit is received with an eligible fund-raising event.

The improvements to the taxation deductibility provisions provide further support to encourage philanthropy in the community.

Schedule 7 makes technical corrections and amendments to the income tax law related to exempt entities. It will ensure Public Ancillary Funds and Prescribed Private Funds do not lose their income tax exempt status when they distribute money to Commonwealth, State or Territory bodies which are exempt from tax and are also deductible gift recipients. Examples of such bodies are the National Gallery of Victoria and the Sydney Opera House.

Schedule 8 amends the venture capital regime in the tax law. These amendments relax the eligibility requirements for foreign residents investing in venture capital limited partnerships and Australian venture capital funds of funds. They also introduce a new set of taxation concessions for Australian residents and foreign residents investing in early stage venture capital activities. This is achieved through a new investment vehicle called an early stage venture capital limited partnership.

Changes to the venture capital regime were announced in the 2006-07 Budget as a package of measures aimed at increasing activity in the venture capital sector. This measure addresses key findings of a review into Australia’s venture capital industry. It further demonstrates the Government’s ongoing support for new business ventures and the promotion of industry innovation.

Full details of the measures in this Bill are contained in the explanatory memorandum.

Senator JOHNSTON—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

AIRPORTS AMENDMENT BILL 2006
SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION AMENDMENT BILL 2006
TAX LAWS AMENDMENT (2006 MEASURES No. 7) BILL 2006
Returned from the House of Representatives
Messages received from the House of Representatives agreeing to the amendments made by the Senate to the bills.

COMMITTEES
Australian Commission for Law Enforcement Integrity Committee
Membership
Message received from the House of Representatives informing the Senate of the appointment of Mr Baird, Mrs May and Mrs Hull to the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity.

AVIATION TRANSPORT SECURITY AMENDMENT (ADDITIONAL SCREENING MEASURES) BILL 2007
PRIVATE HEALTH INSURANCE BILL 2007
PRIVATE HEALTH INSURANCE (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2007
<table>
<thead>
<tr>
<th>Bill Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIVATE HEALTH INSURANCE (PROSTHESES APPLICATION AND LISTING FEES) BILL 2007</td>
</tr>
<tr>
<td>PRIVATE HEALTH INSURANCE (COUNCIL ADMINISTRATION LEVY) AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>PRIVATE HEALTH INSURANCE COMPLAINTS LEVY AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>PRIVATE HEALTH INSURANCE (COUNCIL ADMINISTRATION LEVY) AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>PRIVATE HEALTH INSURANCE (REINSURANCE TRUST FUND LEVY) AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>AIRSPACE BILL 2007</td>
</tr>
<tr>
<td>AIRSPACE (CONSEQUENTIALS AND OTHER MEASURES) BILL 2007</td>
</tr>
<tr>
<td>ENERGY EFFICIENCY OPPORTUNITIES AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>APPROPRIATION BILL (No. 3) 2006-2007</td>
</tr>
<tr>
<td>APPROPRIATION BILL (No. 4) 2006-2007</td>
</tr>
<tr>
<td>BANKRUPTCY (ESTATE CHARGES) AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>BANKRUPTCY LEGISLATION AMENDMENT (DEBT AGREEMENTS) BILL 2007</td>
</tr>
<tr>
<td>AUSTRALIAN ENERGY MARKET AMENDMENT (GAS LEGISLATION) BILL 2007</td>
</tr>
<tr>
<td>SCHOOLS ASSISTANCE (LEARNING TOGETHER—ACHIEVEMENT THROUGH CHOICE AND OPPORTUNITY) AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>TOURISM AUSTRALIA AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>CUSTOMS TARIFF AMENDMENT (GREATER SUNRISE) BILL 2007</td>
</tr>
<tr>
<td>OFFSHORE PETROLEUM AMENDMENT (GREATER SUNRISE) BILL 2007</td>
</tr>
<tr>
<td>NON-PROLIFERATION LEGISLATION AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>AGED CARE AMENDMENT (SECURITY AND PROTECTION) BILL 2007</td>
</tr>
<tr>
<td>ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>AUSCHECK BILL 2007</td>
</tr>
<tr>
<td>SAFETY, REHABILITATION AND COMPENSATION AND OTHER LEGISLATION AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>TAX LAWS AMENDMENT (2006 MEASURES No. 7) BILL 2007</td>
</tr>
<tr>
<td>TAX LAWS AMENDMENT (2007 MEASURES No. 1) BILL 2007</td>
</tr>
<tr>
<td>BANKRUPTCY LEGISLATION AMENDMENT (SUPERANNUATION CONTRIBUTIONS) BILL 2007</td>
</tr>
<tr>
<td>HEALTH INSURANCE AMENDMENT (PROVIDER NUMBER REVIEW) BILL 2007</td>
</tr>
<tr>
<td>AIRPORTS AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>FARM HOUSEHOLD SUPPORT AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>NATIVE TITLE AMENDMENT BILL 2007</td>
</tr>
<tr>
<td>MIGRATION AMENDMENT (BORDER INTEGRITY) BILL 2007</td>
</tr>
<tr>
<td>MIGRATION LEGISLATION AMENDMENT (INFORMATION AND OTHER MEASURES) BILL 2007</td>
</tr>
<tr>
<td>CORPORATIONS AMENDMENT (TAKEOVERS) BILL 2007</td>
</tr>
</tbody>
</table>
EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION AMENDMENT (WELFARE TO WORK AND VOCATIONAL REHABILITATION SERVICES) BILL 2007

Assent

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

COMMITTEES
Standing Committees
Reports

Senator PARRY (Tasmania) (5.43 pm)—Pursuant to order and at the request of the chairs of the respective committees, I present reports, Hansard records of proceedings, and documents from the Standing Committee on Economics, the Standing Committee on Community Affairs and the Standing Committee on Legal and Constitutional Affairs, in respect of bills referred to those committees on the recommendation of the Selection of Bills Committee.

Ordered that the reports be printed.

GENE TECHNOLOGY AMENDMENT BILL 2007

In Committee
Consideration resumed.

The TEMPORARY CHAIRMAN (Senator Forshaw)—The committee is considering the Gene Technology Amendment Bill 2007 and Australian Greens amendments (2) and (3) on sheet 5247 moved by Senator Siewert.

Senator SIEWERT (Western Australia) (5.44 pm)—I thank the senator for tabling the guidelines—it was very helpful. I am seeking some further clarification around certain issues that relate to the amendments that I am moving. I want to go to the issue of threat again. I am trying to seek some clarification around the definition of threat—imminence, severity and scale. Let me use an example. In the guidelines they use the example of an oil spill. We have had many oil spills in Australia, and I would hate to think that a genetically modified organism would have been released in relation to any of these oil spills. I have a level of nervousness, as do I think a number of people, around what you would define as an imminent threat in relation to an oil spill or an industrial spillage, and I seek some guidance around those issues. It is not contained in the guidelines and, while the guidelines clarify some detail, they do not clarify that level of detail.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.45 pm)—The honourable senator raises an interesting point. The word ‘threat’ is not defined in the legislation—you are quite right. It is an everyday, ordinary English usage term and it is simply to be read as that. In relation to the relationship with the emergency, if you are looking at section 72B(2)(a), it says:

... that there is an actual or imminent threat to the health and safety of people or the environment ...

We are talking about imminent threat to the health and safety of people or to the environment. Subsection (3) talks about, among other things, a threat from industrial spillage. It all has to relate back to the head provision, which is ‘an imminent threat to the health and safety of people or the environment’. Clearly, a threat from industrial spillage would be a threat to the environment. It would be imminent and it would be actual. You are quite right to raise the question about whether a genetically modified organism would assist in that process. It may or it may not but, if it is a possibility and would assist in that sort of emergency, the government would like to be able to use it.

Senator SIEWERT (Western Australia) (5.47 pm)—I have articulated in my speech...
on the second reading debate the concern we have about the release of an unassessed genetically modified organism into the environment. The issue of scale and severity goes specifically to the issue around industrial spillages. When does an industrial spillage such as an oil spill become such a threat that it requires these extraordinary provisions? That is what I am seeking to clarify and get some guidance on because I cannot think of a spill—and I come from a very strong environmental background—in Australia that I have been involved with in some form or another that I would think would be severe enough to trigger these amendments. I am not aware of any where I would think that the threat was so severe that you would release untested—and here we are talking about potentially untested and unassessed—GMOs.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.48 pm)—I think it is fair to say that an example might be if for some reason, hypothetically, an oil tanker was wrecked off the Great Barrier Reef and half a million tons of oil leached out onto the reef. That would qualify as an emergency under the legislation—that is the first issue; that is an example. You raise a question about unlicensed GMOs. As I have said—and I know we are going to come back to this later in terms of your amendments—it is only in highly prescribed circumstances that the minister can seek a licence. We will come back in a minute to have that debate but there may, for example, be examples where a GMO has been tested in another country and for various reasons it has not been tested in Australia. The emergency is appalling. It is a shocking oil leak but, for example, they have used a GMO to combat the spillage in, let us say, the United States. Sometimes governments have to act very quickly. All this legislation is about is the capacity to act very quickly to stop huge environmental damage.

Senator SIEWERT (Western Australia) (5.49 pm)—I thank the senator and I understand the example you are using. I must admit it sends shivers up my spine that at one of the world’s icons we might be releasing untested GMOs. That gives me further cause for concern, but it still relates to the fact that in the guidelines and the bill there is not a boundary around what the scale of the threat is that we are talking about. I appreciate the example that you have used. I would prefer it to be in guidelines, which it is not. I have read them and it is not in the bill, which is why I will be moving amendment (4)—to put some regulations around that. I thank you for giving me some examples.

I have another question, and it also relates to some clarification around a definition. It may be that I do not understand the legislation or have misread it. Am I correct that the guidelines say:
The Minister may declare a thing to be a GMO by regulation for a limited period if the Minister believes on reasonable grounds that the thing is an actual or imminent threat to the health and safety of people or the environment and there is doubt that the thing meets the definition of a GMO in the Act.

Is it designed to ensure that this in fact meets the object of the act and that a thing that causes the damage may not be a GMO but has been declared a GMO for the object of the act? I am seeing some nodding from the advisers box.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.51 pm)—It is important that I should state at the outset that the guidelines, which I tabled earlier today, are simply guidelines. They do not have any legal status per se; they are simply an aide-memoire for consultation. The bill provides the legislative framework for ministerial dis-
rection. It is probably best just to refer to the bill as it is at the moment because that will simplify our discussion.

Senator SIEWERT (Western Australia) (5.52 pm)—I do take your point but the question remains nevertheless because for me it is a bit unclear. A thing can be defined as a GMO even if it is not, so therefore it technically comes under the bill. One of the issues I raised during my speech in the second reading debate was the fact that we believe that some of these provisions could be outside the object of the act. Therefore, if a thing is described as a GMO even if it is not, it brings that into the act.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.53 pm)—A GMO is a GMO. It is as simple as that.

Senator SIEWERT (Western Australia) (5.53 pm)—I appreciate I am talking about the guidelines—the point is that if it is open for misinterpretation at the ministerial council level, it is open to misinterpretation elsewhere. Is the only thing we are talking about here, in terms of threat, a GMO? Is it to be declared a GMO for the object of it being dealt with under this act?

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.53 pm)—A GMO is a GMO. It is as simple as that.

Senator SIEWERT (Western Australia) (5.53 pm)—I appreciate I am talking about the guidelines—the point is that if it is open for misinterpretation at the ministerial council level, it is open to misinterpretation elsewhere. Is the only thing we are talking about here, in terms of threat, a GMO? Is it to be declared a GMO for the object of it being dealt with under this act?

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.53 pm)—A GMO is a GMO. It is as simple as that.

Senator SIEWERT (Western Australia) (5.53 pm)—I was going to ask Senator Siewert where she read that from.

Senator SIEWERT (Western Australia) (5.55 pm)—It is on page 3 of the guidelines.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.55 pm)—Senator Siewert, I think that in your reference to the guidelines you are referring to recommendation 9.3 of the review which recommends:

... the IGA be amended to provide capacity for the Commonwealth to declare a thing to be a GMO by regulation for a limited period in an emergency. This would be notified to—

the ministerial council—

in the first instance. It is recommended—

in the review, that the ministerial council—

must agree to the Regulations—

to the regulations, not the bill—

before they are submitted to the Executive Council for renewal.

So declaring by regulation a thing to be a GMO is an existing provision at the moment.

Senator SIEWERT (Western Australia) (5.56 pm)—I was actually referring to the guidelines. It says:

The minister may declare a thing to be a GMO by regulation for a limited period if the Minister believes on reasonable grounds that the thing is an actual or imminent threat to the health and safety of people ...

I interpret that to mean that we are not now talking about the GMO that is used to deal with the threat, which is why I am confused.
page 3 of the guidelines. That is currently in the legislation so that is not in the bill we are debating; that is the current law.

Senator SIEWERT (Western Australia) (5.57 pm)—I accept that but, while it is currently in the law, the emergency dealing provisions are not. That is what is going into the legislation. So is the thing that can already be declared a GMO because of its threat the thing that the emergency dealing provisions also deal with?

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.57 pm)—No.

Senator McLUCAS (Queensland) (5.58 pm)—If the debate has concluded between Senator Siewert and Senator Mason, I should indicate that Labor will not be supporting the amendments moved by the Greens—that is, amendments (2) and (3) on the sheet we are dealing with. The condition that the bill requires, which I think is particularly relevant here, is that the states and territories will be consulted before these emergency provisions are enacted. That gives me some comfort that, if someone spills a can of oil, we are not going to release a whole heap of GMOs. There is going to be a proper process of analysis, finding out, and doing the balancing act. We will have answers to questions such as: is the loss of the Great Barrier Reef a bigger risk when compared to that of the release of these GMOs, given they have been tested in these ways? I feel confident that the sort of decision-making processes that would be applied in that circumstance, which I certainly hope will never have to be contemplated, are in place in the legislation. We also note that the states and territories agree with the guidelines as have been tabled. I want to put that on the record.

Senator SIEWERT (Western Australia) (5.59 pm)—I would like to clarify if there is the potential that these organisms will not have been assessed or tested—which is why we wanted to put some boundaries and definitions around severity, scale and immedience. There are also scales of threat. For example, the guidelines say that the states and territories will be given 48 hours, I think, to respond. Depending on the scale of the threat, that time line may be essential. It may not be, though. That is why we would prefer to see a clearer definition of ‘threat’ in the guidelines in the regulations or in the bill. The other issue in defining the threat is that the bill says:

An actual or imminent threat of a kind mentioned in paragraph 2(a) or (b) may include, but not be limited to ...

So while we have talked about the examples that are in subsection (3) it is not limited to that. That gives us some concern, which is again why we were trying to limit this provision specifically to medical emergencies.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.00 pm)—I know that by picking up on Senator McLucas’s point I am traversing some of your other proposed amendments, but can I do that just briefly, because it is important to do this and to go through section 72B, which outlines the discretion. It is highly prescriptive. As I mentioned in the debate this morning, it is not unusual for regulatory bodies of this nature to have an emergency dealing provision. The difference in this particular bill is that it is far more prescriptive than usual. It is not a discretion that a minister can unilaterally take up. Moreover, it is not one of those discretions that are simply subject to consultation—and we have all seen them. This is far more prescriptive than that.

To make an emergency dealing determination the minister responsible must follow the processes set out in the bill and the minister must have received advice from the Chief
Medical Officer, the Chief Veterinary Officer, the Chief Plant Protection Officer or a person prescribed by regulations that there is an actual or imminent threat and that the proposed dealings of the GMO are likely to adequately address that threat. If the minister does not receive that advice from the CMO, the Chief Veterinary Officer or the Chief Plant Protection Officer then the minister cannot exercise that discretion for that emergency licence.

Secondly, the minister must also have received advice from the regulator that any risks posed by the proposed dealings are able to be managed safely. So again—and Senator McLucas touched on this—if there is a horrible oil spill on the Great Barrier Reef, the regulator would have to be satisfied that the risks posed by the proposed dealings of the GMO are able to be managed safely. Again, it is another safeguard. Again, it is not the exercise of unilateral discretion by a minister.

Thirdly, before issuing a determination the minister must be satisfied that there is an actual or imminent threat, that the proposed dealings would help to respond to the threat and that any risks can be managed safely. Finally—and it is the point that Senator McLucas made—in addition, the states and territories must have been consulted before the emergency dealing determinations are made in any case.

If you compare these provisions with other emergency provisions in similar regulatory bodies, these are far more prescriptive in outlining the consultation procedures. I just want to make the point that this is not a discretion that can be exercised by a minister unilaterally. It is highly prescribed and a minister must abide by that advice.

Senator SIEWERT (Western Australia) (6.04 pm)—Except that there are stronger guidelines in this legislation than in other pieces of legislation that relate to emergency powers—and I would hope so, given that you are potentially releasing an untested, unassessed genetically modified organism into the environment and potentially giving it to humans. I accept that—which is why we are concerned that they still do not go far enough. Yes, they have to seek advice, but we are not entirely convinced that the Office of the Gene Technology Regulator have the necessary experience or expertise to advise on some of the issues that may potentially come up, particularly as they relate to untested or unassessed organisms. They may not have the information to make those assessments. That is why we would like to be provided with further guidance on what basis the Chief Medical Officer, the Chief Veterinary Officer and the Chief Plant Protection Officer, for example, provide advice on the degree of threat around imminence, severity and scale. We do accept that there are strong provisions here; we just do not think they go far enough because of the potential, literally, for disastrous outcomes if it goes wrong.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.05 pm)—Let me refer you again to the legislation. If the regulator must be satisfied before recommending an emergency dealing determination that the risks are able to be managed in such a way as to protect the health and safety of people and to protect the environment and if the regulator is not satisfied that those risks are able to be managed in such a way—if the regulator does not know about the GMO sufficiently—then the regulator is not able to give the minister that advice and the minister could not exercise his discretion in favour of an emergency declaration.

Question negatived.
Senator SIEWERT (Western Australia) (6.06 pm)—I move Greens amendment (4) on sheet 5247:

(4) Schedule 1, item 10, page 12 (after line 12), after section 72E, insert:

72F Guidelines for emergency response

The Minister must, by legislative instrument, issue guidelines for emergency responses under the Gene Technology Act 2000 and the Gene Technology Agreement.

The guidelines for emergency response have been tabled, as we know. These guidelines from the ministerial council came up during the Senate committee hearings; they had been developed to give some clarification to how these provisions would be implemented. The Greens believe that these should be stronger than guidelines, that they should be a legislative instrument. That is why we are moving this amendment—to in fact require the guidelines to be developed further because we are a little concerned that they do not provide some of the information that we believe is needed. We would like to see these guidelines become a legislative instrument for emergency response under the Gene Technology Act. They need to be beyond guidance; they would be requirements to be met when the emergency dealing provisions are in fact invoked.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.08 pm)—Can I make a few points about the guidelines. I thank Senator Siewert for raising the issue. The guidelines that I tabled this morning work alongside the provisions of the act, and they set the administrative procedures for implementing the emergency dealing determinations—in particular, as you pointed out, Senator Siewert, the consultative process that the minister and the government must go through. As the bill is already very prescriptive about the process for making an emergency dealing determination—and I went through that before—the government does not believe that there is any need for the guidelines to be a legislative instrument. In other acts that I have referred to in relation to other regulatory bodies, there are no such guidelines for emergency response—and, as you say, perhaps in this case, given the great seriousness of the issue, that is appropriate. But these guidelines really are a technical document subject to practical implementation in the workings of the legislation. They really tease out the procedural process. I am not sure, from reading the guidelines, that they are appropriate for legislation. They really are an aide-memoire to consultation rather than strictly a legislative document.

Senator SIEWERT (Western Australia) (6.09 pm)—I am sorry; I may have slightly misled you. I do not think that these precise guidelines should necessarily be the guidelines that become a regulatory instrument. Our amendment says that ‘the minister must, by legislative instrument, issue guidelines’. I would hope that they would be more prescriptive than these guidelines here. They should be more along the lines of helping to define the scale of the threat in terms of severity, which we have already been over, and providing perhaps more detailed examples of when and in what situations these emergency provisions would be implemented—oil spills et cetera or where emergencies occur in environmentally sensitive areas, for example—so that there is more guidance provided through a legislative instrument.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.10 pm)—I now understand your point more fully, Senator Siewert, but the government believes the process outlined in the bill for an emergency dealing determination is very prescriptive. And, as I mentioned before in relation to the other amendment, not only is it very pre-
scriptive but I do not think that anyone could argue that the minister could exercise any unilateral discretion. It is highly circumscribed and prescribed, and the government does not believe that any further consultative process per se needs to be put into legislation. I think it is fair enough to raise the argument—and you have, Senator—that it is good to have the guidelines there, and I think you are right. But I do not think they need to be fleshed out, teased out or, in any case, reformed for a legislative purpose. I think they better serve their purpose as an aide-memoire.

Senator SIEWERT (Western Australia) (6.11 pm)—I think we may have to agree to disagree on that one.

Senator McLUCAS (Queensland) (6.11 pm)—I should indicate that the Labor Party will not be supporting Greens amendment (4). I think that the explanation from the parliamentary secretary is quite clear. Given that the bill itself—and, if passed, the act itself—has a very clear explanation of what would occur, the status quo is quite supportable. We have had arguments in this place about legislation being put into regulations that should have been in the act, but I think in this case the legislation is in the act and these guidelines are simply a working document to tell people how the emergency response would in fact occur. Therefore we will not be supporting Greens amendment (4).

Senator MOORE (Queensland) (6.12 pm)—I have a question about the guidelines in terms of the process. The parliamentary secretary would be aware that we raised this issue during the committee consultative process. I know that the guidelines were tabled this morning, and we welcome them, because it is fairly important that guidelines in any form come at the same time as the legislation so that we can see the whole process that will operate. As you would be aware, during the committee hearings people talked consistently about the need for the public to have an understanding of and security in this process, because it has a long history in our community. I would just like to get some clarification of the consultative mechanisms that were used to develop the guidelines. What knowledge, if any, did the large number of people and stakeholders who have been involved in these consultative processes have of these guidelines before they were tabled today, and do they have access to them now? Will those who raised concerns during the committee hearings about how the process would operate have a chance to question what is in those guidelines?

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.13 pm)—The guidelines are of course a result of the review that was undertaken after five years of the Gene Technology Act being in operation. Senator Siewert raised that question this morning about the guidelines, and it is a fair point. But they were only finally approved last Friday in Brisbane by the ministerial council, and that is why they were not available to the Senate Standing Committee on Community Affairs during your inquiry. I think it is fair to say that there has been exhaustive consultation with the states and territories on the development of these guidelines, simply because it is an aspect of federalism that these potential emergencies cross all boundaries. The document now of course is public and, as a public document, people are quite entitled to comment on it—and I am sure they will.

Senator MOORE (Queensland) (6.14 pm)—We acknowledge that the public now have the ability to comment. During the very short time that the committee had to consider this process, we were aware that there were still some concerns amongst some people...
and consumer groups in the community about how this process would operate. It would be fair to say that the groups that took the time and effort to submit to our committee were those that have concerns about the process. If there are issues about the guidelines that people do not understand, will there be a facility to change the guidelines and not just comment or raise an opinion? What process is there for change?

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.15 pm)—It is a living document so, yes, it can change. It would be done by simply communicating with me and the government. There may be real concerns about the consultative process in relation to the guidelines. We do not want to confuse this. The bill has been out for a while and it is quite clear about what it says. That is a different issue. There is no question about that; it has been a public document for a long time. In relation to the guidelines, you are right. They were approved last week. I have just been informed that the guidelines will go on the Department of Health and Ageing website and also on the Office of the Gene Technology Regulator website. Any issues will be raised through the department and, no doubt, through state and territory governments. If people want to use those mechanisms, they would be able to have some input into the document, and that will hopefully address any concerns.

Question negatived.

Senator SIEWERT (Western Australia) (6.17 pm)—As I have articulated on several occasions, the Greens have very strong concerns about the emergency dealing determinations. We appreciate the need for them. We think they are, despite the precautions in this legislation, an acknowledgement that they are greater than others. We do not think they go far enough. We think they are too extensive. The threat is not defined enough and neither are the triggers, which is why we sought to limit them to medical emergencies. At this stage we would prefer that these amendments do not proceed and that the provisions that are even tighter are introduced. Therefore the Greens oppose item 10 in schedule 1 in the following terms:

(1) Schedule 1, item 10, page 5 (line 27) to page 12 (line 12), TO BE OPPOSED.

Senator MCCLUS (Queensland) (6.18 pm)—I am happy to indicate that the Labor Party will not be supporting the Greens amendment. Without recanvassing my speech in the second reading debate, I think there are protections in place in the legislation that ensure that, if any emergency dealing were to proceed, the appropriate level of scrutiny would be applied. Here I am speaking personally: I am not a person who thinks that GMOs are the bee’s knees and that we should pursue them in any great way but, if we are faced with the option of using a GMO that could potentially save many lives or the environment, I think we would do our community a disservice by not using that option. I think that allowing this legislation to proceed with the conditions that are applied is the only reasonable thing to do. If there is the potential that a GMO could clean up an oil spill or assist in a pandemic of some sort, and we as a legislature do not allow that opportunity, I do not think we are doing the right thing by our community. But we have to make sure that the protections are in place and that the risks are managed, and I believe that the legislation covers that.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.19 pm)—I thank Senator McLucas for making the point far more eloquently than I could. It is ultimately a balance. Senator Siewert was right to raise the concern, because it is a concern that is reflected right back to the review process in
2005-06. In the end it is a balance, and governments have to make decisions about when they should take difficult action. You may say it is risky, but we tried to minimise risk through the highly prescriptive process. I accept that it is a power that we hope we will never have to use. Secondly, in relation to the environment—and we are recanvassing some of those issues—I understand your point about wishing to limit this to simply human health. But, if there is an oil spill, I think it is incumbent on all of us, particularly someone from the Greens party, to use GMOs if necessary to clean up an oil spill—an environmental disaster. It is a balance, but I think this bill is about as close as we will get to finding that balance.

The TEMPORARY CHAIRMAN (Senator Sandy Macdonald)—The question is that item 10 of schedule 1 stand as printed.

Question agreed to.

Senator SIEWERT (Western Australia) (6.21 pm)—I move Greens amendment (5):

(5) Schedule 1, item 39, page 22 (line 28), at the end of subsection 50A(1), add:

; and (d) on the basis of a full written assessment, the release of a genetically engineered or genetically modified organism into the environment poses no risk to the environment.

This amendment adds to section 50A(1) an additional provision for limited and controlled release applications by requiring a full written assessment for the release of a genetically engineered or genetically modified organism before it is released into the environment to ensure that it poses no risk to the environment. We seek to add point (d) to address the requirement for full assessment. If we release a GMO into the environment in non-emergency situations, we believe that we should be very clear about the risk that may pose and ensure that it does not impose a risk.

Again, I repeat: we are dealing with organisms that we do not properly understand that have been genetically modified and we do not know the impact that they are going to have on the environment. I will not bore the Senate with examples, yet again, of the disasters that have occurred with the near release of genetically modified organisms or with issues that we are already seeing with genetically modified organisms. Although I personally have concerns about genetically modified organisms, this is not about trying to stop it; it is about ensuring that if anything is released, it is subject to full assessment. Whether it is a limited and controlled release or a different release, it still needs to be assessed.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.23 pm)—The review recommended that dealings involving intentional release licences should be split to distinguish between, on the one hand, field trials and, on the other hand, commercial releases. That is what we are talking about here. I should remind the Senate that the regulator will still need to prepare and consult on a risk assessment and risk management plan for a limited and controlled release. This is provided for under sections 50(1) and 50(2) of the existing act. What are being streamlined are the requirements in section 50(3) of the act. The government simply argues that this amendment is not necessary; it is to streamline field trials and so forth. Nothing is being changed in relation to the commercial releases.

Senator SIEWERT (Western Australia) (6.24 pm)—I appreciate that and I understand that. Our point is that we do not like the streamline process. Despite what the review said, we believe that the controls need to be as strong as they can be, so we are trying to ensure that through this amendment.
Senator McLUCAS (Queensland) (6.24 pm)—Labor will not be supporting the amendment. I think it goes against the intent of what was proposed in terms of the treatment of an intentional release, which requires the full set of assessments and processes, as opposed to the treatment of an experimental release. The original bill, as I recall from back in 2000—a long time ago—did not make that distinction. I think that was a recommendation from the review: that there be a distinction between the two types of releases that are allowed under the act.

Senator SIEWERT (Western Australia) (6.25 pm)—I appreciate that that was one of the recommendations. The Greens do not support the scaling down of some of the assessments of limited and controlled releases. I remind the Senate that there have been escapes from trials and from limited releases. There are examples of that which we are very concerned about, and we are concerned about the potential for that to increase if we streamline too much the process for limited and controlled releases.

Question negatived.

Senator SIEWERT (Western Australia) (6.26 pm)—The Greens oppose items 34 and 35 in schedule 1 in the following terms:

(6) Schedule 1, items 34 and 35, page 16 (line 17) to page 21 (line 14), TO BE OPPOSED.

This amendment relates to the consultative and ethics committees. The bill proposes to combine the two committees into one consultative and ethics committee. The Greens believe that it would be more appropriate to continue to have two separate committees. The issues in this area are very significant and we believe that the two committees are more appropriate. Combining the two committees will reduce the number of people involved in the consultative process. By limiting the number of people on the committee to 12, you are basically reducing the number of people involved in those consultative processes. The feedback we have had from stakeholders is that they would rather see the two committees remain. I acknowledge that the stakeholders we have heard from are not all the stakeholders, but they are a significant number of them. They said that they would prefer to see the two committees.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.27 pm)—Senator Siewert is right: the bill does combine the Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee into one advisory committee. The review recommended the amalgamation of the two committees to increase efficiency by reducing the overlap between the roles of the two existing committees. The experience has been that there is considerable overlap between the two committees. The review did not recommend that any changes be made to the eligibility for membership of the new committee from that of the existing committees. It is desirable that no limits on eligibility be imposed in order to ensure that a cross-section of the community is represented on the new committee. This will ensure that the committee performs its role more effectively and ensure public confidence in the committee and its role in the gene technology regulatory scheme.

The government believes that the amalgamation of the two committees is not a reduction in consultation, given that the review identified that their roles overlap. This remains a critical element to the regulatory scheme. Senator Siewert is quite right to point out that consultation is vital. In fact, the new committee will have an enhanced role with two new functions. The act requires extensive consultation before the minister may appoint members to the statutory committees. These consultation provisions will
ensure that a good balance of interests is achieved.

Senator McLUCAS (Queensland) (6.29 pm)—The Labor Party will not be supporting Greens amendment (6). I understand that most submissions to the inquiry process were supportive of the notion of joining the ethics committee and the consultative committee into one body. The reason for that is that the agendas of each overlap quite considerably; that there was no clarity between the roles of the two existing committees as they stood in the original legislation. It is certainly supported by the states and territories. We will not be able to support the amendment.

The TEMPORARY CHAIRMAN (Senator Sandy Macdonald)—The question is that schedule 1, items 34 and 35 stand as printed. Question agreed to. Bill agreed to. Bill reported without amendment; report adopted.

Third Reading
Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (6.30 pm)—I move:
That this bill be now read a third time.
Question agreed to. Bill read a third time.

BROADCASTING LEGISLATION AMENDMENT (DIGITAL RADIO) BILL 2007
RADIO LICENCE FEES AMENDMENT BILL 2007

Debate resumed.
(Quorum formed)

Senator McLUCAS (Queensland) (6.34 pm)—I am very quickly getting a handle on the Broadcasting Legislation Amendment (Digital Radio) Bill 2007, but Senator Ian Macdonald is ready to make his contribution. I was really only helping out. Senator Macdonald, I am sure you will be far more eloquent than I.

Senator IAN MACDONALD (Queensland) (6.35 pm)—I cannot claim any expertise in these areas—nor, I think, can most senators. These areas dealing with radio and broadcasting are very complex areas. It is a subject which I would like to understand more, but I am afraid it is so complex I cannot really grasp all of the very important issues that are involved in this and other legislation dealing with broadcasting and communications. Senator McLucas, as northerners, you and I would share some of the concerns that we at times have that, in broadcasting, we in the rural areas of Australia do not quite get the same opportunities as those in the capital city areas. I have been concerned over a long period of time that sometimes decisions are made without considering the impact on regional Australia, and I want to take a couple of minutes to talk about that.

I had anticipated that, by the time I got to speak in this debate on the Broadcasting Legislation Amendment (Digital Radio) Bill 2007 and the Radio Licence Fees Amendment Bill 2007, others would have gone through the main items of the legislation. Of course, we do have the second reading speech in front of us. I expected that, after Senator Conroy and someone else from the Labor Party who is also listed to speak had made their contributions, the parameters of the debate would have been quite clearly set. I want to confine my remarks to how this legislation might impact upon rural and regional Australia.

I mention in passing that we in the bush at times do not think we are properly considered. I recall a campaign I started when Labor was in government to try to get News-
Radio or the parliamentary news service up into North Queensland. I could never get the Labor ministers interested in it. Senator Coonan, the current Minister for Communications, Information Technology and the Arts, has taken an interest in this and there has been some action, and we are actually very close to getting a parliamentary news radio service in the north—but it has taken a long time and I do thank the minister for focusing on that. The minister’s staff have been very helpful, and so have the officials from the relevant organisations. There were complexities which I did not fully understand and which I think are being addressed. We are hopeful that we will have the service shortly.

I hasten to add that, in all the Labor years, I could not get any Labor minister to be interested in this. I have to say that, until Senator Coonan came along, I had not been able to get any ministers from our side too interested in it either. Whilst there are complexities, there are always ways of overcoming them, and I am very pleased to say that, following some visits and some interaction with the minister’s office and with the department, that part of the broadcasting area will now be addressed when North Queensland does get the parliamentary news radio. All of those people around Australia who are listening are, I am sure, grateful to be doing that, but the people up where I live and where Senator McLucas lives will not be able to hear us debating this unless they are watching it via their computers. People up our way, if they are trying to listen on radio, will not be able to do it, because we have, so far, never been able to get that service. That is being addressed, and all credit to the minister for that.

Senator Conroy has a very great interest in these matters. I understand that he is the opposition spokesman in this area; but, when the important debates are up, where is he? He has obviously got a party going on somewhere or is otherwise engaged. I am a bit disappointed—

Senator McLucas—It is not appropriate to reflect on the fact that he is not here.

Senator McGauran interjecting—

The ACTING DEPUTY PRESIDENT (Senator Sandy Macdonald)—Please address your comments through the chair.

Senator IAN MACDONALD—I will take the warning on that.

Senator McGauran—What about Senator Wortley? Where is she?

Senator IAN MACDONALD—Senator Wortley has just come in, which is good to see. So we will have some Labor contribution to the debate on this very important legislation. This legislation ensures that digital radio services will be able to commence by 1 January 2009. Digital radio has the potential to deliver a range of new and innovative services to listeners, and its introduction will enable the industry to respond to increasing competition from the new digital platforms, such as the internet and mobile phones. Digital radio does provide listeners with a rich and more diverse radio offering than is possible with the analog mode, enabling listeners to easily rewind and record radio broadcasts; to access streaming, text, news and weather updates; and to access play lists and still pictures. So it is a real advance, and I congratulate our government and the minister for looking forward and introducing these things.

I have mentioned radio in analog mode, as it now is, going into digital, and it does remind me about the absolute mess the Labor Party oversaw when the mobile phone network was being changed from analog to digital. As I recall it, one day we all had analog phones and the next day, under the Labor administration, those phones were practically cut off overnight—without any transition
period. It really showed quite clearly that, as with the economy, the Labor Party talk a lot but when it comes to doing things—they are missing in action. Their record in dealing with the telephone system would make it very difficult to have any regard for them when they make all of these very attractive announcements to voters about broadband and other things. I urge Australians to look at the Labor Party’s record in office rather than the promises they make in the run-up to an election.

I have had some concerns about the legislation before us, as I have had concerns about other broadcasting legislation that has come before the parliament this year. I have been concerned about the narrow opportunity that the Senate has had to look at this legislation and previous legislation. I am grateful to the minister’s office and the minister’s department for answering some of the queries raised by the Senate Standing Committee on Environment, Communications, Information Technology and the Arts, which inquired into this legislation. I think the answers that the committee has received are sufficient to enable me to be satisfied. I will of course be supporting this legislation.

I do want to take a few moments of the Senate’s time to indicate the concern I have about how this legislation might impact on rural and regional Australia. I note that the ABC, in their submission to the committee, had some concerns about the legislation. Whether you like the ABC or whether you do not like them, they do cover almost 99 per cent of the Australian population. They made a submission that indicated they had a concern that the legislation does not stipulate a standard for digital radio in rural and regional Australia. Their submission states:

... In the absence of a second digital radio standard for regional areas, no incentives currently exist for manufacturers to consider the need for such multi-format receivers ...

The concern is that, if left too late, the introduction of a DRM standard for regional broadcasting would find a significant number of DAB-only receivers already in the market. If you understand this a fraction better than I do, you will understand that DAB is the standard that will well look after city Australia and DRM is the preferable standard for rural and regional Australia. The ABC had a concern that we should be going to the DRM standard at this time. The committee raised this issue with the minister and the department and there was a response received that I believe indicated that the matter is in the consideration of the department. I will come to that very shortly.

The other issue that I wanted to briefly raise at this point was that Broadcast Australia made a submission suggesting that the digital receivers should be of a DAB+ configuration, which, according to Broadcast Australia, is a 2007 technology rather than a 1990s technology—which the DAB standard is. I understand that this has been taken into account by the minister and the department in their consideration of these particular issues. As the committee reported, there was broad agreement from all submissions that DAB was the most appropriate technology through which to operate digital radio in Australia. However, there is a recognition that DAB alone will not provide for full national coverage. The explanatory memorandum to the bill recognises this reality and indicates that the government will continue to monitor developments with digital radio techniques, including DRM, to determine whether supplementary platforms may be appropriate to address regional, rural and remote coverage issues.

As I mentioned, the ABC was of the view that an additional digital radio standard that is appropriate for the wide area coverage of
rural and remote Australia should be adopted before the provisions of the bill came into effect. I refer senators to page 9 of the Senate committee’s report, where the ABC submission is set out. It is a submission which attracted my attention and one that I was very keen to pursue in the interests of rural and regional Australia. I understand the arguments of the department that the way that it is being approached is the best way and that there are opportunities for the introduction of enhancements as time goes by. Again I say that it is a complex issue and that people not qualified in the technical broadcast area—like me—should be careful about making too deliberative comments about this. But I take this opportunity in what I thought would be a very brief contribution to the debate to emphasise to the minister—and I know that the minister is very well aware of this—that in everything that we do in broadcasting we have to remember that a fair percentage of Australians do live outside the capital cities and the major regional cities, and particularly in my state of Queensland, which is the most decentralised state.

There are not many people in this chamber, unfortunately, who live in the bush, as I do. Very often, things do get overlooked or, when they are not overlooked, advice is taken from people who do not really understand what is happening in the bush at the time. I am satisfied, following my investigations and following the Senate committee’s investigations into these issues, that the government has considered these issues and that there are procedures and allowances within the legislation to address them should they become a problem in the future. But I wanted to take the opportunity of emphasising again that in everything our government or any government does we should be very aware that Australia is a vast country and that there are a lot of us who live in rural and regional Australia. A lot of us sometimes think that we are not as well considered as perhaps we should be. That is particularly so in the state government area, where the Beattie government is totally concentrated on south-east Queensland and could not give one iota of care about the rest of us in Queensland. Our government has been very good with rural and regional Australia. There have been a lot of initiatives from our government for rural and regional Australia, and there were a lot more announced in the budget last night. In the broadcast and information technology area, a lot of work has been done. But we have to make sure that we get it right. I urge the minister to ensure that her department—

Debate interrupted.

FAMILY FIRST PARTY
Office Holders

Senator FIELDING (Victoria—Leader of the Family First Party) (6.50 pm)—by leave—Today I was appointed by the Family First Party as whip for my party in the Senate so that I may participate in whip related meetings and matters.

DOCUMENTS
Telecommunications (Interception and Access) Act 1979

Senator STOTT DESPOJA (South Australia) (6.52 pm)—I move:

That the Senate take note of the report.

The annual report on the Telecommunications (Interception) Act and the Commonwealth Ombudsman’s report to the Attorney-General on the results of inspections of records under the Surveillance Devices Act 2004, which was the previous report, reveal what I consider a disturbing trend under this particular government, that is, a preoccupation with understanding our every move.

I know that the government is claiming that its results in the telecommunications annual report highlight the effectiveness of telecommunications interception. In fact,
these two reports reveal a government that is increasingly at ease with the notion of eavesdropping on private conversations, watching its private citizens and encroaching on civil liberties.

Last year, the Senate Legal and Constitutional Legislation Committee, in its report into the Telecommunications (Interception) Amendment Bill, cited a calculation that, by comparison with the US for 2003-04, Australia issues 75 per cent more warrants than the total number of US wiretaps warrants, and that this represented 26 times the rate on a per capita basis. So prolific is snooping activity that the Victorian Law Reform Commission is investigating surveillance in public places, and there is work at the Council of Attorneys-General level for a CCTV code, which will surely lay the infrastructure for blanket surveillance.

I have looked at this year’s Attorney-General’s media release that states in the 12-month reporting period the Commonwealth got to almost 1,500 convictions. Last year, there were more than 1,533 convictions in which lawfully obtained intercepted information was given in evidence; as if 1,500 is the magical number by which to justify interception powers. Absent from the media release is the number of warrants issued and interceptions undertaken in the past year which were not of any forensic value. That figure, I am sure, is in the thousands. Absent also is the volume of information which is being produced as a consequence of this interception, which incidentally is likely to have swollen as a result of shameless amendments last year to interception law, which has provided for the interception of ‘B-party’ communications; that is, communications of persons not themselves under suspicion but in contact with a suspect. Perhaps this explains why the government has been forced to inject $65.2 million over five years to upgrade the AFP’s operational and intelligence systems and existing technical infrastructure to cope with all this additional surveillance material of innocent Australians.

Another interesting issue highlighted in these reports is the broad powers the AFP and Australia’s intelligence agencies have to obtain information without a warrant and without any reporting. I wonder—I am happy to put this on notice for the government—how much information has been obtained without a warrant.

I recall in 2005 the AFP being given new ‘notice to produce’ powers which provide them with a means of access to information without a search warrant when investigating any serious offence, not just terrorism. Significantly, that power overrides not only privacy laws but also legal professional privilege, duties of confidence and other public interest, and also prevents someone served with a ‘notice to produce’ from informing another person, other than those involved in responding and the person’s own legal advisers.

So the picture that these reports paint is one in which the government is creating a climate of fear through broader use of interception and surveillance powers, dobbing on neighbours through additional funding this year for its terrorism hotline, plus plans for an identity card in the form of the access card.

I call on the government to have a look at its own reports and, as a matter of priority, commission urgent independent research into the state of surveillance in this country, to judge whether or not the potential intrusion into people’s privacy is outweighed by its benefits. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Migration Act 1958

Senator BARTLETT (Queensland) (6.57 pm)—I move:

That the Senate take note of the document. This document is the latest in a long line of reports from the Commonwealth Ombudsman into people who have been in immigration detention for prolonged periods of time. It may be recalled that as a result of a culmination of pressure from a range of quarters, including some pressure from within the Liberal Party, amendments were made to the Migration Act following a government commitment to require the Ombudsman to report into all cases of long-term immigration detention in Australia, for that to be tabled in the Senate and for the government’s or the minister’s response to that report to also be tabled.

The focus and the public frenzy surrounding all of the circumstances that led to that being put in the act now seem quite a long time ago. The disgrace over the detention of Cornelia Rau—it was so long ago I had almost forgotten the name—and the deportation of the Australian citizen, Vivian Solon, were not just isolated incidents. It is important to note on each occasion when these further reports keep coming through that the ongoing harm being done to people by unnecessary long-term indefinite immigration detention still continues in Australia. It is certainly reduced, and I acknowledge that and welcome that, but it has not ended.

This report contains another 12 cases. Some of them relate to people who are now out in the community and who have visas, but they are still worth noting for the details they reveal about the impacts on those people. For example, it took a 38-year-old man who is a citizen of Iran over five years to have his refugee claim recognised and to get a protection visa. For five years he was in immigration detention, both in Curtin and Baxter immigration detention facilities, and at this stage he is still only on a temporary visa, despite arriving in this country back in June 2000. The report indicates that, despite now having been out in the community for more than 12 months, he was still suffering from major depression and post traumatic stress disorder—nearly 12 months after his release from immigration detention.

The impacts of what Australia has done to these people are still present in our community today. We as a community are still paying the price, both socially and economically. And, of course, the individuals themselves are paying the price. There are other cases in the report. Some of them are still ongoing. Many of the people spent not just one year in detention but two years, 2½ years and three years. There was one who spent close to five years in detention. All have different circumstances, and it is not a case of all of them necessarily having valid refugee claims. In a couple of cases, the people identified in these reports have subsequently been returned to their home country. The issue is whether or not it is necessary and justified on each of these occasions to lock people up for prolonged periods of time—for years at a time.

My view remains that unless there is a very clear indication of a health risk or a security risk to the community, or a very credible flight risk, there is no justification for detaining people for prolonged periods of time. It is extremely expensive. It is extremely damaging and harmful to the individual. It clearly generates long-term health consequences for those people which can actually make it harder for them to be removed. Australia now has a number of people in that situation, where they are so damaged by their detention experience that the easiest option has become to provide them with a visa and keep them in the community, having to then spend a lot of energy, time...
and money trying to repair the damage done to them.

This report is worth noting because it highlights that this problem has not been eliminated. It has diminished but it is still present. There is continuing documentation of the completely unnecessary harm being done to so many people and it is a continuing reminder that, whilst these reports bear witness, they do not solve the problem. The only thing that will solve the problem is reforming the Migration Act to remove the disgrace and travesty of mandatory detention which allows people to be locked up indefinitely on the basis of decisions made by unaccountable government officials. I seek leave to continue my remarks later.

Leave granted.

**Consideration**

The following government documents tabled earlier today were considered:


- **Commission of inquiry into certain Australian companies in relation to the UN Oil-for-Food Programme—Report by Commissioner the Honourable TRH Cole, AO, RFD, QC—Government response.** 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 Crossin)—Order! There being no further consideration of government documents, I propose the question:**

That the Senate do now adjourn.

**Investing In Our Schools Program**

**Senator TROOD (Queensland) (7.06 pm)—** I want to take the opportunity in the adjournment debate this evening to make some remarks about the Investing In Our Schools Program, which I regard as being one of the most creative and imaginative programs for schools funding offered by any federal government at any time since Federation. This program was offered at the time of the 2004 federal election, and provided for a billion dollars to be made available to government and non-government schools for small-scale infrastructure projects.

It is significant that this fund is to be made available in addition to the $1.7 billion that the federal government has already provided to state and territory governments through capital grants programs. This is unusual because the states are supposed to fund schools—certainly the infrastructure and building activities in schools—but clearly the states are not funding their schools in ways which are reasonable and to be expected. Notwithstanding all the money that states get for these purposes and all the additional funds that they get from GST revenue, many schools, certainly in my own state of Queensland, are failing to get the kind of infrastructure support that they need from the state government. Indeed, in 2005-06 only 52 schools in Queensland benefited from a fund of about $10 million for building facilities. That was clearly well below the expectations and needs of the Queensland school community.
The Investing in Our Schools Program had very significant advantages for those schools that chose to participate, the first of which was that the money was provided directly to the schools themselves. That meant that schools could avoid having their money siphoned through state educational bureaucracies. The grants that they sought were the grants that they received and they could put them towards the purposes for which they were intended. The second great advantage was that it gave schools a high degree of autonomy. They were able to decide what the particular funding priorities were in their school community. They could decide the things that were important to them and, provided they came under the program guidelines, they could make an application if they chose to do so. The third great advantage of this program was that it provided opportunities for government schools and non-government schools—from the Catholic sector and independent sector—to seek grants up to $100,000.

Not surprisingly, it was a program which was very attractive to a large number of schools across the country. In the first two rounds of the program in Queensland, there were over 1,000 government schools that received funding of around $122 million. Nationally, in the third round of the program, there was an amount of $650 million in grants to over 6,000 government schools for 15,000 projects. There were a large number of schools across the country that chose to participate in the program and a large number of beneficiaries, and they covered a wide range of activities. In the south-west of Brisbane, where my office is, a large number of schools applied for and were successful in getting grants for a range of activities. For example, Harris Fields State Primary School received $97,000 for an ICT upgrade. The Redbank Plains State Primary School received $83,000 for a multipurpose activity court. The Durack State Primary School received $13,000-odd for the purchase of musical instruments. There were a range of other grant applications for classroom refurbishments and playground upgrades that were successful, and one school was successful in getting a grant for a stage for its large hall so that it could undertake drama activities. These grants were only relatively small, up to $100,000, but they made a very significant difference to the school communities which were successful in receiving them. They vastly improved the learning and teaching environment for the pupils in those schools and so, not surprisingly, there was a huge amount of enthusiasm for this program within school communities. In all the schools that I visited where these grants were received, there was a great degree of enthusiasm. The school communities were delighted to have had the opportunity to apply for the program, and all of them—every single community—felt that the program had served the purpose for which it was originally intended.

Perhaps not surprisingly, it was in that context that the government decided in February of this year to extend the Investing in Our Schools Program with an additional $127 million in funding for state schools and another $54 million in non-government funding. That means that, over the life of the program since 2004, $827 million has been provided to government schools and $354 million to non-government schools. That is a figure of about $1.2 billion spread across schools across the country in addition to the large-scale capital expenditure of $1.7 billion already provided by the Commonwealth.

This year’s budget, announced last night, continues this very strong tradition of the Commonwealth funding school communities through a range of a new programs. I think this is one of the most significant federal education budgets since Federation. It will
provide, for example, $121 million over four years to more than 400 regional and remote non-government schools to attract and retain teachers. It will provide an additional $53 million to improve literacy and numeracy skills, particularly in years 3, 5, 7 and 9. It will provide $50 million to assist non-government boarding schools, particularly those that cater for remote areas and accommodate Indigenous students. Finally, there is a figure of $15.3 million in the budget that has been allocated to the urgent upgrades and repairs of boarding schools across the country.

These programs—the programs announced in the budget last night and the program that existed, the Investing in Our Schools Program—underscore a very strong commitment on the part of the Commonwealth to supporting our school community. The Investing in Our Schools Program has provided an excellent physical learning and teaching environment for pupils and teachers in our schools, and the commitments that the budget made last might underscore the need for continual improvement in our school programs by providing strong support for quality teaching, strong support for quality teaching outcomes and an opportunity for schools in some of the more remote parts of the country—that is particularly attractive in Queensland—to take advantage of these many programs. I commend these programs to the Senate.

**Bringing Them Home Report**

**Senator CROSSIN** (Northern Territory) (7.15 pm)—In 1995 the Australian Human Rights and Equal Opportunity Commission was asked investigate and report on the history and circumstances of Aboriginal children taken from their families by authorities. This came about in response to efforts made by key Indigenous agencies and communities. They were concerned and had a growing concern that there was a real general ignorance in our history of the forcible removal of children and this was hindering the recognition of victims’ needs and the provision of remedial programs and services. HREOC was asked to make recommendations regarding any compensation, counselling or the establishment of ways for Indigenous communities to have control of their children.

I think history will show that little did we know what an outstanding and lasting effect the report from this group of people was to have on this country. The report now known famously as the *Bringing them home* report was presented in May 1997. It drew on 535 Indigenous submissions, 49 church submissions and seven submissions from governments. On 26 May we will celebrate the 10th anniversary of this major report and what I think has become a milestone in the history of the Indigenous people of this country.

The report concluded that between 1910 and 1970—a period of 60 years, in fact—between 10 and 30 per cent of Indigenous children in this country were forcibly removed from their families or communities. Non-Indigenous communities were largely ignorant of this aspect of our history and the trauma it caused. It is important to note that children were being removed from their families as late as the 1970s. It is interesting to note that this is also the year in which we recognised the 40th anniversary of the referendum in which Indigenous people were given the vote. But that means that people who are now in their late 30s were being affected as early as the 1970s, and the after-effects of this policy still very much survive today among Indigenous individuals, families and communities. It is also important that for some years after the 1967 referendum this practice was still happening. Even after this major event in Australian history, Indigenous children were still being taken from their families.
The signs of this trauma, of being removed from your family, do not necessarily survive in an obvious outward form—these people do not wear armbands or badges—but does not mean that they are not hurting in many other ways. Not only those removed from their families are hurt but their families and communities are affected as well. For those involved the effects have been and still are devastating and lifelong.

The Howard government distanced itself from the report. The Prime Minister is still continuing to refuse to make any form of apology to Indigenous people. This has only served to make a bad situation even worse. The government made its response on 16 December 1997 in a package of just $63 million in what were then called practical assistance programs. This package included funding to copy and preserve in national archives files and oral histories pertaining to the matter, develop family support programs, and establish Link Up services and more counselling centres to help those from what has now become known as the stolen generation. These children were removed from their families supposedly to remove them from very poor conditions. Sometimes this may have been so but in many cases, as we now know, removal was a means of control or sometimes even punishment.

Many children may have been handed to the authorities by parents who thought their kids would be better off but who would be returned when home circumstances improved. We now know they were never returned and they were never going to be. The parents were deceived. Even the church was equally guilty of removing children from their families. The harsh truth was that for many it was seen as a way of reducing Aboriginal culture as these kids were meant to be brought up as non-Indigenous. The Aboriginal culture was seen by many as being worthless. While some, probably many, homes or adoptive parents tried to provide a loving family environment, this was probably more the exception than the rule, even where home was friendly and the outside environment was not.

As stated by Peter Read, an eminent academic in this area, in *After ‘Bringing them home’*:

Neither the policy statements nor oral history demonstrate that governments acted at most times with the very best of motives.

He further points out that it was the feeling that Aboriginal culture was worthless which Indigenous people find hardest to forgive.

This government has to date refused to give any apology, which was one of the central recommendations from the report. Professor Lowitja O’Donohue said on 27 April that she was still waiting to hear Prime Minister John Howard say sorry and, as far as leadership goes, ‘he doesn’t rate’. An apology would not be admitting any responsibility for past actions; rather, it could be seen as acknowledging that past actions and government policies, while believed to be right at the time, were now seen to be wrong—so very wrong. Only the federal government can make an adequate apology on behalf of all of us in our nation. Again, as Peter Read said:

When we admit whatever our intentions, the end result of the separation policy would have been the extinction of Aboriginality, then we are ready to apologise to the stolen generations ... we concede that separation ... was an act of aggression. When we ensure that the war is over we can seek reconciliation. Without that reconciliation there can be no peace between us.

This Prime Minister has steadfastly maintained that an apology would unfairly imply the guilt and responsibility of present generations. He neglects the often accepted norm that nations are in fact accountable for past actions of their elected governments. He to-
tally lacks any fairness or compassion in this area.

In November 2002 the National Sorry Day Committee released a report entitled *Are we helping them home?* Their report outlined the lack of progress in addressing the other recommendations of the *Bringing them home* report. They saw the government handling of the $63 million package as flawed. They saw a lack of consultation with stolen generation people about the use of the funds and that the major stakeholder had little involvement or input into how these funds would be delivered. The Link Up programs recommended in the report have been inadequately resourced to be effective and still, I believe, remain so. Other recommendations, such as the payment of compensation, have been totally and utterly ignored. In fact around two-thirds of the recommendations of the *Bringing them home* report have never been enacted.

So 10 years down the track there is still no apology, nor any compensation—except for the recently announced compensation from the Tasmanian government—both central recommendations from the initial report. That is not to say that money can bring back a lost childhood, but it is one way of acknowledging that the past policies and practices of this country were wrong.

Former Prime Minister Fraser, Lowitja O’Donohue and Bob Randall have praised the Canadian model of compensation for their indigenous communities and have called on this federal government to do likewise. In Canada the government is set to pay its equivalent of the stolen generations some $1 billion in compensation. In 10 years this federal government has committed only $116 million in response to the recommendations. That is pretty poor in comparison to Canada. What limited practical assistance programs have been attempted have all been under-funded and very much tokens rather than substantial programs.

A report by the federal Department of Health and Ageing on the provision of *Bringing Them Home* counsellors in 2003 to 2005 found that difficulties encountered in this program included inadequate resourcing and funding, poor staff and employment conditions and poor professional support and networking.

I want to say in conclusion that on 26 May, as the 10th anniversary of the *Bringing them home* report is celebrated, the Kimberley Stolen Generation Committee are encouraging people to wear lilac silk hibiscus flowers as a sign of respect for and recognition of the resilience and strength of the Australian stolen generations and for their journey of healing. The purple flower is a sign of healing and compassion. It is widespread and grows everywhere. Like the stolen generations people the lilac hibiscus is also a survivor.

Queensland State Labor Government

Senator BARTLETT (Queensland) (7.25 pm)—I want to speak tonight, it pains me to tell you, in strong criticism of the Queensland state Labor government and their recent actions with regard to local government. Queenslanders would know that a process has been underway for some time called the Size, Shape and Sustainability process, where councils work with adjoining councils to consider the best way forward. There was no doubt that the possibility of amalgamations or closer forms of cooperation were part of that process.

I do not seek to express an opinion about whether or not amalgamations are desirable in particular areas, but I do believe that the process the Beattie Labor government has followed in recent times with regard to the future of local government in Queensland is absolutely inexcusable. No doubt, some
councils were dragging the chain somewhat in determining an outcome for their area under the Size, Shape and Sustainability process but there was a complete lack of consultation and a total lack of warning. There was the complete dismissal of the majority of councils who were working through that process and who had put an enormous amount of time and energy into and diverted resources and attention towards that process over recent times. For all of that to be swept aside without warning is inexcusable. Frankly, it is stupid.

It might seem very clever in the short term to take control of something centrally, impose a solution and say, ‘That’s what you’ve got.’ I remember Jeff Kennett doing something like that in Victoria not too long ago. The simple fact is that, whatever process or result you impose on people, it is going to be much harder to make it work if you do not work through it with them and if you do not make at least some effort to determine what might suit them, what might be in their interests and what might work locally. That local knowledge is real and it is not something that can just be assessed from reading a bunch of reports with a group of people in Brisbane. It is a recipe for disaster, frankly, to be running the risk of imposing a whole lot of forced amalgamations on a whole lot of different areas which do not want them. Going about it in this sort of way really smacks of the sort of arrogance that we get from governments of any persuasion, that basically has carte blanche to do what it wants. Local government is often talked about, somewhat dismissively in many cases, as roads, rates and rubbish. Certainly those are things that many of them are preoccupied with. They might seem mundane, although they are obviously very important when they do not go right. But there is another ‘r’ that is not put in that equation that I think should be put in that equation just as automatically, and that is representation. Local government is a clear opportunity for much more direct local representation from people, particularly in an era when governments, whether at state or federal level, are much more bureaucratic, managerial, centralist and surrounded by an army of spin doctors and PR campaigns and are basically about managing public expectations rather than representing the community. In that context of the reality of government both at state and federal level, the role of local government purely as a representative voice is one that becomes more important.

That is not to say that amalgamations should not occur in certain circumstances or would not be desirable. In many cases, a number of councils have been working towards that. They may not have been working towards it as rapidly as the state government would have liked, but I just cannot believe that it was not possible to at least have given some warnings of what would happen and to at least give some indications of more precise deadlines when certain things had to be done by—to have had some flexibility there.
There is no doubt that the state government had it within its power to extend the period for the next council elections, which are due in March next year, to later in the year. That could have given an extra six months or so period of grace for those councils to sort out things more accurately locally and to have referendums to actually ensure not just that councils were happy to go down this path but that communities were happy to go down this path. While it might be a bit slower and it might even be a little more expensive, you would get a result that communities are comfortable with, that they embrace, that they are willing to work with and that they will go forward with rather than one that they are resisting and that they are resentful and furious about because the outcomes have been imposed upon them.

Frankly, this process that has come about is not going to save money, because all of the resources that did go into the Size, Shape and Sustainability process have now basically been wasted and completely overridden by what is a rushed so-called reform commission process that is being imposed on local councils. Obviously councils from more remote areas are more nervous about this than those in regional areas—those that are smaller, those that are seen as not viable. However, it is a fact that many of those councils were already working together co-operatively and sharing resources and all sorts of mechanisms to try to get better economies of scale—balancing that against the benefits of representation and the real recognition of the reality of local community.

Speaking as someone who has lived my whole life in Brisbane, I am very comfortable with and can see the benefits of having a large council. The Brisbane City Council area is bigger than that of any other city council area in Australia. That situation seems to me to be much more sensible than the situation in many of the smaller locality based councils in other capital cities around Australia. But it should be moved towards with the support of the communities involved and it should be noted that is a different thing to what might work in regional areas. Frankly, when we have had some of those moves it has not always meant that big is best. I think a few of the other big councils in the south-east corner of Queensland that have been put together in recent times do not necessarily show the same logic or work as coherently and as rationally as the Brisbane City Council does.

I might also say, having lived the whole of my life in south-east Queensland, that I am very conscious that the place is pretty much bursting at the seams at the moment. It is another indictment on the state Labor government how poorly they have planned in advance for the infrastructure needs of the region, given the growth patterns for south-east Queensland. Whilst the population growth in south-east Queensland has been very continuous and rapid, it has not been unexpected. We all knew it was coming and, clearly, the planning was inadequate. But, having said that, that is just one more reason why we should be putting more resources and support into strengthening regional communities rather than, firstly, causing them concern and distress and, secondly, threatening the viability of some of them.

There is no doubt that local councils are a key part of not just the community but also the economy of many regional towns. Again, that is not to say that amalgamations and rationalisations cannot happen, but we should be doing them in such a way that the people who actually have to live with the result and who understand the community and work with it can maximise the economies of scale whilst minimising the local impacts—and potentially even make positive economic impacts out of the changes. That approach will result in a much greater chance
of success than having something imposed from the central government.

As a representative of the people of Queensland, I express great concern about this process. I should also note there is also concern amongst many of the Indigenous councils that have a separate role and greater responsibilities than your average local council. They have been through a significant reform process over recent times and have also had this dropped on them out of the blue. They are very concerned about what the implications might be for them. Because all of this has been done in an extremely rushed manner and without adequate consultation, there is a much greater chance that it is not going to work in the end. I certainly express great concern about it and urge the Queensland government to reconsider its approach. (Time expired)

Budget 2007-08

Senator FIERRAVANTI-WELLS (New South Wales) (7.35 pm)—Yesterday Australia’s longest-serving Treasurer, the Hon. Peter Costello, delivered another impressive budget. Responsible and disciplined economic management has enabled the Howard government to deliver its 10th budget surplus. In net terms, Australia remains debt free. We have an underlying cash surplus of $10.6 billion. Ten years ago, as I mentioned, we owed $96 billion. We were paying an interest bill of $8.5 billion a year, money that was being wasted. Having eliminated this net debt in 2005-06, we no longer have to pay such net interest payments, meaning that we can invest in better services to benefit all Australians.

This year’s budget is framed to lock in the progress that we have made over the past 10 years, keeping people in jobs and improving living standards so that all Australians can plan for the future with confidence. The budget surplus will allow Australia to prepare for its future challenges by investing in the future. These challenges include an ageing population, increased demand on the healthcare and aged-care systems, climate change, regional instability and other global shocks which may threaten our economy. The Future Fund remains a government pri-
ority and a crucial part of locking in future prosperity. Since March 1996, I repeat, real wages have increased by around 20 per cent. At the same time, Australians are enjoying low and stable inflation rates—averaging around 2.5 per cent—which have in turn allowed interest rates to remain low by historical standards.

I would like to take this opportunity to briefly draw attention to some specific aspects of this budget that will benefit my constituents of New South Wales and, in particular, highlight a few that will especially benefit regional areas. One of these is the very successful AusLink program. The Howard government has in this budget reaffirmed its commitment to regional Australia by announcing additional funding for the highly successful AusLink program. The Australian government will invest $22.3 billion in Australia’s land transport system as part of AusLink 2. This amounts to the greatest investment in land transport infrastructure ever made by an Australian government. Under the existing AusLink program, the government will contribute an additional $2.8 billion of funding in 2007-08, and this includes an additional $781.1 million for works on highways in New South Wales. Under the AusLink Strategic Regional Program, the Howard government is already contributing $78.8 million to projects in New South Wales. Part of this program, I am pleased to say, includes $30 million for key projects on the Princess Highway south of Wollongong. Another very successful program is Regional Partnerships.

Senator Nash—Hear, hear!

Senator FIERRAVANTI-WELLS—Certainly, Senator Nash, very successful indeed. Over the last two years, I have had the opportunity to represent the Deputy Prime Minister at various openings of Regional Partnerships projects that were made possible through the assistance of the federal government. I am very pleased to say that in the Illawarra we have had quite a number of very successful Regional Partnerships projects.

For example, in January this year I announced funding of $1.3 million for the Southern Gateway Centre at Bulli Tops in Wollongong. This project will establish a landmark, state-of-the-art visitors centre which will include a restaurant and an Aboriginal interpretative centre. I think it will be a very important gateway to the Illawarra. This project will bring significant benefits to the Illawarra and deliver benefits to communities well into the future, not only from program funding but also from the high levels of economic activity and improved social amenity which the centre will generate. This is just one example of the many sorts of projects that have been made possible through the Regional Partnerships program. This is why the government has committed an additional $105.2 million in the 2007-08 budget for this successful and important program.

I would now like to focus on the absolutely fantastic announcements that have been made in relation to tertiary education. As Senator Brandis told us earlier, in question time today, the government’s commitment to higher education through the Higher Education Endowment Fund’s $5 billion has been well received by universities. Professor Gerard Sutton, President of the Australian Vice-Chancellors Committee, said on the AM program this morning:

The university sector is thrilled with the budget, because it met each of the three requests that we made—student support, dollars per student and the establishment of that endowment fund ensures that the capital works of universities is taken care of forever.

Professor Sutton has reason indeed to be pleased with this budget.
Another great initiative that I know will very much benefit the Illawarra is the Rural Clinical Schools Program, which is helping us meet the challenges in recruiting health professionals to rural areas. An example of this is the announcement that the University of Wollongong will receive $16.3 million over four years. This will be used to establish a rural clinical school which will allow 60 medical students each year to undertake long-term rural clinical placements in regional areas of New South Wales. These are just some examples of how we are helping regional and rural areas.

I would like to mention briefly in closing that this budget contains wonderful initiatives to support Australian families: a further $2 billion in additional support will provide families with increased and timely childcare assistance; childcare benefit will be increased; families will receive the childcare tax rebate as a direct payment shortly after the year they incur the cost; more health care funding which will provide $124 million over four years for the Active After-school Communities program; our initiatives in relation to dental health; and other initiatives which will help combat use of illegal drugs in order to protect our children from drugs like ice. As I said in opening, responsible and disciplined economic management has enabled the coalition government to deliver another successful budget which will lock in the gains that we have made and prepare for our future. (Time expired)

Senate adjourned at 7.46 pm

DOCUMENTS
Indexed List of Files

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

Statements of compliance (indexed lists of files)—Communications, Information Technology and the Arts portfolio agencies; Employment and Workplace Relations portfolio agencies; Health and Ageing portfolio agencies

Departmental and Agency Contracts

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Letters of advice (contracts)—Department of Veterans’ Affairs; Health and Ageing portfolio agencies

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 2007 (No. 1) [F2007L01233]*.
Information Amendment Principles 2007 (No. 1) [F2007L01120]*.
Investigation Principles 2007 [F2007L01117]*.
Records Amendment Principles 2007 (No. 1) [F2007L01118]*.

Agricultural and Veterinary Chemicals Act—
Agricultural and Veterinary Chemicals Instrument No. 1 (Manufacturing Principles) 2007 [F2007L01051]*.
Agricultural and Veterinary Chemicals Instrument No. 2 (Repeal of 1997 Manufacturing Principles) 2007 [F2007L01063]*.

Anti-Money Laundering and Counter-Terrorism Financing Act—
Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 1) [F2007L01000]*.
Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No. 2) [F2007L01004]*.

Appropriation Act (No. 1) 2006-2007—
Determinations to reduce appropriations upon request—Determinations Nos—
6 of 2006-2007 [F2007L00984]*.
9 of 2006-2007 [F2007L01239]*.
Australian Communications and Media Authority Act—Australian Communications and Media Authority (Telemarketing Industry Standard) Direction No. 1 of 2007 [F2007L00927]*.
Australian National University Act—Liquor Statute 2007 [F2007L01048]*.
Programs and Awards Statute 2006—Associate Diplomas Rules (Repeal) Rules 2007 [F2007L01047]*.
Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—
4 of 2007—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2005) [F2007L00814]*.
5 of 2007—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2005) [F2007L01112]*.
Banking Act—Select Legislative Instrument 2007 No. 71—Banking (Foreign Exchange) Amendment Regulations 2007 (No. 1) [F2007L00819]*.
Bankruptcy Act—Bankruptcy (Fees and Remuneration) Determination 2007 [F2007L01007]*.
Guidelines relating to the registration and cancellation of a registered debt agreement administrator and ineligibility of an unregistered debt agreement administrator, dated 11 April 2007 [F2007L01006]*.
Select Legislative Instrument 2007 No. 91—Bankruptcy Amendment Regulations 2007 (No. 1) [F2007L01128]*.
Select Legislative Instruments 2007 Nos—
109—Broadcasting Services (Digital Television Standards) Amendment Regulations 2007 (No. 1) [F2007L01116]*.
Christmas Island Act—Utilities and Services Ordinance—Christmas Island Resort Water Services Fees and Charges Determination No. 1 of 2007 [F2007L00954]*.
Civil Aviation Act—
Civil Aviation Regulations—
Civil Aviation Order 40.1.0 Amendment Order (No. 1) 2007 [F2007L01243]*.
Civil Aviation Order 40.3.0 Amendment Order (No. 1) 2007 [F2007L01244]*.
Instruments Nos—
CASA 89/07—Instructions – use of RNAV (GNSS) approaches by RNP-capable aircraft [F2007L00889]*.
CASA 122/07—Approval – charter operations without autopilot [F2007L00893]*.
CASA EX13/07—Exemption – flight data recording [F2007L01138]*.
CASA EX16/07—Exemption under regulation 308 of CAR 1988 — carriage of cockpit voice recorders and flight data recorders [F2007L01138]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—
105—
AD/750XL/9 Amdt 1—S-Tec X 55 Autopilot System – Disconnect [F2007L00892]*.
AD/750XL/10—Cockpit Windows [F2007L00931]*.
AD/750XL/12—Wing Rear Spar [F2007L01234]*.
AD/A320/180 Amdt 2—Fuel Tank Decals [F2007L01148]*.
AD/A320/204—Centre and Outer Wing Box at level of Rib 1 Junction [F2007L01073]*.
AD/A320/205—Wing Dry Bay Skin [F2007L01072]*.
AD/A330/73 Amdt 1—APU Generator Oil Pump Module [F2007L01194]*.
AD/AMD 50/41—Oxygen – Incompatible Passenger Mask Boxes [F2007L01062]*.
AD/B717/20—Electrical Bonding [F2007L01050]*.
AD/B737/276 Amdt 1—Nacelle Support Fitting Attachment Fasteners [F2007L01071]*.
AD/B737/302—Passenger Service Unit Chemical Oxygen Generators [F2007L01060]*.
AD/BAe 146/127—Hydraulic Power – Accumulator Cylinders [F2007L01059]*.
AD/BECh 55/94—Propeller Accumulator Oil Tube [F2007L01058]*.
AD/BELL 206/166 Amdt 1—Main Rotor Latch Bolts [F2007L01250]*.
AD/BELL 206/167 Amdt 1—Transmission Pylon Support Spindle [F2007L01251]*.
AD/BELL 206/170—Horizontal Stabiliser Skin at the Tailboom Attachment Inserts [F2007L01252]*.
AD/BELL 407/29—Horizontal Stabiliser Skin at the Tailboom Attachment Inserts [F2007L01253]*.
AD/CASA/27 Amdt 2—Centre Wing Lower Skin [F2007L01096]*.
AD/CESSNA 170/78 Amdt 1—Flexible Fuel Hose End Fittings [F2007L01108]*.
AD/CESSNA 180/88 Amdt 1—Flexible Fuel Hose End Fittings [F2007L01109]*.
AD/CESSNA 180/90—Fuel Line Chafing [F2007L01139]*.
AD/CESSNA 206/62 Amdt 1—Flexible Fuel Hose End Fittings [F2007L01110]*.
AD/DA42/2—Propeller System Check Valve Bracket [F2007L01057]*.
AD/DO 228/11—Honeywell CAS 67A ACAS II – LBA STC SA1310 [F2007L01056]*.
AD/ECUREUIL/10 Amdt 6—Retirement Life – Fatigue Critical Components [F2007L01069]*.
AD/ECUREUIL/30 Amdt 1—Main Rotor Sleeve Beams [F2007L01068]*.
AD/ERJ-170/2—State of Design Airworthiness Directives [F2007L00868]*.
AD/ERJ-170/3—Air Data Smart Probes [F2007L00867]*.
AD/ERJ-170/4—Flight Guidance Control Unit [F2007L00866]*.
AD/ERJ-170/5—Ice Detection System [F2007L00861]*.
AD/ERJ-170/6—Fuel Quantity Probe Harnesses [F2007L01055]*.
AD/ERJ-170/7—Aft Avionics Compartment Smoke Seal [F2007L01067]*.
AD/F2000/25—Oxygen – Incompatible Passenger Mask Boxes [F2007L01066]*.
AD/HU 369/117—Tail Rotor Blade Root Fitting [F2007L01226]*.
AD/LC40/2—Aileron and Elevator Linear Bearings [F2007L01150]*.
AD/ROBIN/18 Amdt 1—Shoulder Harness Installation [F2007L01074]*.
AD/S-PUMA/69—Engine Controls – Fuel Shut Off Lever [F2007L00880]*.
AD/Z-242L/6—Airworthiness Limitations – Permissible Aerobatic Manoeuvres [F2007L01160]*.

AD/ARRIEL/26 Amdt 1—Engine Electronic Control Unit Software [F2007L01010]*.
AD/CON/84 Amdt 3—Starter Adapter Assembly [F2007L01053]*.
AD/JT9D/37 Amdt 1—Inspection of Life Limited Parts [F2007L01054]*.
AD/TAY/15 Amdt 2—High Pressure Turbine Stage 1 Discs [F2007L01149]*.

106—
AD/APU/19 Amdt 1—Microturbo – Overspeed Protection Channel [F2007L01061]*.
AD/FMS/3—Honeywell NZ-2000 and IC-800 Navigation Computers [F2007L00974]*.
AD/OXY/20 Amdt 2—Oxygen Cylinders [F2007L00865]*.
AD/PMC/50—RPM Restriction and Life Limit [F2007L01049]*.

Select Legislative Instrument 2007 No. 70—Civil Aviation Amendment Regulations 2007 (No. 1) [F2007L00795]*.

Commonwealth Electoral Act and Referendum (Machinery Provisions) Act—Select Legislative Instrument 2007 No. 83—Electoral and Referendum Amendment Regulations 2007 (No. 1) [F2007L01003]*.

Corporations Act—
Accounting Standard AASB 1048—Interpretation and Application of Standards [F2007L00871]*.
ASIC Class Orders—
[CO 07/144] [F2007L01064]*.
[CO 07/189] [F2007L00914]*.
<table>
<thead>
<tr>
<th>No.</th>
<th>Instrument Name</th>
<th>Legislation ID</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>102</td>
<td>Corporations Amendment Regulations 2007 (No. 1)</td>
<td>[F2007L01122]</td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Criminal Code Amendment Regulations 2007 (No. 3)</td>
<td>[F2007L00847]</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Criminal Code Amendment Regulations 2007 (No. 4)</td>
<td>[F2007L00850]</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Criminal Code Amendment Regulations 2007 (No. 5)</td>
<td>[F2007L00713]</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Criminal Code Amendment Regulations 2007 (No. 6)</td>
<td>[F2007L00851]</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Criminal Code Amendment Regulations 2007 (No. 7)</td>
<td>[F2007L00848]</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Criminal Code Amendment Regulations 2007 (No. 8)</td>
<td>[F2007L00712]</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Currency (Royal Australian Mint) Amendment Determination 2007 (No. 1)</td>
<td>[F2007L01212]</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Currency (Royal Australian Mint) Determination 2007 (No. 2)</td>
<td>[F2007L01161]</td>
<td></td>
</tr>
<tr>
<td>06</td>
<td>Tariff Concession Orders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0619385</td>
<td>[F2007L01292]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0619979</td>
<td>[F2007L00944]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0619994</td>
<td>[F2007L00940]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620001</td>
<td>[F2007L00950]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620003</td>
<td>[F2007L00942]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620004</td>
<td>[F2007L00951]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620041</td>
<td>[F2007L00936]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620043</td>
<td>[F2007L00933]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620044</td>
<td>[F2007L00939]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620095</td>
<td>[F2007L00937]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620096</td>
<td>[F2007L00949]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620109</td>
<td>[F2007L00929]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620111</td>
<td>[F2007L00938]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620122</td>
<td>[F2007L00932]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620123</td>
<td>[F2007L00935]**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0620137</td>
<td>[F2007L00947]**</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CHAIRMAN

[99x708]0701083 [F2007L01104]*.
0701138 [F2007L01042]*.
0701142 [F2007L01105]*.
0701223 [F2007L01106]*.
0701301 [F2007L01038]*.
0701302 [F2007L01041]*.
0701303 [F2007L01146]*.
0701304 [F2007L01144]*.
0701451 [F2007L01039]*.
0701477 [F2007L01198]*.
0701480 [F2007L01143]*.
0701482 [F2007L01154]*.
0701496 [F2007L01199]*.
0701499 [F2007L01293]*.
0701500 [F2007L01156]*.
0701533 [F2007L01071]*.
0701549 [F2007L01153]*.
0701551 [F2007L01145]*.
0701552 [F2007L01152]*.
0701553 [F2007L01200]*.
0701554 [F2007L01044]*.
0701555 [F2007L01147]*.
0701570 [F2007L01155]*.
0701601 [F2007L01157]*.
0701602 [F2007L01201]*.
0701603 [F2007L01257]*.
0701686 [F2007L01254]*.
0701688 [F2007L01265]*.
0701718 [F2007L01268]*.
0701719 [F2007L01264]*.
0701720 [F2007L01202]*.
0701722 [F2007L01294]*.
0701745 [F2007L01255]*.
0701746 [F2007L01262]*.
0701747 [F2007L01261]*.
0701748 [F2007L01260]*.
0701749 [F2007L01295]*.
0701750 [F2007L01263]*.
0701764 [F2007L01296]*.
0701867 [F2007L01266]*.
0701868 [F2007L01267]*.
0701869 [F2007L01258]*.
0701959 [F2007L01203]*.

Tariff Concession Revocation Instruments—

51/2007 [F2007L01021]*.
52/2007 [F2007L01022]*.
53/2007 [F2007L01023]*.
54/2007 [F2007L01024]*.
55/2007 [F2007L01025]*.
56/2007 [F2007L01086]*.
57/2007 [F2007L01087]*.
58/2007 [F2007L01088]*.
59/2007 [F2007L01089]*.
60/2007 [F2007L01090]*.
61/2007 [F2007L01092]*.
62/2007 [F2007L01205]*.
63/2007 [F2007L01093]*.
64/2007 [F2007L01206]*.
65/2007 [F2007L01207]*.
66/2007 [F2007L01208]*.
67/2007 [F2007L01301]*.
68/2007 [F2007L01302]*.
69/2007 [F2007L01303]*.
70/2007 [F2007L01304]*.
71/2007 [F2007L01305]*.

Defence Act—

Determinations under sections—

58B—Defence Determinations—

2007/11—Retention allowance—engineers—amendment.

2007/12—Benchmark schools—amendment.

2007/13—Navy—Individuals critical to Navy capability.

2007/14—Retention allowance—air traffic controllers—amendment.

2007/15—Travel on Defence business—amendment.

CHAIRMAN

[99x708]0701083 [F2007L01104]*.
0701138 [F2007L01042]*.
0701142 [F2007L01105]*.
0701223 [F2007L01106]*.
0701301 [F2007L01038]*.
0701302 [F2007L01041]*.
0701303 [F2007L01146]*.
0701304 [F2007L01144]*.
0701451 [F2007L01039]*.
0701477 [F2007L01198]*.
0701480 [F2007L01143]*.
0701482 [F2007L01154]*.
0701496 [F2007L01199]*.
0701499 [F2007L01293]*.
0701500 [F2007L01156]*.
0701533 [F2007L01071]*.
0701549 [F2007L01153]*.
0701551 [F2007L01145]*.
0701552 [F2007L01152]*.
0701553 [F2007L01200]*.
0701554 [F2007L01044]*.
0701555 [F2007L01147]*.
0701570 [F2007L01155]*.
0701601 [F2007L01157]*.
0701602 [F2007L01201]*.
0701603 [F2007L01257]*.
0701686 [F2007L01254]*.
0701688 [F2007L01265]*.
0701718 [F2007L01268]*.
0701719 [F2007L01264]*.
0701720 [F2007L01202]*.
0701722 [F2007L01294]*.
0701745 [F2007L01255]*.
0701746 [F2007L01262]*.
0701747 [F2007L01261]*.
0701748 [F2007L01260]*.
0701749 [F2007L01295]*.
0701750 [F2007L01263]*.
0701764 [F2007L01296]*.

CHAIRMAN

CHAMBER
2007/16—Overseas conditions of service – post indexes.
2007/17—Overseas conditions of service – amendment.
2007/19—Navy – Individuals critical to Navy capability – amendment.
2007/20—Army – 1st Recruit Training Battalion recruit instructors scheme.
58H—Defence Force Remuneration Tribunal Determinations Nos—
22 of 2006—Remuneration Reform Project – Salary Rates for other Ranks.
2007/3-2007/43—Salary for Senior Officer.
Select Legislative Instrument 2007 No. 54—Army and Air Force Canteen Service Amendment Regulations 2007 (No. 1) [F2007L00855]*.
Defence Act, Naval Defence Act and Air Force Act—Select Legislative Instrument 2007 No. 93—Cadet Forces Amendment Regulations 2007 (No. 1) [F2007L01134]*.
Do Not Call Register Act—
Do Not Call Register (Access Fees) Determination 2007 [F2007L01240]*.
Do Not Call Register (Access to Register) Determination 2007 [F2007L01218]*.
Do Not Call Register (Administration and Operation) Determination 2007 [F2007L01220]*.

Environment Protection and Biodiversity Conservation Act—
Amendments of Lists of—
Exempt Native Specimens, dated 28 March 2007 [F2007L00877]*.
Threatened Species, dated 11 April 2007 [F2007L01219]*.
Determinations that certain amendments of the EPBC Act apply to specified actions, dated—
4 April 2007 [F2007L01097]*.
11 April 2007 [F2007L01098]*.
Family Law Act—
Select Legislative Instrument 2007 No. 82—Family Law Amendment Regulations 2007 (No. 1) [F2007L00988]*.
Summary Courts Jurisdiction (Matrimonial Causes and Children) Proclamation 2007 [F2007L00915]*.
Federal Court of Australia Act—Select Legislative Instrument 2007 No. 81—Federal Court (Corporations) Amendment Rules 2007 (No. 1) [F2007L00881]*.
Financial Management and Accountability Act—
Adjustments of Appropriations on Change of Agency Functions—Directions Nos—
10 of 2006-2007 [F2007L00977]*.
11 of 2006-2007 [F2007L00976]*.
12 of 2006-2007 [F2007L01113]*.
13 of 2006-2007 [F2007L01204]*.
14 of 2006-2007 [F2007L01209]*.
Financial Management and Accountability Determination 2007/01 – Other Trust Moneys – Office of the Australian Building and Construction Commis-
sioner Special Account Establishment 2007 [F2007L00829]*.


Net Appropriation Agreements for—
Australian Industrial Registry [F2007L01111]*.
Department of Education, Science and Training [F2007L00878]*.
Department of Families, Community Services and Indigenous Affairs [F2007L01080]*.

Select Legislative Instrument 2007 No. 84—Financial Management and Accountability Amendment Regulations 2007 (No. 1) [F2007L00975]*.

Fisheries Management Act—


Goods and Services Tax Rulings—
Addenda—GSTR 2003/7 and GSTR 2005/6.
GSTR 2007/2.

Health Insurance Act—
Health Insurance (Allied Health and Dental Services) Amendment Determination 2007 (No. 1) [F2007L01009]*.
Health Insurance (Bone Densitometry) Determination HS/01/2007 [F2007L00879]*.
Health Insurance (Intracytoplasmic Sperm Injection) Determination HS/02/2007 [F2007L01197]*.

Select Legislative Instruments 2007 Nos—
55—Health Insurance Amendment Regulations 2007 (No. 1) [F2007L00582]*.
56—Health Insurance Amendment Regulations 2007 (No. 2) [F2007L00802]*.
57—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2007 (No. 1) [F2007L00804]*.
58—Health Insurance (General Medical Services Table) Amendment Regulations 2007 (No. 2) [F2007L00810]*.
59—Health Insurance (General Medical Services Table) Amendment Regulations 2007 (No. 3) [F2007L00803]*.
60—Health Insurance (Pathology Services Table) Amendment Regulations 2007 (No. 1) [F2007L00805]*.
86—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2007 (No. 2) [F2007L00926]*.
98—Health Insurance Amendment Regulations 2007 (No. 3) [F2007L00992]*.
99—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2007 (No. 3) [F2007L00891]*.
100—Health Insurance (General Medical Services Table) Amendment Regulations 2007 (No. 4) [F2007L00993]*.
101—Health Insurance (Pathology Services Table) Amendment Regulations 2007 (No. 2) [F2007L00990]*.
Higher Education Support Act—
  Higher Education Provider Approval (No. 6 of 2007)—Melbourne Institute for Experiential and Creative Arts Therapy Incorporated [F2007L00843]*.
  Other Grants Guidelines 2006—Amendment No. 3 [F2007L01158]*.
Imported Food Control Act—Imported Food Control Regulations—Imported Food Control Amendment Order 2007 (No. 1) [F2007L00919]*.

Income Tax Assessment Act 1997—Select Legislative Instruments 2007 Nos—
  90—Income Tax Assessment Amendment Regulations 2007 (No. 2) [F2007L00956]*.
  103—Income Tax Assessment Amendment Regulations 2007 (No. 3) [F2007L01126]*.


International Transfer of Prisoners Act—
  Select Legislative Instruments 2007 Nos—
  80—International Transfer of Prisoners (Transfer of Sentenced Persons Convention) Amendment Regulations 2007 (No. 1) [F2007L00846]*.

Interstate Road Transport Act—
  Determination of Routes for B-doubles not operating at Higher Mass Limits under the Federal Interstate Registration Scheme (FIRS) 2007 (No. 1) [F2007L00842]*.
  Interstate Road Transport Regulations 1986—Determination of Routes for Vehicles, other than B-doubles and Rigid Truck and Trailer Combinations, Carrying Higher Mass Limits under the Federal Interstate Registration Scheme (FIRS) No. 1 [F2007L00860]*.

Life Insurance Act—
  Life Insurance (Prudential Standard) Determination No. 3 of 2007—PS 6.4D Prudential Standard (Friendly Societies) Service Contracts [F2007L00853]*.

Migration Act—
  Migration Agents Regulations—MARA Notices—
    MN18-07b of 2007—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2007L01215]*.
    MN18-07c of 2007—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2007L01216]*.
    MN18-07f of 2007—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2007L01217]*.
Migration Regulations—Instruments—
IMMI 07/006—Specification of addresses for the purposes of paragraphs 1104AA(3)(a) and 1202A(3)(a) [F2007L00870]*.
IMMI 07/010—Arrangements for work and holiday visa applicants from Thailand, Iran, Chile and Turkey [F2007L00887]*.
IMMI 07/012—Impairment Rating [F2007L01081]*.
IMMI 07/013—Health Service Provider [F2007L01082]*.
IMMI 07/014—Student visa assessment levels [F2007L01232]*.
IMMI 07/015—Organisations that may sponsor short stay business visitors [F2007L00325]*.
IMMI 07/019—Organisations that may sponsor short stay business visitors [F2007L01290]*.

Select Legislative Instruments 2007 Nos—

69—Migration Amendment Regulations 2007 (No. 1) [F2007L00811]*.
87—Migration Amendment Regulations 2007 (No. 2) [F2007L00989]*.

Motor Vehicle Standards Act—
Vehicle Standard (Australian Design Rule 42/02 — General Safety Requirements) 2006 Amendment 1 [F2007L00816]*.
Vehicle Standard (Australian Design Rule 43/01 — Vehicle Configuration and Marking) 2006 Amendment 1 [F2007L00827]*.
Vehicle Standard (Australian Design Rule 43/02 — Vehicle Configuration and Dimensions) 2006 Amendment 1 [F2007L00830]*.
Vehicle Standard (Australian Design Rule 44/00 — Specific Purpose Vehicle Requirements) 2006 Amendment 1 [F2007L00831]*.
Vehicle Standard (Australian Design Rule 44/01 — Specific Purpose Vehicle Requirements) 2006 Amendment 1 [F2007L00832]*.

Vehicle Standard (Australian Design Rule 45/00 — Lighting and Light-Signalling Devices not covered by ECE) 2006 Amendment 1 [F2007L00833]*.
Vehicle Standard (Australian Design Rule 49/00 — Front and Rear Position (Side) Lamps, Stop Lamps and End Outline Marker Lamps) 2006 Amendment 1 [F2007L00835]*.

National Health Act—
Arrangements Nos—

PB 35 of 2007—Chemotherapy Pharmaceuticals Access Program [F2007L00934]*.
PB 36 of 2007—Highly Specialised Drugs Program [F2007L00941]*.
PB 41 of 2007—IVF/Gift Program [F2007L01249]*.

Declarations Nos—

PB 32 of 2007 [F2007L00925]*.
PB 37 of 2007 [F2007L01238]*.

Determinations Nos—

PB 31 of 2007 [F2007L00923]*.
PB 33 of 2007 [F2007L00928]*.
PB 34 of 2007 [F2007L00930]*.
PB 38 of 2007 [F2007L01245]*.
PB 39 of 2007 [F2007L01246]*.
PB 40 of 2007 [F2007L01248]*.

Pharmaceutical Benefits Amendment Determination under paragraph 98B(1)(a) No. 6 [F2007L01210]*.

Select Legislative Instruments 2007 Nos—

61—National Health Amendment Regulations 2007 (No. 2) [F2007L00614]*.

CHAMBER
62—National Health (Lifetime Health Cover) Repeal Regulations 2007 (No. 1) [F2007L00800]*.

63—National Health (Private Health Insurance Levies) Repeal Regulations 2007 (No. 1) [F2007L00801]*.

64—National Health (Registered Health Benefits Organizations) Repeal Regulations 2007 (No. 1) [F2007L00799]*.

Naval Defence Act—Select Legislative Instrument 2007 No. 94—Navy (Canteens) Amendment Regulations 2007 (No. 1) [F2007L01132]*.

Navigation Act—

Direction under section 421, dated 26 March 2007 [F2007L00922]*.

Marine Orders Nos—

2 of 2007—Special purpose ships [F2007L01137]*.

3 of 2007—Liquefied gas carriers and chemical tankers [F2007L01231]*.

Nuclear Non-Proliferation (Safeguards) Act—Select Legislative Instrument 2007 No. 97—Nuclear Non-Proliferation (Safeguards) Amendment Regulations 2007 (No. 1) [F2007L01119]*.

Occupational Health and Safety Act—

Select Legislative Instruments 2007 Nos—

95—Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 2007 (No. 1) [F2007L01136]*.

96—Occupational Health and Safety (Safety Arrangements) Amendment Regulations 2007 (No. 1) [F2007L01133]*.

PAYE Bulletins—Notices of Withdrawal—Nos 1–12.

PPS Bulletins—Notices of Withdrawal—Nos 1–11.

Primary Industries and Energy Research and Development Act—Select Legislative Instrument 2007 No. 46—Fisheries Research and Development Corporation Amendment Regulations 2007 (No. 1) [F2007L00873]*.

Privacy Act—Select Legislative Instrument 2007 No. 92—Privacy (Private Sector) Amendment Regulations 2007 (No. 1) [F2007L01094]*.

Private Health Insurance Act—

Private Health Insurance (Benefit Requirements) Amendment Rules 2007 (No. 1) [F2007L01221]*.

Private Health Insurance (Benefit Requirements) Rules 2007 [F2007L00894]*.

Private Health Insurance (Complying Product) Rules 2007 [F2007L00896]*.

Private Health Insurance (Council) Rules 2007 [F2007L00899]*.

Private Health Insurance (Data Provision) Rules 2007 [F2007L00900]*.

Private Health Insurance (Health Benefits Fund Administration) Rules 2007 [F2007L00885]*.

Private Health Insurance (Health Benefits Fund Enforcement) Rules 2007 [F2007L00901]*.


Private Health Insurance (Health Insurance Business) Rules 2007 [F2007L00904]*.

Private Health Insurance (Incentives) Rules 2007 [F2007L00903]*.

Private Health Insurance (Insurer Obligations) Rules 2007 [F2007L00859]*.

Private Health Insurance (Levy Administration) Rules 2007 [F2007L00905]*.

Private Health Insurance (Lifetime Health Cover) Rules 2007 [F2007L00906]*.

Private Health Insurance (Ombudsman) Rules 2007 [F2007L00907]*.

Private Health Insurance (Prostheses) Rules 2007 [F2007L00908]*.
Private Health Insurance (Registration) Rules 2007 [F2007L00910]*.

Private Health Insurance (Risk Equalisation Administration) Rules 2007 [F2007L00876]*.

Private Health Insurance (Risk Equalisation Policy) Rules 2007 [F2007L00912]*.

Private Health Insurance Complaints Levy Act—

Private Health Insurance (Complaints Levy) Rules 2007 [F2007L00895]*.

Select Legislative Instrument 2007 No. 65—Private Health Insurance Complaints Levy Repeal Regulations 2007 (No. 1) [F2007L00807]*.

Private Health Insurance (Council Administration Levy) Act—

Private Health Insurance (Council Administration Levy) Rules 2007 [F2007L00897]*.

Select Legislative Instrument 2007 No. 66—Private Health Insurance (Council Administration Levy) Repeal Regulations 2007 (No. 1) [F2007L00808]*.

Private Health Insurance Incentives Act—

Select Legislative Instrument 2007 No. 67—Private Health Insurance Incentives Repeal Regulations 2007 (No. 1) [F2007L00806]*.


Product Rulings—

Erratum—PR 2007/33.


Quarantine Act—Quarantine Service Fees Amendment Determination 2007 (No. 1) [F2007L00583]*.

Radiocommunications Act—Radiocommunications (Datacasting Transmitter Licence Limits) Direction No. 1 of 2007 [F2007L01008]*.


Retirement Savings Accounts Act—Select Legislative Instrument 2007 No. 104—Retirement Savings Accounts Amendment Regulations 2007 (No. 1) [F2007L01123]*.

Safety, Rehabilitation and Compensation Act—Safety, Rehabilitation and Compensation (Weekly Interest on the Lump Sum) Notice 2007 (2) [F2007L01142]*.

Safety, Rehabilitation and Compensation Act and Safety, Rehabilitation and Compensation and Other Legislation Amendment Act—Safety, Rehabilitation and Compensation (Weekly Interest on the Lump Sum) Notice 2007 (1) [F2007L01141]*.

Social Security Act
Social Security Exempt Lump Sum (Pastoral Care and Assistance Scheme Payment) (DEST) Determination 2007 [F2007L00872]*.
Social Security Exempt Lump Sum (Pastoral Care and Assistance Scheme Payment) (DEWR) Determination 2007 [F2007L00886]*.
Social Security Exempt Lump Sum (Pastoral Care and Assistance Scheme Payment) (FaCSIA) Determination 2007 [F2007L00882]*.
Superannuation (Government Co-contribution for Low Income Earners) Act—Select Legislative Instrument 2007 No. 72—Superannuation (Government Co-contribution for Low Income Earners) Amendment Regulations 2007 (No. 1) [F2007L00822]*.
Superannuation Guarantee (Administration) Act—Select Legislative Instrument 2007 No. 73—Superannuation Guarantee (Administration) Amendment Regulations 2007 (No. 1) [F2007L00821]*.
Superannuation Industry (Supervision) Act—Select Legislative Instruments 2007 Nos—
74—Superannuation Industry (Supervision) Amendment Regulations 2007 (No. 1) [F2007L00820]*.
105—Superannuation Industry (Supervision) Amendment Regulations 2007 (No. 2) [F2007L01127]*.
Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act—Select Legislative Instrument 2007 No. 75—Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Amendment Regulations 2007 (No. 1) [F2007L00824]*.
Superannuation (Self Managed Superannuation Funds) Taxation Act—Select Legislative Instrument 2007 No. 76—Superannuation (Self Managed Superannuation Funds) Taxation Amendment Regulations 2007 (No. 1) [F2007L00823]*.
Sydney Airport Curfew Act—Dispensation Report 04/07 [4 dispensations].
Taxation Administration Act—PAYG Withholding—Notice exempting entities from giving a duplicate copy of a payment summary to payees [F2007L01196]*.
Select Legislative Instruments 2007 Nos—
77—Taxation Administration Amendment Regulations 2007 (No. 1) [F2007L00825]*.
106—Taxation Administration Amendment Regulations 2007 (No. 2) [F2007L01124]*.
Taxation Determinations—
Notice of Withdrawal—TD 98/27.
Telecommunications Act—
Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007 [F2007L00815]*.
Telecommunications Numbering Plan Variation 2007 (No. 3) [F2007L01011]*.
Telecommunications (Section of the Telecommunications Industry) Determination 2007 [F2007L01242]*.
Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(b) No. 1 of 2007 [F2007L00995]*.
Telecommunications (Interception and Access) Act—

Telecommunications (Interception and Access) (Emergency Service Facilities – Western Australia) Instrument 2007 [F2007L01280]*.


Telstra (Transition to Full Private Ownership) Act—85% Sale Day Declaration 2007 (No. 1) [F2007L00883]*.

Terrorism Insurance Act—
   Select Legislative Instrument 2007 No. 107—Terrorism Insurance Amendment Regulations 2007 (No. 1) [F2007L01095]*.
   Treasurer to Australian Reinsurance Pool Corporation (Premiums) Direction 2007 [F2007L00983]*.
   Treasurer to Australian Reinsurance Pool Corporation (Risk Retention) Direction 2007 [F2007L00978]*.

Textile, Clothing and Footwear Strategic Investment Program Act—Textile, Clothing and Footwear Post-2005 Strategic Investment Program Scheme Amendment 2007 (No. 1) [F2007L00874]*.

Trade Practices Act—
   Guidelines relating to deferral of arbitrations and backdating of determinations under Part IIIA [F2007L00857]*.
   Monitoring and Reporting on Competition in the Telecommunications Industry Determination 2003 (No. 1) Revocation 2007 (No. 1) [F2007L01045]*.
   Select Legislative Instrument 2007 No. 78—Trade Practices Amendment Regulations 2007 (No. 2) [F2007L00836]*.

Trans-Tasman Mutual Recognition Act—
   Select Legislative Instrument 2007 No. 88—Trans-Tasman Mutual Recognition Amendment Regulations 2007 (No. 1) [F2007L00999]*.

Veterans’ Entitlements Act—
   Determination of Warlike Service—Operation HUSKY, dated 22 March 2007 [F2007L00986]*.

Statement of Principles concerning—
   Achilles Tendinopathy and Bursitis No. 37 of 2007 [F2007L01162]*.
   Achilles Tendinopathy and Bursitis No. 38 of 2007 [F2007L01163]*.
   Albinism No. 45 of 2007 [F2007L01170]*.
   Albinism No. 46 of 2007 [F2007L01171]*.
   Alkaptonuria No. 47 of 2007 [F2007L01172]*.
   Alkaptonuria No. 48 of 2007 [F2007L01173]*.
   Autosomal Dominant Polycystic Kidney Disease No. 55 of 2007 [F2007L01180]*.
   Autosomal Dominant Polycystic Kidney Disease No. 56 of 2007 [F2007L01181]*.
   Congenital Cataract No. 49 of 2007 [F2007L01174]*.
   Congenital Cataract No. 50 of 2007 [F2007L01175]*.
   Haemophilia No. 63 of 2007 [F2007L01188]*.
   Haemophilia No. 64 of 2007 [F2007L01189]*.
   Horseshoe Kidney No. 51 of 2007 [F2007L01176]*.
   Horseshoe Kidney No. 52 of 2007 [F2007L01177]*.
   Intervertebral Disc Prolapse No. 39 of 2007 [F2007L01164]*.
   Intervertebral Disc Prolapse No. 40 of 2007 [F2007L01165]*.
   Malignant Neoplasm of the Gallbladder No. 67 of 2007 [F2007L01192]*.
Malignant Neoplasm of the Gall-bladder No. 68 of 2007 [F2007L01193]*.
Malignant Neoplasm of the Oesophagus No. 41 of 2007 [F2007L01166]*.
Malignant Neoplasm of the Oesophagus No. 42 of 2007 [F2007L01167]*.
Marfan Syndrome No. 53 of 2007 [F2007L01178]*.
Marfan Syndrome No. 54 of 2007 [F2007L01179]*.
Osteogenesis Imperfecta No. 59 of 2007 [F2007L01184]*.
Osteogenesis Imperfecta No. 60 of 2007 [F2007L01185]*.
Parkinson's Disease and Parkinsonism No. 65 of 2007 [F2007L01190]*.
Parkinson’s Disease and Parkinsonism No. 66 of 2007 [F2007L01191]*.
Spina Bifida No. 61 of 2007 [F2007L01186]*.
Spina Bifida No. 62 of 2007 [F2007L01187]*.
Tuberculosis No. 43 of 2007 [F2007L01168]*.
Tuberculosis No. 44 of 2007 [F2007L01169]*.
Von Willebrand’s Disease No. 57 of 2007 [F2007L01182]*.
Von Willebrand’s Disease No. 58 of 2007 [F2007L01183]*.

Governor-General’s Proclamations—Commencement of Provisions of Acts—

Bankruptcy Legislation Amendment (Superannuation Contributions) Act 2007—Item 1 of Schedule 2—27 April 2007 [F2007L01131]*.
Civil Aviation Legislation Amendment (Mutual Recognition with New Zealand) Act 2006—Items 1 to 19 of Schedule 1—30 March 2007 [F2007L00796]*.
Safety, Rehabilitation and Compensation and Other Legislation Amendment Act 2007—Item 22 of Schedule 1—27 April 2007 [F2007L01140]*.

Explanatory statement tabled with legislative instrument.

Tabling

The following government documents were tabled:

Australia-Indonesia Institute—Report for 2005-06.
Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 126/07 to 137/07—Commonwealth Ombudsman’s reports.
Commonwealth Ombudsman’s reports—Government response.
Treaties—

Bilateral—Text, together with national interest analysis and annexures—
Agreement between Australia and the Federal Republic of Germany on Social Security to govern persons temporarily employed in the territory of the other State ("Supplementary Agreement"), Concluding Protocol and Implementation Arrangement (Berlin, 9 February 2007).

Agreement on Social Security between the Government of Australia and the Government of the Republic of Korea (Canberra, 6 December 2006).


Multilateral—Text, together with national interest analysis and annexures—


Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), done at Geneva on 8 December 2005.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Airservices Australia: Avionics Tender**

(Question No. 2460)

**Senator Ludwig** asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 31 August 2006:

(1) Why was the tender RFP 05/06-17 Design, Manufacture and Installation of ADS-B Avionics issued by Airservices Australia terminated.

(2) Has Airservices Australia developed (or are developing) any alternative arrangements to the cancelled tender; if so, can details be provided.

(3) Was industry consulted on the termination of this tender: (a) if so: (i) what was the form of this consultation, (ii) what was the outcome of this consultation, and (iii) what was communicated by industry during the consultation; and (b) if not, why not.

(4) Was industry notified that the tender was to be terminated prior to the termination: (a) if so: (i) when, and (ii) was industry critical of the decision to terminate the tender and can the details be provided; (b) if not, why not.

(5) Can a copy be provided of the notification issued to industry indicating that the tender was terminated.

(6) How many applications were received for the tender.

(7) Will the tender be re-opened at a later date: (a) if so: (i) when, and (ii) why was it necessary to close the tender if it was to be re-opened at a later point; and (b) if not, why not.

(8) Did any organisations, companies or persons receive grants from federal, state or local governments to assist in the development of the tender application; if so: (a) was the Minister aware of this; (b) what was the total value of grants made to assist in the development of tender applications; and (c) to which organisation, company or person were these grants made.

**Senator Johnston**—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) In June 2006, Airservices Australia’s consultation process led the organisation to conclude that some elements of the aviation industry and government needed more time to consider the costs, timeframe and implementation issues associated with the introduction of ADS-B technology in lieu of enroute radars.

Airservices therefore made the decision to cancel the Request for Proposal (RFP) process for the purchase and installation of a quantity of ADS-B avionics. Airservices felt that it could not in good faith continue with the RFP while important issues about the introduction of ADS-B technology in lieu of enroute radars remained unresolved. Steps have since been taken towards resolution of these issues.

(2) Airservices Australia is developing alternative arrangements for ADS-B implementation through a wider consultation process. This began with an inter-agency workshop on 15 September 2006, and will continue with development of an inter-agency Aviation Industry Discussion Paper to be released in the first quarter of 2007. Such discussion paper is likely to consider options such as small-scale demonstrations of ADS-B technology.

(3) (a) No.
QUESTIONs ON NOTICE

(b) Airservices Australia made a decision to terminate the RFP process on 23 June 2006. Airservices Australia was of the view that the aviation industry and the Australian Government needed more time to consider the costs, timeframe and implementation of ADS-B technology. Airservices Australia was restricted by the Conditions of Proposal regarding consultation and notification of termination.

(4) (a) No.
(b) Airservices Australia did not notify industry of termination of the RFP prior to 23 June 2006 as Airservices Australia was required to comply with the Conditions of Proposal by notifying all respondents of the termination and the wider industry through a notice placed on the Airservices Australia website.

(5) Yes, respondents to the RFP were provided correspondence which included the following statement:

“Airservices Australia wishes to advise of recent developments in relation to RFP 05/06-17. Due to delays in the implementation of ADS-B in Australia, Airservices will not continue to finalise the acquisition of ADS-B avionics at this time.

In accordance with the Conditions of Proposal, Airservices Australia advises that the RFP process is hereby terminated with immediate effect. The original of your Proposal will be archived in accordance with our obligations under the Archives Act 1983. All copies of your Proposal will be destroyed by Airservices Australia within 10 business days of the date of this correspondence unless you advise otherwise.

Airservices Australia acknowledges your company’s efforts in support of the ADS-B program to date.”

(6) There was no application process associated with the RFP. The RFP documentation was freely available for download from the Airservices Australia website. Airservices Australia received seven responses to the RFP.

(7) (a) No, it is not expected that the RFP process will be re-opened.
(b) The approach now being taken to the wider application of ADS-B as outlined in (2) above, means that Airservices does not have an immediate requirement to investigate the development of ADS-B avionics for general aviation at this time. In addition, the offers received in response to the RFP have expired. A future tender (if any) is likely to be subject to a new procurement process.

(8) Airservices did not provide any grants and is not aware of any grants that may have been made through Government.

Minister for the Environment and Water Resources: Overseas Travel
(ceuestion No. 2563)

Senator Robert Ray asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:

With reference to overseas travel made by the Minister to New Zealand from 3 November to 5 November 2004:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones;
(h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

Senator Abetz—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

Minister for the Environment and Water Resources: Overseas Travel
(Question No. 2564)

Senator Robert Ray asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:

With reference to overseas travel made by the Minister to Argentina from 10 December to 19 December 2004:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

Senator Abetz—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

Minister for the Environment and Water Resources: Overseas Travel
(Question No. 2565)

Senator Robert Ray asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:
With reference to overseas travel made by the Minister to the United Kingdom from 13 March to 18 March 2005:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

Senator Abetz—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

Minister for the Environment and Water Resources: Overseas Travel

(Question No. 2566)

Senator Robert Ray asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:

With reference to overseas travel made by the Minister to the United States of America from 17 April to 24 April 2005:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

Senator Abetz—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

QUESTIONS ON NOTICE
QUESTIONS ON NOTICE

Minister for the Environment and Water Resources: Overseas Travel
(Question No. 2567)

Senator Robert Ray asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:

With reference to overseas travel made by the Minister to Switzerland, France, Denmark, Ireland, United Kingdom and Sweden from 29 May to 3 June 2005:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

Senator Abetz—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

Minister for the Environment and Water Resources: Overseas Travel
(Question No. 2568)

Senator Robert Ray asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:

With reference to overseas travel made by the Minister to the Solomon Islands, Kiribati and Tonga from 7 June to 8 June 2005:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.
Senator Abetz—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

Minister for the Environment and Water Resources: Overseas Travel
(Question No. 2569)

Senator Robert Ray asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:

With reference to overseas travel made by the Minister to the Republic of Korea from 18 June to 24 June 2005:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

Senator Abetz—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

Minister for the Environment and Water Resources: Overseas Travel
(Question No. 2570)

Senator Robert Ray asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:

With reference to overseas travel made by the Minister to Indonesia from 15 September to 18 September 2005:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official
telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

_Senator Abetz_—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, d, h, i, j and k the department did not pay any additional costs. In regard to b, c, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

_Minister for the Environment and Water Resources: Overseas Travel (Question No. 2571)_

_Senator Robert Ray_ asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:

With reference to overseas travel made by the Minister to Canada from 21 September to 25 September 2005:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

_Senator Abetz_—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

_Minister for the Environment and Water Resources: Overseas Travel (Question No. 2572)_

_Senator Robert Ray_ asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 18 October 2006:
With reference to overseas travel made by the Minister to the United Kingdom from 31 October to November 2005:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

Senator Abetz—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

Minister for the Environment and Water Resources: Overseas Travel

(Question No. 2573)

Senator Robert Ray asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:

With reference to overseas travel made by the Minister to Canada from 6 December to 12 December 2005:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

Senator Abetz—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.
(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

Minister for the Environment and Water Resources: Overseas Travel

(Question No. 2574)

Senator Robert Ray asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 17 October 2006:

With reference to each overseas visit made by the Minister between 12 December 2005 to 30 June 2006:

(1) What were the costs accrued by the department for: (a) accommodation and services related to accommodation, including any additional hotel rooms or facilities being used as an office and/or for hospitality, which were not paid for by the Department of Finance and Administration; (b) hospitality provided; (c) any security arrangements, other than those provided by the Protective Security Coordination Centre; (d) business centre services; (e) installation of telephone lines; (f) official telephone calls and remote dial-in charges made by the Minister; (g) SIM cards for mobile phones; (h) in-flight communication use; (i) non-official spouse program activities; (j) interpreter services, including fares, accommodation and transport; (k) maps and travel guides; and (l) any airport or VIP lounge hire.

(2) Were there any costs paid for by the department; if so, can an itemised list be provided, including any accrued costs.

Senator Abetz—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator’s question:

(1) In regard to a, c, d, h, i, j and k the department did not pay any additional costs. In regard to b, e, f, g and l costs are incurred by delegations from time to time in these areas. It would be an unreasonable diversion of resources to collate the information noting that these details have been requested for a large number of visits.

(2) Compilation of these details would involve an unreasonable diversion of resources which I am not prepared to authorise.

Suicide

(Question No. 2624)

Senator Faulkner asked the Minister for Justice and Customs, upon notice, on 8 November 2006:

Has the book Final Exit by the American author Derek Humphrey, ever been a prohibited import under the Customs Act 1901 or regulations; if so, and if the book is no longer a prohibited import, how and in what circumstances did it cease to be a prohibited import.

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

Information from public sources indicates this book deals with the subject of suicide. Imports of publications relating to suicide are prohibited absolutely if they contravene Regulation 3AA of the Customs (Prohibited Imports) Regulations 1956. This control came into effect on 6 September 2002. The following is an extract from the regulations:

3AA Importation of devices and documents relating to suicide

(1) The importation of a device designed or customised to be used by a person to commit suicide, or to be used by a person to assist another person to commit suicide, is prohibited absolutely.

(2) The importation of the following documents is prohibited absolutely:
(a) a document that promotes the use of a device mentioned in subregulation (1);
(b) a document that counsels or incites a person to commit suicide using one of those devices;
(b) a document that instructs a person how to commit suicide using one of those devices

Since the introduction of this control Customs records indicate the book titled “Final Exit” has not been assessed by Customs and its status as a prohibited import cannot therefore be determined.

If there is information that the book “Final Exit” was imported into Australia on or after 6 September 2002 and if the informant believes the book contravenes the terms of Regulation 3AA it can be referred to Customs. Customs can then investigate the circumstances and make an appropriate decision regarding any possible action against an importer or whether to seize the book if it is in Australia.

Industry, Tourism and Resources
(Question No. 2642)

Senator O’Brien asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 9 November 2006:

(1) Has the department instituted an internal costing or cost recovery system; if so: (a) what was the reason for instituting this system; and (b) can details be provided of the costs associated with instituting this system.

(2) As at 30 September 2006: (a) how many staff are there at each Australian Public Service (APS) level (including executive and senior executive level staff) by business unit, division or branch; and (b) what is the average salary of staff at each APS level (including executive and senior executive level staff) by business unit, division or branch.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) The department has some activities where costs are charged/recovered internally. The primary reason for these arrangements is for activities to contribute to the costs associated with the overall operations of the Department. The costs of these arrangements are negligible.

(2) Please refer to the attached table.
### Average Annual Salary by Division by Classification

<table>
<thead>
<tr>
<th>Division</th>
<th>APS 1</th>
<th>APS 2</th>
<th>APS 3</th>
<th>APS 4</th>
<th>APS 5</th>
<th>APS 6</th>
<th>Exec 1</th>
<th>Exec 2</th>
<th>SES 1</th>
<th>SES 2</th>
<th>SES 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>AusIndustry</td>
<td>$ -</td>
<td>$ 41,457.13</td>
<td>$46,318.00</td>
<td>$51,621.49</td>
<td>$56,375.87</td>
<td>$65,530.64</td>
<td>$81,296.39</td>
<td>$100,589.72</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Corporate</td>
<td>$ -</td>
<td>$ 41,998.00</td>
<td>$45,549.56</td>
<td>$51,273.07</td>
<td>$56,664.15</td>
<td>$65,752.58</td>
<td>$82,435.49</td>
<td>$103,745.25</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Dept Management Items</td>
<td>$33,704.00</td>
<td>$ -</td>
<td>$ -</td>
<td>$50,728.00</td>
<td>$56,368.44</td>
<td>$63,687.67</td>
<td>$81,213.43</td>
<td>$103,123.00</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>eBusiness</td>
<td>$ -</td>
<td>$ 41,265.00</td>
<td>$ -</td>
<td>$51,140.13</td>
<td>$51,331.67</td>
<td>$56,417.22</td>
<td>$81,059.14</td>
<td>$101,419.84</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Energy &amp; Environment</td>
<td>$ -</td>
<td>$ 41,610.00</td>
<td>$47,117.00</td>
<td>$55,983.45</td>
<td>$64,124.88</td>
<td>$79,904.15</td>
<td>$100,404.17</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Innovation</td>
<td>$ -</td>
<td>$ 41,265.00</td>
<td>$47,117.00</td>
<td>$51,597.50</td>
<td>$55,421.00</td>
<td>$64,794.77</td>
<td>$82,024.57</td>
<td>$97,866.20</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Invest Australia</td>
<td>$ -</td>
<td>$ 41,265.00</td>
<td>$ -</td>
<td>$50,546.60</td>
<td>$57,562.86</td>
<td>$65,352.21</td>
<td>$81,280.58</td>
<td>$105,693.07</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>IPS</td>
<td>$ -</td>
<td>$ 42,474.00</td>
<td>$48,326.00</td>
<td>$52,698.00</td>
<td>$57,885.00</td>
<td>$66,843.30</td>
<td>$81,611.00</td>
<td>$99,750.00</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>MEC</td>
<td>$ -</td>
<td>$ 41,567.25</td>
<td>$45,647.80</td>
<td>$51,013.67</td>
<td>$55,863.50</td>
<td>$64,326.12</td>
<td>$81,474.12</td>
<td>$102,041.54</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>NMI</td>
<td>$34,415.00</td>
<td>$ 41,418.04</td>
<td>$44,959.45</td>
<td>$49,945.02</td>
<td>$56,910.50</td>
<td>$66,944.75</td>
<td>$77,906.63</td>
<td>$99,814.97</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>OSB</td>
<td>$ -</td>
<td>$ 41,265.00</td>
<td>$ -</td>
<td>$51,272.00</td>
<td>$56,875.50</td>
<td>$63,643.60</td>
<td>$80,444.14</td>
<td>$99,761.17</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Resources</td>
<td>$ -</td>
<td>$ 41,265.00</td>
<td>$ -</td>
<td>$52,698.00</td>
<td>$56,627.70</td>
<td>$64,249.00</td>
<td>$80,916.44</td>
<td>$100,923.53</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Tourism</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$52,147.75</td>
<td>$55,294.44</td>
<td>$64,972.00</td>
<td>$80,453.00</td>
<td>$95,571.00</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>DITR Average</td>
<td>$34,450.92</td>
<td>$ 41,484.15</td>
<td>$45,899.52</td>
<td>$51,038.15</td>
<td>$56,470.38</td>
<td>$65,489.41</td>
<td>$80,790.26</td>
<td>$100,917.29</td>
<td>$129,291.00</td>
<td>$158,762.00</td>
<td>$180,632.00</td>
</tr>
</tbody>
</table>

### Headcount by Division by Classification

<table>
<thead>
<tr>
<th>Division</th>
<th>APS 1</th>
<th>APS 2</th>
<th>APS 3</th>
<th>APS 4</th>
<th>APS 5</th>
<th>APS 6</th>
<th>Exec 1</th>
<th>Exec 2</th>
<th>SES 1</th>
<th>SES 2</th>
<th>SES 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>AusIndustry</td>
<td>0</td>
<td>8</td>
<td>26</td>
<td>39</td>
<td>32</td>
<td>176</td>
<td>116</td>
<td>39</td>
<td>6</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Corporate</td>
<td>0</td>
<td>8</td>
<td>32</td>
<td>29</td>
<td>26</td>
<td>31</td>
<td>45</td>
<td>24</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Dept Management Items</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>9</td>
<td>9</td>
<td>7</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>eBusiness</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>31</td>
<td>12</td>
<td>49</td>
<td>57</td>
<td>25</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Energy &amp; Environment</td>
<td>0</td>
<td>10</td>
<td>3</td>
<td>9</td>
<td>11</td>
<td>16</td>
<td>46</td>
<td>23</td>
<td>6</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Innovation</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>9</td>
<td>19</td>
<td>11</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Invest Australia</td>
<td>0</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>7</td>
<td>13</td>
<td>21</td>
<td>10</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>IPS</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>5</td>
<td>7</td>
<td>24</td>
<td>36</td>
<td>14</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>MEC</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>9</td>
<td>8</td>
<td>17</td>
<td>33</td>
<td>24</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NMI</td>
<td>20</td>
<td>50</td>
<td>11</td>
<td>45</td>
<td>28</td>
<td>69</td>
<td>56</td>
<td>64</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>OSB</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>22</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Resources</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>5</td>
<td>10</td>
<td>12</td>
<td>48</td>
<td>17</td>
<td>4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Tourism</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>9</td>
<td>14</td>
<td>19</td>
<td>10</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Division</td>
<td>APS 1</td>
<td>APS 2</td>
<td>APS 3</td>
<td>APS 4</td>
<td>APS 5</td>
<td>APS 6</td>
<td>Exec 1</td>
<td>Exec 2</td>
<td>SES 1</td>
<td>SES 2</td>
<td>SES 3</td>
</tr>
<tr>
<td>------------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>--------</td>
<td>--------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Geoscience</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IP Australia</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept Total</td>
<td>24</td>
<td>101</td>
<td>85</td>
<td>192</td>
<td>190</td>
<td>464</td>
<td>529</td>
<td>271</td>
<td>59</td>
<td>12</td>
<td>4</td>
</tr>
</tbody>
</table>

Notes: Annual Salary amounts based on Substantive Annual Salary

An average across the Department has been given for SES salaries, as in some cases individual salaries can be identified at the Divisional level.

Information regarding SES in IP Australia and Geoscience has only been provided.

$^*$ This figure has been removed as individual salaries can be identified at the Divisional level.
Civil Aviation Safety Authority: Legal Services
(Question No. 2672)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 10 November 2006:

With reference to the answer to question on notice CASA 50, taken on notice during the Senate Rural and Regional Affairs and Transport Committee Budget estimates hearings in May 2005, concerning the procurement of legal services by the Civil Aviation Safety Authority (CASA):

(1) Does CASA maintain a panel arrangement for the provision of external legal services.

(2) Do the firms Malleson Stephen Jacques, Phillips Fox and Blake Dawson Waldron still comprise the panel; if not: (a) when was the panel varied; and (b) which firms are members of the current panel.

(3) Since 1 June 2005, has CASA used non-panel members to provide legal services: if so, can the following information be provided for each occasion that a non-panel firm was engaged: (a) the name of the firm; (b) the period of engagement; (c) the matter for which they were engaged; (d) the cost; (e) why the firm was engaged; (f) who authorised the engagement; (g) whether CASA’s Legal Services area was consulted before they were engaged; (h) whether a contract was executed before the legal services were provided; if so, who prepared the contract; (i) whether the engagement was consistent with CASA’s contractual arrangements with panel members.

Senator Johnston—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) Yes.

(3) Yes.

First occasion
(a) Australian Government Solicitor (AGS).
(b) June 2005 to January 2007.
(c) Operation of the Trans-Tasman Mutual Recognition Act 1997 in relation to pilot licences; whether infringement notices can be issued to body corporate for the conduct of individuals; legislative instruments – documents within the scope of the Legislative Instruments Act 2003; interpretation of the Civil Aviation (Fees) Regulations 1995; further issues concerning Legislative Instruments Act 2003; and provision of advice in relation to the disclosure of certain information in response to a request from a Senate Committee.
(d) Legal advice on the above matters cost a total of $29,722.80.
(e) The issues related to the interpretation and application of Commonwealth legislation. CASA considered it prudent to secure external legal advice from the AGS as they had advised on these issues in the past.
(f) CASA Legal Services Group.
(g) Yes.
(h) An estimate of the charges was provided by AGS and a contract to undertake the work involved was signed before work commenced.
(i) Yes.

Second occasion
(a) Clayton Utz.
(b) July-November 2006.
(b) Representation at the Industrial Relations Commission and specialist employment advice on Australian Workplace Agreements (AWAs) during CASA restructuring.

c) $47,761.

d) Unavailability of relevant panel members and a need to seek specialist counsel.

e) CASA CEO.

(f) Yes.

(g) No.

(h) Yes.

Third occasion

(a) Australian Government Solicitor.

(b) September 2006.

(c) Specialist employment advice on AWAs.

(d) $700.

(e) Specialist advice from counsel.

(f) CASA Head of Human Resources.

(g) Yes.

(h) No.

(i) Yes.

Civil Aviation Safety Authority: Enforcement Decisions

(Question No. 2676)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 10 November 2006:
Can details be provided of Civil Aviation Safety Authority enforcement decisions: (a) varied; and (b) set aside in the 2005-06 financial year.

Senator Johnston—the Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:
Details are provided in the Civil Aviation Safety Authority’s Annual Report 2005-2006.

Civil Aviation Safety Authority: Operations

(Question No. 2683)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 10 November 2006:
What is the cost to date of establishing: (a) new Civil Aviation Safety Authority (CASA) operational positions in Brisbane; and (b) CASA’s operational headquarters in Brisbane.

Senator Johnston—the Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:
(a) As at March 2007, 25 new operational positions have been created in Brisbane. The cost to date of recruiting these 25 new staff is $87,953. These costs represent advertising and recruitment agency costs

(b) Fit-out and construction costs were $158,494.
Civil Aviation Safety Authority: Services
(Question No. 2684)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 10 November 2006:

What services to the value of $5,100 did the Civil Aviation Safety Authority procure from ‘Chris Kelly Cartoonist Caricaturist’ in the 2005-06 financial year.

Senator Johnston—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

Illustrations were produced for the aviation safety magazine *Flight Safety Australia*.

Civil Aviation Safety Authority: Enforceable Voluntary Undertakings
(Question No. 2692)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 10 November 2006:

With reference to the evidence by the Civil Aviation Safety Authority (CASA) Acting General Manager, Legal Services Group, Dr Jonathan Aleck, to the Senate Standing Committee on Rural and Regional Affairs and Transport on 30 October 2006 about section 30DK(4) of the Civil Aviation Act 1988 relating to the publication of details of enforceable voluntary undertakings (EVUs):

(1) Is the Minister aware that Dr Aleck claimed that ‘if the public sees that an EVU has been entered into with a particular organisation then they can go to that organisation and say…’ before I fly with you, I would like some more information about this’ and then make their own judgement about what they are going to do’.

(2) Can the Minister confirm that the Government imposes no obligations on operators to publish details of EVUs.

(3) Can the Minister confirm that operators are under no obligation to provide members of the public with information about EVUs even when requested to do so.

(4) Can the Minister confirm that the only party subject to disclosure obligations under section 30DK(4) is CASA.

Senator Johnston—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) Testimony by CASA officials is publicly available in Hansard.

(2) and (3) There is no regulatory requirement for operators to publish EVUs or provide copies of EVUs to members of the public.

(4) Yes.

Transair
(Question No. 2703)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 10 November 2006:

Since July 2001, on what dates has the Civil Aviation Safety Authority audited Transair.

Senator Johnston—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:
Details of CASA audits of Transair were provided on 1 February 2007 to the Senate Rural and Regional Affairs and Transport Committee Inquiry into the Airspace Bill 2006 and Airspace (Consequential and Other Measures) Bill 2006.

**Civil Aviation Safety Authority: Lockhart River Air Disaster**

*(Question No. 2717)*

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 10 November 2006:

With reference to the claim by the Deputy Chief Executive Officer of the Civil Aviation Safety Authority (CASA), Mr Bruce Gemmell, on the ABC television *Four Corners* program ‘Flight 675’ about the May 2005 Lockhart River air tragedy broadcast on 4 July 2005 that CASA was asking itself ‘Was the training inadequate? Was the oversight arrangements inadequate? What was it?’: What conclusions has CASA reached.

Senator Johnston—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

A detailed investigation into the Lockhart River accident was released by the Australian Transportation Safety Bureau on 4 April 2007 which contains considerable details of CASA’s oversight of Transair.

**Remote Aerodrome Inspection Program**

*(Question No. 2765)*

Senator Crossin asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 14 November 2006:

1. (a) With reference to a contract in the 2005-06 financial year of $282 645, awarded to Aerodrome Management Services Pty Ltd for the remote aerodrome inspection service program to Indigenous communities in northern Australia and which ran until September 2006: (i) what work was done under this contract in the Northern Territory, (ii) at which aerodromes, (iii) what follows on from these inspections, and (iv) who meets the costs of any follow-up work; and (b) was all the work related to this contract completed; if not, what work remains to be done.

2. Given that the contract of $36.5 million to Australian Airport Association was to be ongoing until late 2007 under the Regional Airport Funding Program: (a) what funds have been spent in the Northern Territory to date; (b) at which airports; and (c) on which projects.

3. Given that there are contracts for multiple recipients of funding for provision of the Remote Air Service Subsidy Scheme (RASS), can a current list be provided of: (a) Northern Territory communities receiving RASS; and (b) the service provider for each.

4. Given that the RASS contract(s) appear to end in November 2006, what is the status of contracts ongoing beyond that date.

5. Was Aboriginal Air Services, which went into liquidation in September 2006, one of the RASS providers in the Northern Territory; if so, what arrangements have been put into place to ensure that any communities affected continue to receive RASS.

6. With reference to the crane at Flying Fish Cove, Christmas Island, that was out of action for months due to cracked footings and which was supposed to be back in use by July 2006, as stated at the hearing of the estimates Rural and Regional Affairs and Transport Legislation Committee on 23 May 2006 (Committee Hansard, p. 130), was the crane finally repaired and put back into use by this deadline; if not: (a) what is the expected timeline; and (b) what is happening with the off-loading of cargo.
(7) (a) What was the final cost of the repairs in relation to paragraph (6) above; (b) who met these costs; and (c) is there any chance of any of this money being recovered from the contractor; if not, why not.

(8) With reference to the land for the Linkwater Road project on Christmas Island being resumed from the Christmas Island Resort, when will the proposed road work be carried out;

(9) (a) Will the Indian Ocean Territories (JOT) Health Service be privatised; and (b) are consultations with the community planned before any decision is made.

(10) (a) What processes are in place for consulting with either Christmas Island and/or the Cocos (Keeling) Islands; and (b) for each of the years 2005 to 2006 to date, what matters have been referred to the Minister for consultation by either community.

(11) When will the Government respond to the Joint Standing Committee on the National Capital and External Territories report, Current and future governance arrangements for the Indian Ocean Territories.

(12) Given that mammography screening on Christmas Island has been operational for some months now: (a) are any statistics available as to how many women have used this service; and (b) how many women have had to be sent for further examination and/or treatment.

(13) Are any statistics available to show how many women accessing this service were from Cocos Island.

(14) Given that most women from Cocos Island would be Muslim and that there maybe possible cultural problems relating to these women travelling alone: (a) have there been any problems with them travelling to Christmas Island; and (b) if they have to be accompanied, who pays for the escort.

(15) Given that women travelling from Cocos Island would need a stop over of several days, what accommodation arrangements exist for them.

(16) Is there any ongoing education or awareness program being conducted in conjunction with this breast screening program.

(17) Is the Government giving any consideration to putting a mammography screening service on Cocos Island.

(18) (a) Are there any reports on the performance of the wind generators on Home Island, part of the Cocos (Keeling) Islands; (b) have there been any problems, including bird strikes; and (c) is there any data on how these wind generators have affected the cost of power generation.

(19) Given that earlier in 2006 it was proposed to carry out a further study into the water problem on Home Island: (a) was this study conducted; and (b) what is the current status of this study.

(20) (a) Is the temporary water desalination plant in place at Home Island; and (b) what is the cost of this project.

(21) What progress has been made on the Rumah Ban wharf project and the proposal to run a hovercraft service between Home and West Islands for passengers and cargo containers.

Senator Johnston—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) (a) (i) 28 aerodromes were inspected under the Remote Aerodrome Inspection Program which is currently funded to June 2007. A report on the state of each community aerodrome is produced after inspection, with a copy provided both to the Department and to the relevant community.

(ii) The aerodromes inspected by Aerodrome Management Services Pty Ltd in the Northern Territory for the 2005-06 financial year were:
Bamyili, Bathurst Island, Baranduda, Black Point Ranger Station/Smith Point Aerodrome, Borroloola, Busman, Cooinda, Croker Island, Daly River, Delissaville, Elcho Island, Garden Point, Gove, Hooker Creek, Kalkgurung/Kalkaringi, Lake Evella, Maningrida, Milingimbi, Ngukurr, Numbulwar, Oenpelli, Palumpa, Peppimenarti, Port Keats (Wadeye), Ramingining, Snake Bay, South Goulburn Island and Timber Creek.

(iii) Where works are required to the aerodrome the inspection service provider makes recommendations to the community to repair the particular work required.

(iv) The communities meet the cost of works required. On some occasions funding is provided by state governments. Funding has also been provided in the past by the Regional Partnerships programme on a competitive basis, the Office for Indigenous Policy Coordination, or other parties subject to community needs.

(b) Yes. All work required under this contract has been completed for 2005-06.

(2) (a) To date, $3,417,116.13 in funding under the Regional Airport Funding Program has been announced at thirteen airports in the Northern Territory.

(b) and (c) The breakdown in funds and projects for each airport is as follows:

<table>
<thead>
<tr>
<th>Airports</th>
<th>Funds</th>
<th>Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bathurst Island</td>
<td>$279,410.00</td>
<td>fencing, lighting and access control</td>
</tr>
<tr>
<td>Elcho Island</td>
<td>$124,719.00</td>
<td>fencing, lighting and code locks for access gates</td>
</tr>
<tr>
<td>Garden Point</td>
<td>$254,754.00</td>
<td>fencing, lighting and access control</td>
</tr>
<tr>
<td>Hooker Creek</td>
<td>$169,372.00</td>
<td>security fencing, floodlighting and code locks for access gates</td>
</tr>
<tr>
<td>Kalkurung</td>
<td>$265,472.00</td>
<td>fencing, security gate and lock</td>
</tr>
<tr>
<td>Katherine/Tindal</td>
<td>$94,250.00</td>
<td>CCTV, lighting, fencing, gates and window security screens</td>
</tr>
<tr>
<td>Lake Evella</td>
<td>$293,904.00</td>
<td>fencing, gates and lighting</td>
</tr>
<tr>
<td>Maningrida</td>
<td>$179,601.00</td>
<td>lighting, fencing and security access points</td>
</tr>
<tr>
<td>McArthur River Mine</td>
<td>$168,439.00</td>
<td>CCTV cameras, light poles and fencing</td>
</tr>
<tr>
<td>Milingimbi</td>
<td>$613,159.00</td>
<td>fencing, code locks and lighting</td>
</tr>
<tr>
<td>Ramingining</td>
<td>$235,172.00</td>
<td>fencing, lighting and gates</td>
</tr>
<tr>
<td>Snake Bay</td>
<td>$253,437.00</td>
<td>fencing, lighting and access control</td>
</tr>
<tr>
<td>Tennant Creek</td>
<td>$485,427.13</td>
<td>fencing, lighting, CCTV, locks and movement sensors</td>
</tr>
</tbody>
</table>

(3) (a) The following Northern Territory communities receive services under the Remote Air Services Subsidy Scheme:

Alcoota Station (share airstrip with Engawaca Aboriginal Community), Ammaroo Station, Ampilatwatja Aboriginal Community, Andado Station, Annitowa Station, Argadarguda Station, Arramwelke Aboriginal Corporation (Baikal Airstrip), Auvergne Station, Benmara Station, Birrindudu Station (NT), Borroloola township, Bullo River Station, Bulman Aboriginal Community, Bunbidee (Pigeon Hole) Community, Bunda Station, Calvert Hills Station, Camfield Station, Canteen Creek Aboriginal Community (Owairtilla), Delmore Downs Station, Docker River, Elkedra Station, Epenarra Aboriginal Community/Station, Finke (Apatula), Gilnooke Station, Harts Range (Atitjere Aboriginal Community), Hodgson Downs (Alawa) Aboriginal Community (Minyeri), Hodgson River Station, Humbert River Station, Idracowra Station, Inverway Station (NT), Jervois Station, Kiana Station, Kidman Springs Station, Kildurk Station (Amanbidji/Mialuni), Killarney Station, Legune Station, Lilla Creek Station, Limburya Sta-
tion, Linman National Park (Nathan River Homestead), Lucy Creek Station, Mallapunya Springs Station, Marqua Station, McArthur River (Bessie Springs) Station, McDonald Bore Station, Mittiebah Station, Montejinni Station, Mt Denison Station, Mungoorbada Aboriginal Community (Robinson River), Nelson Springs Station, New Crown Station, Numery Station, Ooratippra Station, Pungalina Station, Rabbit Flat Roadhouse, Redbank Mine, Ringwood Station, Riveren Station, Suplejack Station, Tanami Downs Station, Tanumbirini Station, Tarlton Downs Station, The Garden Station, Ucharonidge Station, Umbeara Station, Urupungu School, Urupuntja Council – based at Arlparra (Utopia), Vaughan Springs Station, Wallhallow Station, Waterloo Station, Wave Hill Station, Willowra School/Community, Wollogorang Station/Roadhouse, Yarralin (Walpiri Aboriginal Community) and Yuelamu Aboriginal Community. Total number: 74.

(b) All of the above communities are serviced by Syncom Pty Ltd trading as Chartair, except Birrindudu Station and Inverway Station, which are serviced by Golden Eagle Airlines.

(4) In August 2006 the Department exercised its option, under the air operator’s funding deeds, to extend the deeds by 12 months. Consequently, the deeds were extended to 30 November 2007.

(5) Only one Northern Territory community serviced by Aboriginal Air Services was under the RASS Scheme, this being Docker River. The Department initiated an emergency interim measure to engage an operator to provide the vacated air service. Following a select request for quotation, Chartair was engaged from 26 September 2006 to provide air services under the Scheme to communities that were affected by the collapse of Aboriginal Air Services, including Docker River in the Northern Territory. The Department will conduct an open tender for continuation of the services beyond the interim period.

(6) (a) CI Ports, the Department’s contracted port manager, notified port users on 28 July 2006 that the crane would be operational as from 31 July 2006. The crane was returned to service on 31 July 2006.

The crane was again removed from service from 19 August to 21 August 2006, due to movement in one of the tower legs at the starter leg attachment. New bolts were fitted to the crane with specialised equipment (torque multiplier).

On 17 September 2006, the slew motor casing fractured causing the crane to again be removed from service. It was returned to service on 19 September 2006. The slew motor casing fractured for a second time on 9 October 2006 at 05:00 and the crane was returned to service at 13:30 on the same day.

An independent expert has assessed the crane and its maintenance regimes and operations. The assessment includes recommendations for improvement in both the maintenance and operations where appropriate. The assessment was completed in early December and the report is being considered by the Department.

(b) Crane is in service.

(7) (a) The total costs of the repairs including outstanding commitments is expected to be $653,305.02.

(b) The Australian Government meets these costs from the Indian Ocean Territories Administered programme.

(c) The Department has not yet received final legal advice on this issue.

(8) The surrender of the Linkwater Road corridor was registered by WA Department of Land Information in December 2006. It was anticipated that tenders will be sought for the roadworks in the second half of 2006/07 and a construction timetable will be determined as part of this process.
(9) (a) and (b) On 4 December 2006, the Minister for Local Government, Territories and Roads, the Hon Jim Lloyd MP, announced that the Indian Ocean Territories Health Service (IOTHS) will continue to be managed by the Department of Transport and Regional Services (DOTARS). The IOTHS has been the subject of a thorough market testing process. At the conclusion of this process, the Minister decided that the IOTHS should continue to be managed by DOTARS as this represented the best value for money for the Australian Government and the local communities.

(10) (a) and (b) The Australian Government regularly consults directly with the communities of Christmas Island and the Cocos (Keeling) Islands. The Administrator of Christmas Island and the Cocos (Keeling) Islands and the Department of Transport and Regional Services have a presence on-island and are available to both communities. The Minister for Local Government, Territories and Roads, the Hon Jim Lloyd MP, travels to Christmas Island and the Cocos (Keeling) Islands at least once per year. The Minister publishes a regular newsletter in both Territories to keep the community informed of Government activities and current issues.

The Government consults directly with a variety of associations, business groups and individuals from the Islands. The Government also consults the Islands’ Shire Councils. The Shire of Christmas Island maintains a Community Consultative Committee (CCC) which provides a forum for consultation.

In addition, WA Government agencies regularly consult with the IOT communities and relevant stakeholders in relation to services they provide on behalf of the Australian Government.

(11) The Government is considering the Committee’s report and will be responding in due course.

(12) (a) 162 women were screened. A breakdown of age groups as follows:

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-39</td>
<td>1</td>
</tr>
<tr>
<td>40-49</td>
<td>86</td>
</tr>
<tr>
<td>50-69</td>
<td>74</td>
</tr>
</tbody>
</table>

(b) Four were referred to Perth for further examination.

(13) The screening service provided in August and September 2006 was for Christmas Island residents only. It was originally envisaged that it would extend to residents of the Cocos (Keeling) Islands. However, due to the likely logistical and social impacts of removing a large number of women from CKI, the service was only provided to Christmas Island residents.

The Government is proposing to implement a similar service for Cocos residents in 2007 [refer to response to Question No. 2765 (17)]. In the interim, initial breast screening services are available on CKI in the form of breast examinations performed by the local doctor. Where a mammogram is clinically indicated as necessary, the patient will be flown to Perth under the Patient Assisted Travel Scheme.

In addition, the Indian Ocean Territories Health Service runs promotional activities on both islands, including community information sessions to encourage women to self examine. The Health Service also encourages CKI women over age 40 to have routine breast screening when off island for business or on holiday.

(14) (a) and (b) Refer to response to Question No. 2765 (13).

(15) Refer to response to Question No. 2765 (13).

(16) The ongoing education of breast cancer awareness is consistent with what is provided in Western Australia. The Indian Ocean Territories Health Service runs promotional activities on both Christmas Island and the Cocos (Keeling) Islands, including community information sessions to encourage breast cancer awareness and the importance of regular self examination.
Translated pamphlets and educational material are available through the Health Service and BreastScreen WA's website. The Health Service also promotes breast screen awareness through local media channels, for example, through community radio.

(17) The Government is proposing to implement a service for residents of the Cocos (Keeling) Islands in 2007. This proposal includes the purchase of a mammography machine similar to the machine provided on Christmas Island. It is envisaged that BreastScreen WA will provide this service to the Cocos (Keeling) Island, in addition to the service they provide on Christmas Island.

(18) (a) There are no formal reports on the performance of the wind generators.

(b) The wind turbine generators on Home Island were commissioned on 11 February 2005. Since July 2006, the wind farm has experienced some technical problems, notably an electrical control problem due to water ingress to the inverters and a problem with the winch used to furl the tail prior to lowering the turbine to the ground for maintenance. The problem with the winch manifested in an accident on 4 September 2006 in which a contractor working on the wind farm was injured.

The manufacturer agreed to modify the inverter housings to prevent the electrical control problem from recurring and to repair the inverters. All four modified housings have been received and the last two inverters were repaired and installed in December 2006.

The Department is working with the manufacturer to resolve the problem with the winch and the associated rigging arrangements.

Records of bird strike events have not been documented but the local manager of Water Corporation, the Home Island Power Station operator, provided a verbal report in which he estimated that during a twelve month period there were six instances of a bird striking a turbine.

(c) During the 2005-06 financial year, the wind generators produced 122,002 kW/hrs of electricity. This represented:

- 5.4% of the Home Island annual electricity demand;
- An annual saving of around 30,000 litres of diesel fuel or approximately $37,000; and

(19) (a) Yes. A cost benefit risk analysis on the Home Island water supply was completed in June 2006.

(b) The cost benefit risk analysis is complete and further environmental analysis of long term options is required.

(20) (a) The temporary desalination plant arrived on Home Island in November 2006 and became fully operational on 6 December 2006.

(b) The total cost of this project is $144,000.

(21) The construction of the proposed Rumah Baru freight and passenger facility was suspended in 2003 due to tender costs exceeding the funds available. Subsequent to this suspension, Toll Ports (formerly Western Stevedores), the Department's port managers in the IOTs, submitted a proposal for an alternative freight handling system for the Cocos (Keeling) Islands.

Work on Toll’s proposal was delayed during 2005/06 due to uncertainty around the hovercraft ferry proposal. On 9 June 2006 the preliminary agreement with Hover Cocos Pty Ltd to undertake preparations for a Cocos (Keeling) Island hovercraft service was terminated. The termination occurred as a result of advice from Hover Cocos that it was unable to obtain finance for the project. The Cocos community was advised of the project’s termination by notice in The Atoll published July 2006.
Since the termination of the hovercraft project in June 2006, the Department has been developing a further proposal for consideration by the Government.

The marine services that potentially would use a new facility include the public transport service, the search and rescue service, the marine refuelling service and recreational marine services to the Cocos community.

**Transair**

*(Question No. 2902)*

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 30 November 2006:

(1) Has the suspension of Transair’s air operators certificate by the Civil Aviation Safety Authority (CASA) resulted in the grounding of flights from Taree to Sydney provided by Big Sky Express.

(2) Is the newspaper report that Transair is ‘the company from which Big Sky Express leases its Metroliner aircraft’ correct.

(3) Can an outline be provided of the operational relationship between Big Sky Express and Transair.

(4) Was CASA’s evidence to the estimates hearing of the Rural and Regional Affairs and Transport Legislation Committee on 13 February 2006 (Committee Hansard, p. 156) that Big Sky Express is ‘Transair’s operation in New South Wales’ correct.

Senator Johnston—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) Yes.

(3) Big Sky Express is a marketing organisation operating as a travel agent for the Regular Public Transport services provided under the ‘Big Sky Express’ banner and operated by Lessbrook.

(4) Yes.

**Murwangi Community Aboriginal Corporation**

*(Question No. 3044)*

Senator Crossin asked the Minister representing the Minister for Vocational and Further Education, upon notice, on 7 March 2007:

With reference to the 1 March 2007 announcement by the Minister that $180,000 was to be made available for upgrading training facilities at Murwangi Station, Central Arnhem Land:

(1) (a) which organisation or community made the submission for this funding; (b) when; (c) under which program.

(2) Has the organisation or community been funded for training in the past; if so, can details be provided.

(3) What existing facilities does the organisation or community have for trainee accommodation and mechanical training that are being upgraded.

(4) For each of the years 2005, 2006 and 2007 to date: (a) what training has the organisation or community carried out; (b) what were the names of the courses; (c) how many participants have there been; and (d) what was the outcome of each course.

(5) Do the trainees come from the nearby community of Raminging only; if not, where do they come from.

(6) (a) which registered training organisation provides the training at the station; and (b) what accommodation is available for trainers.
Can a breakdown be provided for the (a) $180,000 in funding; and (b) total amount of $452,868 invested in the project.

Senator Brandis—The Minister for Vocational and Further Education has provided the following answer to the honourable senator’s question:

1. (a) Murwangi Community Aboriginal Corporation made the submission for this funding; (b) An expression of interest for funding was submitted in 2005. The expression of interest was supported by the Northern Territory Department of Employment, Education and Training (NT DEET) and endorsed through a national selection process. Following endorsement, the proponent submitted a full funding application through NT DEET, which was subsequently approved by the Australian Government; (c) Funding is provided under the VET Infrastructure for Indigenous people (VIIP) component of infrastructure funding provided under the 2005-08 Commonwealth-State Agreement for Skilling Australia’s Workforce.

2. Murwangi Community Aboriginal Corporation received $143,374 under the VIIP initiative in 2001. This funding was used to purchase a demountable trainee accommodation block and some furnishings.

3. Training facilities currently available in the Community include:
   - demountable trainee accommodation,
   - Manager’s residence that has been converted into a training facility which has two rooms with a capacity for up to 30 trainees and includes an office with administration facilities, amenities and a small kitchen; and
   - mechanical workshop.

4. (a) and (b) The proponent in their application provided details of the following training:

<table>
<thead>
<tr>
<th>Training course names</th>
<th>No of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governance Training</td>
<td>15</td>
</tr>
<tr>
<td>Cultural Training</td>
<td>41</td>
</tr>
<tr>
<td>Driver training</td>
<td>23</td>
</tr>
<tr>
<td>Ranger training (natural resource management)</td>
<td>11</td>
</tr>
</tbody>
</table>

**2006**

<table>
<thead>
<tr>
<th>Training course names</th>
<th>No of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governance Training</td>
<td>11</td>
</tr>
<tr>
<td>Driver training</td>
<td>14</td>
</tr>
<tr>
<td>Certificate II in Aquaculture (Seafood Industry)</td>
<td></td>
</tr>
<tr>
<td>Pre-vocational training, retail, construction, business</td>
<td>30</td>
</tr>
<tr>
<td>admin and horticulture</td>
<td></td>
</tr>
<tr>
<td>Firearms training and licensing</td>
<td>30</td>
</tr>
</tbody>
</table>

**2007** (proposed training)

<table>
<thead>
<tr>
<th>Training course names</th>
<th>No of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cert II &amp; III in Building and Construction</td>
<td>6</td>
</tr>
<tr>
<td>Certificate I in Aquaculture</td>
<td>12</td>
</tr>
<tr>
<td>Certificate II in Aquaculture</td>
<td>7</td>
</tr>
<tr>
<td>Certificate II &amp; III in Civil Construction</td>
<td>8</td>
</tr>
<tr>
<td>Certificate II &amp; III in Retail</td>
<td>6</td>
</tr>
<tr>
<td>Certificate I &amp; II in Agriculture</td>
<td>4</td>
</tr>
<tr>
<td>Certificate II &amp; III in Business</td>
<td>6</td>
</tr>
</tbody>
</table>

(c) (d) Responsibility for monitoring of training outcomes rests with the states and territories under VIIP arrangements and within the framework for the collection of national VET statistics.
It is known, for example, that training conducted at the centre has been directed to supporting the filming of the movie '10 Canoes' and offered pathways to employment in businesses managed by Murwangi Community Aboriginal Corporation.

(5) Information provided by the Murwangi Community Aboriginal Corporation in their application indicates that trainees accessing facilities will be from Murwangi Outstation and Ramingining only.

(6) (a) the International College of Advanced Education is the Registered Training Organisation providing training at the Station; and (b) the additional training facilities to be funded will accommodate trainers.

(7) Breakdown of funding:

<table>
<thead>
<tr>
<th>Item</th>
<th>Australian Government Contribution</th>
<th>MCAC</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchase and install electric submersible water pump (including connection)</td>
<td>$7,500</td>
<td>$768</td>
<td>$8,268.00</td>
</tr>
<tr>
<td>Construct new electricity generator shed</td>
<td>$25,000</td>
<td>$1,290</td>
<td>$26,290.00</td>
</tr>
<tr>
<td>Purchase and install electricity generators and power cabling</td>
<td>$50,000</td>
<td>$85,000</td>
<td>$135,000.00</td>
</tr>
<tr>
<td>Refurbish and extend existing workers accommodation (including upgrade of kitchen facilities)</td>
<td>$79,500</td>
<td>$175,700</td>
<td>$255,200.00</td>
</tr>
<tr>
<td>Refurbish and extend mechanical workshop</td>
<td>$25,000</td>
<td>$2,500</td>
<td>$27,500.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$187,000.00*</td>
<td>$265,258.00</td>
<td>$452,258.00</td>
</tr>
</tbody>
</table>

* Note: Funds of $6,000 previously provided to this organisation that remain unspent will be redirected towards this new project.

**Tiwi Islands**

**Senator Siewert** asked the Minister for Fisheries, Forestry and Conservation, upon notice, on 26 March 2007:

With reference to the article ‘Forestry—key to the Tiwi Islanders future’ (Contours, June 2005, p. 12) that states that ‘with an operational port... and more than 35 000 tonnes of logs ready to go, Sylvatech has scheduled shipments every three weeks for the next five years, generating more than $95 million for the Tiwi people’ and quotes the Tiwi Land Council’s Environment and Heritage Officer as saying that ‘the Council is determined that a significant amount of the revenue, which it shares 50:50 with Sylvatech, will go to education’:

(1) How much income did the Tiwi Islanders receive from the first seven shipments of logs exported to Asia.

(2) Can the Minister explain how the first six shipments produced a total loss of $600 000 despite government and logging company estimations, on several occasions, that the logs would be worth millions of dollars.

(3) How much income did Sylvatech receive from each of the seven shipments.

(4) Did any other company involved in the Tiwi forestry project profit from the sale of these logs, for example Pentarch Forest Products Ltd, Pensyl Ltd, Stratus Shipping Ltd.

(5) If no income was being made from the export of logs from the Tiwi Islands to Asia, why did the shipments continue at a substantial loss to the Tiwi Islanders.
(6) (a) Given the discrepancy between estimated and actual value of the logs, has a fraud been committed against the Tiwi Islanders; and (b) if so, will the Minister refer the matter to the Australian Federal Police for investigation; if not, why not.

Senator Abetz—The answer to the honourable senator’s question is as follows:
It is my understanding that the Australian Government does not hold this information. Answers to the questions are more appropriately sought from the Tiwi Land Council and the companies involved in the project.