INTERNET

The Journals for the Senate are available at

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

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

SITTING DAYS—2007

<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 Whips—Senators Stephen Parry and Julian John James McGauran
Nationalists 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
Family First Party Whip—Senator Steve Fielding

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Adams, Judith</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Allison, Lynette Fay</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Barnett, Guy</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Bartlett, Andrew John Julian</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>AD</td>
</tr>
<tr>
<td>Bernardi, Cory(3)</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Birmingham, Simon John(6)</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(1)</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(4)</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>Carr, Kim John</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Chapman, Hedley Grant Pearson</td>
<td>SA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Conroy, Stephen Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (3)</td>
<td>NT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Ellison, Hon. Christopher Martin</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Alan Baird</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fielding, Steve</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>FF</td>
</tr>
<tr>
<td>Fierravanti-Wells, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter(2)</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Fisher, Mary Jo (7)</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Forshaw, Michael George</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, John Joseph</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (3)</td>
<td>ACT</td>
<td></td>
<td>LP</td>
</tr>
<tr>
<td>Hurley, Annette</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Hutchins, Stephen Patrick</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Johnston, 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 (3)</td>
<td>ACT</td>
<td></td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Macdonald, John Alexander Lindsay (Sandy)</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>NATS</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>McGauran, Julian John James</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>McLucas, Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>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</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.
(7) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Amanda Eloise Vanstone, resigned.

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

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

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

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

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

MONDAY, 18 JUNE

Chamber
Great Barrier Reef Marine Park Amendment Bill 2007—
   Second Reading ................................................................................................................. 1
Questions Without Notice—
   Broadband ...................................................................................................................... 21
   Broadband ...................................................................................................................... 22
   Broadband ...................................................................................................................... 23
   Broadband ...................................................................................................................... 25
   Broadband ...................................................................................................................... 26
   Workplace Relations ......................................................................................................... 27
   Firearms ......................................................................................................................... 28
Distinguished Visitors ......................................................................................................... 29
Questions Without Notice—
   Australian Federal Police ................................................................................................... 30
   Broadband .......................................................................................................................... 31
   Liberal Party .................................................................................................................... 32
   Iraq .................................................................................................................................. 34
Questions Without Notice: Additional Answers—
   Firearms .......................................................................................................................... 35
Questions Without Notice: Take Note Of Answers—
   Broadband ...................................................................................................................... 35
   Firearms .......................................................................................................................... 41
Petitions—
   Firearms .......................................................................................................................... 42
Notices—
   Presentation ................................................................................................................... 42
   Postponement ................................................................................................................... 46
Peace and Non-Violence Commission Bill 2007—
   First Reading .................................................................................................................. 46
   Second Reading ................................................................................................................ 46
Trade Practices Amendment (Predatory Pricing) Bill 2007—
   First Reading .................................................................................................................. 49
   Second Reading ................................................................................................................ 49
Middle East ......................................................................................................................... 51
Uranium Exports .................................................................................................................. 51
In-Vitro Fertilisation ............................................................................................................. 52
Committees—
   Environment, Communications, Information Technology and the Arts Committee—
     Report ............................................................................................................................. 53
   Representation of South Australia ...................................................................................... 53
   Parliamentary Zone—
     Proposal for Works ..................................................................................................... 53
   Committees—
     Electoral Matters Committee—Report ....................................................................... 53
   Delegation Reports—
     Parliamentary Delegation to East Timor .................................................................. 58
National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007—
   Report of Community Affairs Committee .................................................................. 60
Fisheries Legislation Amendment Bill 2007 ................................................................. 60
## CONTENTS—continued

**Fisheries Levy Amendment Bill 2007**—
- Report of Rural and Regional Affairs and Transport Committee ................................. 60

**Business**—
- Rearrangement.................................................................................................................. 61

**Workplace Relations Amendment (A Stronger Safety Net) Bill 2007**—
- Second Reading................................................................................................................. 61

**Adjournment**—
- Drugs in Sport ................................................................................................................. 126
- Parenting by Grandparents ............................................................................................. 128
- State Governments........................................................................................................... 130
- Climate Change................................................................................................................ 132

**Documents**—
- Tabling.............................................................................................................................. 134

**Questions On Notice**
- Airservices Australia: Solomon Islands—(Question Nos 2806 to 2809) ......................... 136
- Tourism Australia—(Question No. 3078) ........................................................................ 136
- Tourism Australia—(Question No. 3080) ........................................................................ 141
- Parliament House: Security—(Question No. 3204) ......................................................... 142
The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

GREAT BARRIER REEF MARINE PARK AMENDMENT BILL 2007
Second Reading
Debate resumed from 12 June, on motion by Senator Scullion:
That this bill be now read a second time.

Senator McLUCAS (Queensland) (12.31 pm)—The Great Barrier Reef Marine Park Amendment Bill 2007 goes to governance arrangements for the Great Barrier Reef Marine Park. The Great Barrier Reef is Australia’s greatest natural asset. It is unique. Nowhere else in the world do we see such an example of nature at her most diverse, her most enthralling, her most startling and, in my view, her most beautiful. The reef is not only magnificent in its natural beauty; the economic contribution of this natural phenomenon is phenomenal as well. The Great Barrier Reef not only evokes a sense of ownership within those of us who are fortunate to live beside it; all Australians rightly feel a strong connection with and ownership of it. But the bill that we have before us is about governance. This bill does nothing at all to address the real issues affecting the Great Barrier Reef. This bill does not include any element of a plan to maintain a healthy reef into the future. The Great Barrier Reef Marine Park Amendment Bill 2007 seeks to implement recommendations of a 2006 review of the Great Barrier Reef Marine Park Act 1975. I want to pick up on the key aspects of that review and of this bill, but before I do so it is important to set the scene.

The Great Barrier Reef is an extraordinary natural wonder. It is the world’s largest World Heritage area. It is 2,000 kilometres of World Heritage wonder, with the world’s most extensive coral reef system, the world’s richest diversity of faunal species, 2,800 individuals reefs, 1,500 fish species, 175 bird species, 4,000 species of molluscs, 1,500 species of sponge, 500 species of seaweed and more than 30 species of marine mammals.

Senator Boswell—How many fishermen?

Senator McLUCAS—I will get to that. There are 940 islands in the Great Barrier Reef. It is the jewel in the crown of Australia’s natural assets. The northern part of the reef is believed to be 18 million years old and the southern part two million years old. This is our inheritance and it is our responsibility to protect it for future generations. Of course, we do not just have a responsibility to maintain the ecological integrity of the reef; we also have a responsibility to maintain the jobs and the regional towns that are dependent on a healthy reef. About 200,000 jobs are dependent on a healthy reef, generating about $4.3 billion for the Australian economy. Since I wrote this speech, I have received a copy of the Australian Research Council document called Discovery. The ARC talk about the reef’s value being $5 billion a year, with 68,000 people directly employed in industries associated with the reef.

But there are real threats to the reef’s future which this government simply will not acknowledge. The science is very clear. The unreleased Australian chapter of the United Nations Intergovernmental Panel on Climate Change report Climate Change 2007: Impacts, adaptation and vulnerability lays out a bleak future for the Great Barrier Reef. By 2020, the report says, 60 per cent the Great Barrier Reef could be regularly bleached. By 2050, 97 per cent could be bleached each year. By 2080, there could be ‘catastrophic mortality of coral species annually’ and a 95 per cent decrease in the distribution of Great
Barrier Reef species. There could be a 65 per cent loss of Great Barrier Reef species in the Cairns region alone.

An international team of scientists working on the Great Barrier Reef has found a clear link between coral disease and warmer ocean temperatures. World-first research at 48 reefs spread along 1,500 kilometres of the GBR, combined with six years of satellite data on sea temperatures, has revealed ‘a highly significant relationship’ between ocean warming and the emergence of a disease known as white syndrome. White syndrome is one of a number of unexplained coral diseases which scientists have observed to be increasing globally in recent years.

The Great Barrier Reef is dying before our very eyes and, frankly, I do not think the Howard government cares. The government cannot say it was not warned. It has received report after report after report for almost a decade with similar warnings growing in strength with each report received. The Prime Minister cannot use the ‘I wasn’t aware’ excuse. Report after report, articles in scientific journals and the anecdotal evidence that we hear in North Queensland all the time are there for all to see. But the response we have received in terms of protecting our reef from global climate change has been nothing.

Look at the government’s own March 2005 Climate change risk and vulnerability report. That report identifies the reef as one of a handful of highly vulnerable regions that can be identified that should be given priority for further adaptation planning and response. The report says:

- Cairns and the Great Barrier Reef are expected to see multiple dimensions of change. The Reef itself is likely to suffer from coral bleaching events, which have long recovery times and flow on effects for the whole ecosystem. Climate model projections suggest that within 40 years water temperatures could be above the survival limit of corals.

You have to ask: what action has the Howard government undertaken in response to this stark warning?

This is not just an environmental question. A 2005 Access Economics study found tourism associated with the GBR generated over $US4.48 billion in 2004-05 and provided direct employment for about 63,000 people. The marine tourism industry is a major contributor to the local and Australian economies. In 2007 there were approximately 820 operators and 1,500 vessels and aircraft permitted to operate in the GBR Marine Park. Tourism attracts approximately 1.9 million visitors each year. That is the lifeblood of regional and local communities. That is the lifeblood of my city, Cairns, of Port Douglas in the Douglas shire, of Townsville, Mackay, Airlie Beach, the Whitsundays and areas further south. That is the economy that is being jeopardised by the inaction of the Commonwealth government on the issue of climate change. And that is why the Howard government’s line—a very calculated line—that Australians have to choose between a healthy economy and a healthy environment is such a dangerous one. Think about this: the reef brings millions of dollars into the Australian economy and is directly responsible for the employment of tens of thousands of Australians.

A forward-looking government would have responded to the reality that our reef is at serious threat and implemented a climate change strategy—a climate change strategy that should include the ratification of the Kyoto protocol and the cutting of Australia’s greenhouse pollution by 60 per cent by 2050. It would have included establishing a national emissions trading scheme and seriously investing in renewable energy and clean coal. A forward-looking government would have announced serious long-term
measures to cut Australia’s soaring greenhouse pollution, but that is not what we have seen. Climate change is a massive challenge for Australia, but the Howard government is only now even acknowledging it exists, and only because the Prime Minister has read the opinion polls.

The other thing a forward-looking government would do is to cherish Australia’s past, recognising that our natural and cultural heritage is the cornerstone of our modern society. That is why I find it staggering that the government still has not placed the Great Barrier Reef on Australia’s National Heritage List. A National Heritage List without the Great Barrier Reef is like a rugby league hall of fame without Wally Lewis. But that is precisely what we have. Our National Heritage List came into force in January 2004. It is, frankly, astonishing that the government has not got around to putting it on the list. You can ask: is it incompetence, tardiness or forgetfulness? Or is the Howard government just taking the Great Barrier Reef for granted? Is it taking the people who depend on a healthy reef for granted? Frankly, climate change, not governance arrangements, is the real threat to the Great Barrier Reef.

The government did take a very courageous step when it announced it was protecting 33 per cent of the Great Barrier Reef from fishing and other extractive industries. I do pay tribute to the then environment minister, David Kemp, and Senator Robert Hill, both of whom seem to have a real interest in protecting our Great Barrier Reef. But what has the government done since then? It did announce the structural adjustment for the fishing industry. Initially the structural adjustment package was predicted to be worth $31 million. Now it has increased threefold, blowing out to more than $87 million, an extraordinary miscalculation on behalf of the government. Fishers and land based businesses that rely on reef derived income are entitled to compensation for economic loss caused under the Representative Areas Program, which increased the reef green zones. They did deserve compensation, but they do not deserve the mess that is the compensation package.

The National Party and some elements of the Liberal Party have worked hard to destroy Dr Kemp’s legacy, launching strong campaigns against the Great Barrier Reef Marine Park Authority and the zoning plan. The then National Party senator elect, Senator Joyce, was quoted in the Courier-Mail on 1 March 2005 as opposing GBRMPA’s existence as an independent agency. He said:

“GBRMPA is out of control ...”

“We are having too many problems and we should bring it totally under government control and baby-sit it for a while.”

Senator Joyce—Hear, hear! I stand by it.

Senator McLucas—I am sorry, Senator Joyce, but that is an appalling suggestion. We have an agency which is internationally recognised as the best in the world at managing marine parks, and you want to babysit it for a while. The member for Dawson, Mrs Kelly, said on 26 October 2004:

What we’ve had is a statutory authority in GBRMPA that is out of control—and—

has put, I think, no real scientific basis for the arguments they’ve put forward ...

It must never be forgotten that the Queensland Nationals did a preference deal with the Fishing Party at the last election on the basis that GBRMPA’s powers be moved into the department where the minister would have control of all decisions. This deal, as we know, helped get Senator Joyce elected.

Senator Joyce—Absolutely, and it was a great deal for everybody.
Senator McLUCAS—It was a great deal, was it?

Senator Joyce—Absolutely. Put it on the record.

Senator McLUCAS—That is on the record, is it? A great deal. A deal.

Senator Joyce—Put it on the record: Senator Joyce said it was a great deal.

Senator McLUCAS—I am glad that is on the record.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! Senator McLucas has the call.

Senator McLUCAS—The National Party always saw the review of GBRMPA as the vehicle for destroying the Marine Park Authority and rolling back the protection of the Great Barrier Reef.

On 25 March 2006 the Courier-Mail reported that the Howard government was planning to reduce the marine protection boundaries of the Representative Areas Program and abolish the Great Barrier Reef Marine Park Authority as an independent agency. I am pleased to say that neither of those two things has occurred. I am pleased that GBRMPA will remain a statutory authority. Labor, along with many others, played an important part in preventing the destruction and the demolition of GBRMPA. But there are still aspects of this bill that are troubling. The bill replaces the Great Barrier Reef Consultative Committee with a non-statutory advisory board. It also removes the requirement for specific representation of the interests of Aboriginal and Torres Strait Islanders. I am concerned that there may not be proper representation from Indigenous communities, and there are amendments to ameliorate that effect. I am also concerned that Queensland play its important role in finding the direction for the management of the Great Barrier Reef. I call on the Minister for the Environment and Water Resources to make a commitment to a genuine partnership with the Queensland government and Aboriginal and Torres Strait Islander communities and a genuine engagement with all of the industries that are dependent on a healthy reef. A place at the table must be found for everyone.

We are pleased the government is establishing a five-yearly outlook report for the Great Barrier Reef. The minister for the environment has stated that a regular and reliable means of assessing the protection of the Great Barrier Reef will be provided through a formal outlook report that is tabled in the parliament every five years. This report will cover the management of the marine park, the overall condition of the ecosystem and the longer term outlook for the Great Barrier Reef. It will be peer reviewed by an appropriately qualified panel of experts appointed by the minister. I welcome that report. I note the minister will be responsible for any future decision to amend the zoning plan, and any such decision will be based on the outlook report and advice from the authority.

I note also the minister’s commitment that engagement with stakeholders on the development of a new zoning plan will be improved and the process made more transparent, with comprehensive information being made publicly available through the process. This will include the rationale for amending any zoning plan, the principles on which the development of the zoning plan will be based, socioeconomic information and a report on the final zoning plan and its outcomes. In addition, each of the two public consultation periods will be increased from one month to three months. The Labor Party certainly welcome the extension of the public consultation period. It is important there is integrity in the process, and it is important there are ongoing commitments to better protect the health of the Great Barrier Reef. That
is why I call on the government, and particularly Queensland senators, to join Labor in opposing oil drilling and exploration near the Great Barrier Reef.

Senator Boswell—There’s no oil drilling on it, and there was never going to be.

Senator McLUCAS—The word used is ‘near’, and that is important.

Senator Abetz—What’s your definition of ‘near’?

Senator McLUCAS—I will give it to you in the committee stage. I foreshadow now that I will be moving amendments in the committee stage to extend the boundary of the Great Barrier Reef Marine Park region—and this is important—to the exclusive economic zone and thus rule out the prospect of prospecting or drilling for oil or gas in waters adjacent to the Great Barrier Reef. I call on the government to support these amendments. I particularly call on Queensland based senators to recognise that this is an important protection that our reef requires. I am deeply concerned that the government’s agenda is to proceed with oil exploration and drilling near the Great Barrier Reef.

Senator Boswell—It’s a red herring, and you know it.

Senator McLUCAS—Just last year, Senator Boswell, Geoscience Australia published a map which indicated the potential for exploration and drilling in this region. If you are saying that this is not on the government’s agenda then rule it out. This is another real threat, and one that Labor are committed to removing. The Great Barrier Reef deserves protection—protection not afforded by this bill. This is why I move the second reading amendment standing in my name:

At the end of the motion, add: “but the Senate:

(a) affirms the object of the principal Act—the protection of the Great Barrier Reef—but notes that the future of the Reef is threatened by both short-term and longer-term factors, including climate change;

(b) notes that the United Nations Intergovernmental Panel on Climate Change stated in 2007 that by 2050, 97 per cent of the Great Barrier Reef could be bleached every year as a result of climate change;

(c) condemns the Government’s incompetent handling of the structural adjustment package for the Great Barrier Reef Representative Areas Plan, which has seen the budget blow out from $31 million to more than $87 million;

(d) calls on the Government to develop and implement an action plan to help protect the Great Barrier Reef from the effects of coral bleaching and protect Australian jobs and industries dependent on a healthy reef, as part of a national climate change strategy; and

(e) calls on the Government to prohibit mineral, oil and gas exploration in Australian waters adjacent to the Great Barrier Reef Marine Park”.

This amendment identifies the potential, listed in the Intergovernmental Panel on Climate Change report, for significant bleaching of our reef in a short period of time. This will affect the economies of our region. The second reading amendment condemns the government’s incompetent handling of structural adjustment, particularly—and I am sure Senators Boswell and Joyce will agree with me on this—the structural package for fishers and those who depend on fishing. The amendment calls on the government to develop and implement an action plan to help protect the Great Barrier Reef from the effects of coral bleaching and protect Australian jobs and industries dependent on a healthy reef as part of a national climate change strategy. Finally, the second reading amendment calls on the government to prohibit mineral, oil and gas exploration in Australian waters adjacent to the Great Barrier Reef Marine Park.
Senator IAN MACDONALD (Queensland) (12.50 pm)—I thank Senator Bartlett and Senator Boswell for allowing me to intervene for just two minutes to express my support for the Great Barrier Reef Marine Park Amendment Bill 2007. The Great Barrier Reef Marine Park Authority has done a magnificent job over the last 20 or 30 years that it has been operating. I have not always agreed with it. I was a bit disappointed with some of the boundaries of the zoning. I thought they could have been easily fixed. It would have helped the fishing industry. But, by and large, the authority has done a marvellous job. I want to place on record the very high regard in which Virginia Chadwick, the CEO and chair of the board, is held throughout Australia and, indeed, the world for the contribution she has made to the protection of the Great Barrier Reef and coral reefs right around Australia. The Great Barrier Reef Marine Park Authority has that influence and expertise right around the world.

The Great Barrier Reef Marine Park Authority was an initiative of previous Liberal governments and has done absolutely mighty work in protecting what I always say is the eighth wonder of the world. The reef supports a tourism industry worth, from memory, upwards of $5 billion annually, so it is very important to all Australians that that reef is protected. The fishing industry will be able to operate in the reef marine park, but perhaps not in the way I would have liked had I been in charge; I think it could have easily been made a little easier for the fishing industry, but the industry will still be able to continue to operate and in fact does continue to operate.

Senator McLucas has raised some political issues in her amendment. I was at a public meeting recently and I asked the oil and gas industry whether they had ever had any interest in drilling for oil on the barrier reef. The spokesperson could not get to the microphone fast enough to say, ‘It’s not on the radar; we’re not interested; it will never happen.’ That is the industry’s position and it is the government’s position as well, which has been clearly enunciated by any number of ministers over a long period of time. So that is a furphy. It is good politics, Senator McLucas; congratulations. Perhaps the ‘Barrier Reef Party’ you are setting up—apparently in opposition to the Fishing Party, which I understand a former Labor Party staffer, a former Labor apparatchik, is setting up, no doubt to put preferences to the ‘Barrier Reef Party’—is, again, good politics, but it is not really appropriate.

I want to emphasise that the rezoning will not be reviewed for, I think, seven years, which is great work. That gives the fishing industry the certainty they need, but it also is an assurance that the boundaries will not be changed willy-nilly as we go along. By and large, these amendments still maintain a statutory authority answering to the minister. There have been some arrangements made to bring it in line with the Uhrig report to government on statutory authorities, but I support the amendments to the bill. I might say I had some severe trepidation in the early stage, but I have been convinced that, with one or two very minor exceptions which I have been unable to alter, the bill is appropriate and the authority will continue to do the good work it does.

I again want to emphasise the sterling work that Ms Virginia Chadwick has done in her role over the past many years. She has been a great CEO and board chairman, and I wish her well as she moves into her retirement. I support the bill.

Senator BARTLETT (Queensland) (12.55 pm)—As a Queensland senator as well as a Democrat, I am obviously very interested in any changes to arrangements re-
garding the management of the Great Barrier Reef Marine Park. It is an icon not just for Queensland but for Australia. It is an environmental icon, almost a spiritual icon in many respects, and it has been a particularly crucial iconic area for many Indigenous communities and tribes going back for millennia. I have said a number of times in this place that perhaps the largest single, positive environmental achievement of this government in its time in office is its rezoning of the marine park to significantly increase the number of protected areas and significantly improve the chances of the ecological and economic values of the park being maintained and strengthened into the future. It is one of their biggest achievements and it should be acknowledged.

One of the reasons it was so essential and important is because of the many very significant threats to the reef and to the wider marine park. Climate change, as we all now know, is a major, if not the major, threat—it is an enormous threat—to the health of the reef and the marine park. It puts an enormous amount of biodiversity at risk and it also puts a lot of economic flow-on effects at risk. It is a clear-cut example of the inextricable intertwining of environmental values and economic values, because, if the environmental health of the reef declines and collapses, the impact would be enormous on the economy of Central Queensland, northern Queensland and Queensland more broadly.

That is not to dispute that there were not some economic consequences for particular groups in that significant rezoning. The commercial fishing industry is obviously the group that got the most attention. It is appropriate that assistance and compensation be given to those who are affected, but we do need to look at the big picture, the broader context. To have not acted to strengthen the protection of the reef because of short-term economic costs would have led to much larger economic costs and human pain for a whole range of industries, particularly the tourism industry. But it would have affected a lot of other people and groups as well, including some within the commercial fishing industry.

I note Senator Macdonald’s comments about there being absolutely no intention to have any mineral or other exploration in or near the marine park, and that is good to hear. That being the case, I am sure the government would have no problem in supporting in the committee stage an amendment such as Senator McLucas has put forward. Indeed, in the past, Senator McLucas and I had a joint private senators’ bill in this place to do precisely that. So if it is not on the agenda and it is not going to happen—no way, never ever—it should not be a problem; we can support the amendment and it will all be crystal clear. We will not need to keep pointing to the fact that it is still being singled out on a range of resource maps as a potential area for future exploration.

The Great Barrier Reef Marine Park Amendment Bill 2007 came from a major review of the marine park authority and the management of the marine park flowing on from the rezoning. There was, of course, a lot of controversy flowing out of the rezoning, particularly from the commercial fishing industry. I do not have a problem with people wanting to re-examine things. What I do have a problem with is the way that has happened and one aspect of the end results we have before us.

We have heard interjections from Senator Joyce or Senator Boswell—probably both. They are obviously very unhappy about the impact of the rezoning on the fishing industry, and they were quite keen to see this review lead to the authority being dismantled.
and being taken to Canberra to be run from the department and the minister’s office. Frankly, I find it extraordinary that Queensland senators could be advocating that management of Queensland’s marine park should be given to a bunch of bureaucrats in Canberra when we have a world-renowned marine park authority in northern Queensland. We are without doubt the world’s leader with regard to reef management and reef science. Townsville has become a reef science centre of global significance. For Queensland senators to talk about ripping the heart out of that and throwing it to a bunch of bureaucrats in Canberra—no offence to the bureaucrats in Canberra, but it is not their job—Senator Boswell interjecting—

Senator BARTLETT—Oh, great! We will give it to the minister—that is even better! Let us just put it in the heart of a minister’s office in Canberra. Perfect! Let us just take away the world-class, world-leading management authority of the world’s best marine park and reef system and put it in the hands of a minister. It is possible, Senator Boswell—I know you would not like it—that the Labor Party might win the next election. Do you want to put it into the hands of whomever ends up being the Labor minister after the election? Think ahead. I know you are annoyed, and I can understand that, but just look at the bigger picture and the consequences.

I am pleased that the review did not end up at that. That is obviously what everybody was concerned about. That is what everybody was focused on through the process of the review—what is going to happen to the authority? Is it going to lose any independence it has—I know it is not totally independent by any means at the moment—and just be subsumed into a department or minister’s office? Or is it still going to be able to operate at least to some degree at arm’s length? That is not to say that the authority is perfect by any means, but if you think getting bureaucrats from Canberra to run it is going to improve it then you are crazy. There would be a loss to Queensland and the Townsville region. The resource and the economic value that the authority provides to Townsville and the northern region in general by being based up there is quite significant. There are all the extra add-ons that it draws in. All of that was at risk. So I am certainly pleased that that did not happen.

The legislation does make a range of changes, and those flow from the review. The key change that I will focus on and about which I am extremely annoyed is that in restructuring the authority—fairly mildly in lots of ways, and almost in passing, with barely a comment—the current situation of having an Indigenous representative on the authority is being removed. That is something that I find absolutely inexplicable. It moves completely in the opposite direction from management approaches in parks and protected areas over recent decades. It has been done solely on the basis of referring to the Uhrig review principles about management of government authorities. That is an appropriate principle to refer to, but I find it breathtaking to simply grab it and whack it over the top in a tick-a-box fashion without any consideration of the wider issues involved. And I find it offensive that it has been done without talking to the Indigenous communities themselves. It shows a complete lack of recognition of what you are dealing with here, and it shows the danger of letting a bunch of bureaucrats apply a bureaucratic principle to an environmental management authority that has crucial inter-connections with Indigenous communities and is only just starting to make progress on doing the job with regard to engaging with Indigenous people.
It is not just about engaging with stakeholder groups in the same way as you would engage with the recreational fishers, commercial fishers or tourist industries. Indigenous people are not just an economic stakeholder group to invite along to another meeting and to listen to or not. They are an integral part of this region. We are only just starting to recognise and tap into the management knowledge that traditional owners and Indigenous people have over a range of regions around the country. That is why we have Indigenous representatives on the boards that runs Uluru-Kata Tjuta, Kakadu or Jervis Bay. That is why the people on Cape York fought for so long to hassle, pressure and cajole the Queensland government into introducing Indigenous representation and involvement on the management of national parks in Queensland. Just a few weeks ago we saw a significant announcement in Cape York. People might remember it, because it got a fair bit of coverage in the Australian newspaper, amongst others. Noel Pearson was saying: ‘Finally, after decades of struggle, we are going to have some control over our lands through the joint management of national parks. They are going to put a national park over our land and we are still going to be able to have engagement with it.’ That process still has a way to go, but that took decades of arm-twisting. That is a key principle; it is an environmental management principle as well as a principle for the maintenance of cultural heritage.

The committee brought down a report late Friday afternoon. It was tabled after the Senate had finished sitting. The government members said, ‘This is okay; it does not matter if we lose Indigenous representation.’ The absurdity is that, less than two months ago, the same committee, with the same government members, tabled a comprehensive report into Australia’s national parks and protected areas systems, and every government member signed off the recommendation that said, ‘We need to increase Indigenous involvement in the management of national parks and protected areas.’ No wonder Indigenous people get cynical. We had a unanimous recommendation saying that we need more involvement of Indigenous people in management and, within weeks of that report coming down, legislation was tabled that took that involvement away from one of the areas where it had actually been in place and had been working for well over a decade. And you wonder why they get cynical!

And that was done without even talking to these people. When this legislation was sent to an incredibly brief Senate examination and we asked the department about this, we got answers saying, ‘Well, we sent them letters saying that the review was on.’ Everybody in Queensland knew the review was about whether or not the authority was going to be ripped to bits and taken down to Canberra, about whether the politicians were going to take over the authority, about whether the authority would survive and, if it did, how to get better consultation and engagement with it all. And that is how everybody engaged with it. The department did not send people a letter saying, ‘Have you got a comment on us taking away Indigenous representation?’ And, from everything I have seen, there was no meeting, through the whole review process, with any Indigenous group about the possibility that they might lose their representation on the authority.

Then this legislation finally appeared. If you look at the recommendations from the review of the Great Barrier Reef Marine Park Act 1975 you will see that there are quite a lot of them. It is a long report and there are 28 recommendations, many of which have five, six or seven different parts, so if you broke them down there would probably be over 100. And the only thing that even referred to this issue in the recommendations is
that the membership of the authority should be appointed for their ‘relevant expertise’ and independence, which is absolutely right and as it is now. And it says:

The officeholders should not be representational ...

There is just that single sentence, in amongst pages and pages of recommendations; that is the only reference. You would have to be reading the code to know that that means ‘and therefore we will take away Indigenous representation from the authority’—Indigenous representation which the authority themselves and many others have said is working very effectively and which, most importantly, Indigenous people themselves say is important. And then the explanatory memorandum to this legislation simply says that the legislation:

... expands the maximum size of the Authority by one member. It also removes a requirement for one appointment to be done on a representational basis.

Such appointments are allegedly ‘contrary to best practice’. Sometimes they are, but to say that they always are in all circumstances is, I think, being simplistic in the extreme. There is no mention of the word ‘Indigenous’, either.

It is almost as though we have just sleepwalked into this without anyone even knowing that what we are doing is just tearing away Indigenous representation from the authority and thus from the management role in what I would argue is one of the most significant protected areas in the whole country. To do that without even talking with the people who are affected is inexcusable. It is an absolute case study in structural racism. When people use terms like ‘structural racism’ they do not mean that we are all nasty, mean people; they mean that the whole way that the structure is set up is completely blind to Indigenous people, to their perspective, to their situation and to their unique status. Yes, they have a unique status. A few weeks ago, when we had the anniversary of the referendum, we were all making noble speeches about the special role of Indigenous people and how we recognise how fantastic they are. And then, a few weeks later, what do we do? We just tear away one of their key areas of representation in an absolutely critical protected area, and we do so without most of them even knowing.

When this was sent to the Senate committee for a very brief examination, we initially got no response at all from people, and it was only as word got out as to what was actually contained in the legislation—because, as I said, if you read the explanatory memorandum you would not actually realise that that was what was happening—that the responses started coming in from people saying, ‘What’s going on?’ How can we be tearing away Indigenous representation from something as significant as the Great Barrier Reef Marine Park Authority when Indigenous people do not even know that it is happening? We have not met with them; we have not sat down with them. I know that is not always easy; I know it takes a bit of time. That is the whole point.

I point this out as being a sort of unintended consequence. That seems always to be the way. I appreciate the political reasons why people wanted to generate a review of the marine park and all that sort of stuff. Everyone had their skirmishes over their particular positions on that. Let us look at what has happened along the way. The commercial fishers got their millions of dollars in compensation. There has been some power going out of the authority and some extra control going to the minister in terms of some of the other structures dealt with in this bill. I am not completely happy about that but we will see how things pan out. But, as always, the collateral damage along the way
is to the Indigenous people; they are the losers. They lose their representation. They will just get thrown in amongst the non-statutory consultative committee, which ministers can listen to or not as they wish. It has been set up as someone else to listen to if they want to hear different advice, if they do not like what they get from GBRMPA itself. So everybody else has managed to get bits and pieces out of this but it is the Indigenous people who get shafted. So, well done everybody! We have all done very well. We have all scored our points. We have all had bits and pieces of wins along the way. Meanwhile, the Indigenous people lose their representation without anybody even seeming to notice or to think it was a matter for even a little bit of examination, a bit of further inquiry, a little further consultation. Instead, they seemed to say: ‘No, we’ll just pull out the Uhrig review; we’ll just tick the box. No representation. That’s that one done.’ That was about as much thought as it got. As the review of the Great Barrier Reef Marine Park Act 1975 noted:

There are more than 70 Traditional Owner groups along the Great Barrier Reef coast from Bundaberg to the eastern Torres Strait islands. Their traditional customs, spiritual lore and beliefs continue to be practised today. Their values and interests for islands, reefs and waters within the Great Barrier Reef and Torres Strait include physical places, story places and a range of other cultural and historical values.

The review also talks about the high number of Indigenous people who participate in fishing, and it notes:

Fishing is not only important for food and nutrition but also for ceremonial occasions, exchange, trade and barter. Fishing is an essential component of Indigenous cultural lifestyle and is connected to the traditional responsibilities of land management and kinship.

The review noted all these things and that there are native title claims over parts of the marine park that have been accepted and recognised. It noted that there is a whole range of other native title claims over other parts of the marine park. These people have direct native title interests here. And, in part because of the fact that there was an Indigenous representative on the authority who provided a direct line into the authority and gave Indigenous people some confidence that they could work with the authority and trust them, the authority produced a very significant marine park regional agreement, similar to an Indigenous land use agreement. It was highly important not only from an environmental management point of view but also because of the way that it linked Indigenous communities in with other people in the use of these areas. We have a government which is continually lecturing Indigenous people about getting more connected to the wider community. And yet, when Indigenous people have a mechanism for connection that has worked and is working, they take it away. Hopeless!

Senator JOYCE (Queensland) (1.14 pm)—I would like to make a brief statement. I have stated quite clearly that I fully support the Fishing Party, and they certainly supported my election. I mentioned the word ‘deal’, and here is the deal: I will fight for the rights of commercial and recreational fishermen, for as long as I am in this place, against the blind hand of bureaucracy. There is one thing I can say about the Great Barrier Reef Marine Park Amendment Bill 2007: it does not go far enough. If there is a trade-off between the economic sustainability of an area—which is provided by fishing and the right of a person to take the kids down to the beach to throw in a line—and an industry created by bureaucracy to examine their navels, I will support the fishermen, the fisherwomen and the people who have created something of significant substance.

To be completely frank, the Great Barrier Reef Marine Park Authority has walked over
the lives of so many people, and it should be brought back under ministerial control. If people are not quite happy with how things are going, they should have the chance to reflect that in the way they vote. Unfortunately I can see that, on this issue, I am to the right of so many of my colleagues and certainly to the right of the Labor Party, the Democrats and the Greens. Nonetheless, these people deserve to be heard. This is bureaucracy gone completely and utterly mad. It has impinged on the lives of people, with 50 per cent of the reef being unable to be accessed for commercial fishing and 33 per cent being unable to be accessed for any fishing whatsoever. Fishing is a renewable resource, and this is the methodology we are using. When we bring in, for example, tree-clearing guidelines and affect the lives of farmers—when we bring in arbitrary laws from on high, made by people who are really not connected to the industry themselves—you get bad government and bad decisions. And this is what has happened here. That is the statement I would like to make. Quite honestly, all I can say is thank God for Senator Ron Boswell and Senator Nigel Scullion. Through this debate, they are the two people who have made the most sense.

Senator SIEWERT (Western Australia) (1.16 pm)—The proposed changes to the Great Barrier Reef Marine Park Act were meant to implement the key recommendations of the review. The review considered not only public submissions on how the marine park was functioning and how it could be improved but also the recommendations of the 2003 Uhrig Review of the Corporate Governance of Statutory Authorities and Office Holders. Unfortunately, somewhere between the two, it would seem that bureaucracy has gone mad, particularly in respect of the Uhrig review, which seems to have become the bible for how we will implement boards around Australia and unfortunately has not been contextualised.

We saw the same thing with the ABC board last year, when the staff-elected function of the ABC board was removed, justified solely on the basis of Uhrig. Now they seem to be doing the same thing here. Around Australia, national parks authorities have been moving not only to increase Aboriginal management—or, heaven forbid, allowing full Aboriginal management of some national parks around Australia—but also returning national park lands to the traditional owners; whereas here we are seeing a decrease in Aboriginal and Indigenous involvement in the Great Barrier Reef management. The recommendations of the review seem to focus more on the interpretation of how to implement Uhrig than on the suggestions and concerns that were outlined in public submissions.

The Uhrig review put up two different models for the governance of statutory authorities, one being a board template where the government effectively delegates responsibilities and decision making to an independent authority and the other being the executive management template, where the ultimate decision-making authority resides with the minister. The review has gone for the second model and, in doing so, has effectively increased the level of executive control and responsibility over the actions of the Great Barrier Reef Marine Park Authority. This is consistent with the general trend of increasing executive control, which I have brought attention to on many occasions when discussing various bills in this place. There has been a systematic approach to concentrating a deal of executive power in ministers, which the Greens believe should not be that excessive and should be much more exposed to parliamentary review.
The Australian Greens are concerned that, with the process of changing the nature and functioning of the Great Barrier Marine Park Authority, much of the original strength of the structure and operations of the authority will be lost. A lot of things that were built into the structure of the old authority were done for specific reasons. It is important that, if structural changes are made to improve the functioning of the authority, careful consideration is given to what is being lost and the additional mechanisms that might need to be put in place to make up for what is being lost. The Australian Greens are extremely concerned that the statutory need for Indigenous representation is being removed from the GBRMPA board and no corresponding changes are being made to ensure statutory obligation to consult with local Indigenous groups and peoples and to have their views represented in the decision-making processes of the new authority.

While we note that the intent of these provisions is to move away from having a representative board, as has been put forward by the Uhrig review, to having a board that will be based on relevant knowledge and expertise, which is supposedly in line with the Uhrig review—which I believe is not being put into the context of effective management—we now have bureaucracy gone mad: ‘We will implement Uhrig come what may. It doesn’t matter what the context is; it doesn’t matter if you are cutting out an absolutely essential part of management of the Great Barrier Reef; Uhrig is the way we go. Let’s not worry about what it will do to the authority and how it will cut out the Aboriginal community from management of the Great Barrier Reef; we’re implementing the review.’ We also note that this is contradicted by the requirement for the retention of a representative position for the Queensland government. So on the one hand you can have a representative from the Queensland government; on the other hand, you cannot have a representative from the Aboriginal people.

If the new skill based board is to be based truly on expertise, there is no pressing reason to retain state government representation. It is either one or the other. We do not believe that the argument of the interjurisdictional nature of the Great Barrier Reef Marine Park is compelling in the way that it, on the one hand, acknowledges the relevance of state jurisdiction but, on the other hand, excludes native title rights and consideration of the unique management skills that Indigenous people bring. It is true that state and federal jurisdictions overlap, but so do state jurisdictions and those of the management of Aboriginal peoples and their lands.

There is no compelling argument presented as to why one is important but the other is not. While we acknowledge that there is an argument that a government nominee might be able to bring to an expertise based board knowledge and skills in dealing with state government jurisdictions, that is not necessarily guaranteed; they may be there just because they are the person who wears the hat for the state government. However, it is equally true that experience and expertise in dealing with Indigenous management issues would make an important and necessary contribution to the effective running of the authority. Having lived all your life with the reef and being embedded in an ancient and living culture of caring for the reef is also important.

The committee cannot have it both ways. Either it is a representative board with representatives from both the state government and the Indigenous community, or it is a skill based board where knowledge and expertise in dealing with issues of central importance to the effective running of the authority are particularly required. If it is a skill based board, these skills and this expertise—which
might include knowledge of and expertise in dealing with state government and Indigenous management issues—might not necessarily be held by a nominated Indigenous rep or by a nominee of the state government. If you must have a skill based board, I believe that the act should contain a list of criteria that specifies which knowledge, skills and expertise are relevant.

The Greens are concerned with—in fact, we take umbrage at—the implications to be drawn from the evidence presented by the department which emphasised the value of Great Barrier Reef management by a group of statutory office holders with relevant knowledge, expertise and abilities for critical thought, objectivity and judgement. The department explained that the review found this to be of particular importance given the Great Barrier Reef’s complexity and size; environmental, social and economic values; the difficult task of managing multiple-use objectives; and the 2003 Review of the corporate governance of statutory authorities and office holders, the Uhrig review, which found that governing boards are most effective when members are appointed on the basis of relevant skills and expertise rather than of representing a particular interest.

These statements were given by the department as the basis for its reasoning about why Indigenous representatives should be excluded but state government representatives included, and such statements have disturbing implications. They imply that Indigenous representatives are not likely to possess the relevant experience and ability for critical thought, objectivity and judgement and, at the same time, that it is possible or even likely that a state government representative will possess the relevant skills, expertise and objectivity in their judgements, despite their clear obligation to their employer, the state government.

I struggle to think how many state government nominees on committees that I have dealt with have been able to transcend the views and interests of their employers—and, believe me, I have been on so many committees throughout my career that I have lost count. A state government representative has never argued any point other than that of the state government, despite what they may have had to contribute on a skills base. Never at any time have they done other than run a state government line; that is what they have done every single time. Quite frankly, this strikes me as very discriminatory language. In fact, I think the minister needs to look into the statements that have been made and their implications.

Under these proposals, it looks as though there is the potential for all Indigenous representation to be lost. Our concern is that the proposed changes to the act mean that there is no statutory guarantee that Indigenous people will be consulted and considered in the management of the marine park. The only provision remaining for Indigenous input into the park’s management would then be through a non-statutory advisory committee to the environment minister, with no legislative agreement that this committee will be formed and maintained and that its views will be considered or that it will contain any level of Indigenous representation. We believe that ensuring Indigenous consultation in the management of the GBR is essential.

To this end, if there is a move from a representative board structure to a skill based structure, we believe other statutory provisions need to be made to ensure that both the appropriate skills set is used as a basis for the selection of board members—in this case, including Indigenous management skills—and there is a clear statutory mechanism for relevant Indigenous interests to be consulted in park management decision-making processes. We do not believe that Indigenous rep-
representation has been adequately considered in this process, and we are deeply concerned that the Great Barrier Reef Marine Park Amendment Bill 2007 excludes Indigenous people from the management of this critical area.

I would like to go back to the requirement for state representation. While I believe that state representation is needed on a board like this, I believe equally that there needs to be Indigenous representation on a board like this. That goes back to the heart of what I believe is blind adherence to the Uhrig review, which does not enable it to be contextualised; it does not enable the specific needs of specific cases to be put.

In addition, I should clarify the statement I made previously about state government employees, in case any of my former colleagues are listening. I have a great deal of respect for the work that state government employees put into authorities, committees and boards, but there is no getting away from the fact that they are employed by the state government and, therefore, must stick to that government’s policies. The people with whom I have worked in the past have done that very well, but they have had to run the state government line, which is what they would do on this skill based board.

The bill itself does not address the implications of climate change for the reef. This is a very important and pressing issue. And, while we are considering these changes, we also need to be considering the urgent impact of climate change. Scientists say that a rise of just 1½ to two degrees represents a significant threat to the reef’s survival; even below this is not considered safe. There are many reports already that suggest that we have moved beyond the threshold of danger. We know that parts of the reef are already dead and that others are bleached; if you add the effect of acidification, the reef is in mortal danger.

If we are serious about saving the reef we need to increase the number and extent of protected areas to build resilience. We need to look at stopping or limiting all the things that stress the reef; for example, the ongoing issue of nutrients from agricultural run-offs, sewage and other human impacts. Reefs around the world are facing an absolute crisis. Australia, a developed nation with more resources, is in an almost unique position to look after all its reefs because they are the healthiest in the world.

Acidification is another issue that is increasing in importance around the world; we need to invest far more resources in addressing it. Last year scientists came up with a list of 10 questions about acidification that they are still unable to answer. Australia needs to jump on board investing heavily in the science of acidification to gain a better understanding of it.

Last year there was a proposal which many people, including me, laughed at. It was from the Queensland tourism minister, who said we should put a shadecloth over the barrier reef.

Senator Boswell—The tourism minister did not say that; GBRMPA said it.

Senator SIEWERT—A statement was made. Wags from my office called it the ‘Great Australian Roof’.

Senator Colbeck—You misquoted the minister.

Senator SIEWERT—I beg your pardon. Whichever minister it was, she was from Queensland. The point is that we cannot rely on those sorts of interventions to save the Great Barrier Reef. There needs to be a focus on how we can truly save the reef and there needs to be greater effort put into the science of trying to protect it. Such issues are still
not being adequately considered, but they need to be. We must also bear in mind again that we need the best possible management for this area. Taking the requirement for Aboriginal representation and involvement out of the act, off the authority, with no statutory requirement for Indigenous involvement, not only undermines Aboriginal people’s management, identification and ownership of these areas but also does not allow for the best management practice possible for the reef. So not only are we undermining Indigenous Australians but we are undermining the best possible management of this reef. The Greens do not support the part of the bill that takes out Aboriginal involvement and the requirement for representation on the authority. We believe the government needs to amend this bill so Aboriginal involvement is required in the management of the Great Barrier Reef.

The Greens, therefore, will be supporting the Democrat amendments to this bill. I hope the government has very serious second thoughts about what it is doing by cutting out the statutory requirement for Aboriginal involvement in the management of the reef and about the message that it is sending to Aboriginal Australia in saying and implying that the people of this region—the 70 groups that are involved—do not have the skills or expertise required to be involved in management of the reef. The government so undervalues Aboriginal Australia that it has cut out their statutory involvement in the management of the Great Barrier Reef.

Senator BOSWELL (Queensland—Leader of The Nationals in the Senate) (1:35 pm)—I agree with Senator McLucas when she says that the Great Barrier Reef is an icon which needs to be protected, has great tourism value, provides many jobs and underpins the tourist industry in North Queensland. I accept all those things and have no argument with it. My argument is that this barrier reef is a multi purpose park, and it always has been a multi purpose park. What has been happening, and what GBRMPA did, is completely dishonest and left a trail of misery and woe. I do not think I have ever seen Senator McLucas with her shoulder to the wheel trying to sort it out, but it has taken Warren Entsch, Teresa Gambaro, Senator Nigel Scullion and me about two years to come to some sort of arrangement that will help the fishermen, the fish processors, the outboard motor people and the bait and fishing tackle shops, who have all been impacted on. No-one needs to go down that track. It should never have happened, and I hope to goodness it will never happen again. It is all right to stand up here and advocate the preciousness of the reef—no-one disagrees with that—but you do not have to leave a trail of misery, disaster, bankruptcies and broken marriages to do that. You can do that quite within the bounds of sensible discussion and reasonableness, which we never saw from GBRMPA.

The Representative Areas Program was put forward by GBRMPA. In 2001 GBRMPA decided to fence off parts of the reef to preserve biodiversity—I have no argument with that—and protect samples of 70 different bioregions. This became the RAP, or the Representative Areas Program. Up to that stage seven per cent of the park was protected in green zones. GBRMPA wanted 25 per cent protected. They went around and told everyone that that was what they wanted. They came into my office and told me, ‘We want 25 per cent protected.’ I can remember saying to them—I can almost see it—‘If you are going to put the biodiversity zones in, put them in the areas where no fishing is taking place.’ They said, ‘Yes, we’ll consider that, Senator Boswell.’ In real terms they took 33 per cent of the marine park, which is a total of around 70 per cent of the reef itself. This program was a subterfuge
and became a disaster. I will tell you why, Senator McLucas. You know, as well as I do, that GBRMPA put forward to the government that this was going to cost between $500,000 and $1.5 million, but if you really stretched it out it was going to cost $2 million. What has it cost?

Senator McLucas—It was $10 million at the beginning.

Senator BOSWELL—I will get to that. GBRMPA said it would cost between $500,000 and $1.5 million. They said, ‘But let’s throw in another $500,000 because it might go to $2 million.’ Well, $200 million later the cost is still going northwards. I have extracted every last ounce I can get from the Treasurer and from the minister to keep paying. The cost estimates were either a lie, at the best, or incompetence at the very worst. They went to the government and said, ‘Let’s put this program forward; it is going to cost between $500,000 and $2 million,’ and the cost actually came to $200 million—or $187 million, depending on whose figures you are looking at—and it is still going northward. Senator McLucas, if you did that in private enterprise you would be sacked on the spot. If you had an overrun of $200 million, or if you said to the government or to the boss, ‘I think it is going to cost this,’ but it cost 100 times that, you would be sacked on the spot.

Senator McLucas—are you in coalition or not?

Senator BOSWELL—I am in coalition. And thank goodness we are in coalition because if we were not in coalition the fishing industry would be so impacted it would still be being damaged. This has cost the government over $200 million. There are 400 claims which have been processed and about another 200 to go. Now we are getting to the sharp end, or the end where it is really going to cost money, the food or fish processing, because when you close down the industry or a certain part of the industry—or take 33 per cent of fishing off the reef—then you must compensate the boats that are squeezed into the remaining area. You can see that 100 per cent of the boats going into 60 per cent of the area just will not go, so you have to buy them out. The implications of that are that you have to buy out the net makers, the fishing industry and the fishing boats. We are still processing those claims. We are still dealing with the mess.

As I said, this just could not happen in private enterprise or someone would suffer the consequences. The process was that there was very limited consultation. Maps were produced but were not shown to the fishermen or even to members of parliament. Then, when they were produced, they were given out on videos which would not fit into the computers of the fishermen. We got access to them late. Then the commercial fishermen and the recreational fishermen were asked by GBRMPA to go out and mark the spots that they required. The fishermen said, ‘These are the areas that are of the utmost importance to us, so if you are going to have biodiversity areas do not put them there.’

What happened? These very areas were the areas that were zoned out in the final maps.

No-one would dispute the need for protection of the reef, but we do not have to go through this process. A spanner crab fisherman who provided preferred fishery details to GBRMPA found that his prime fishing ground within the Great Barrier Reef Marine Park, earlier determined as a model fishery by the state government, was now declared a green zone. He was asked to mark out what he required. He did that, and it automatically became a green zone.

A prime prawn-fishing ground was closed due to concern for migratory turtles, even after the sensible suggestion was made to close the area only during the three-month
turtle season. Green zones were placed on lee sides of islands, in sheltered areas where fishermen could safely fish. The zones that they were allowed to fish in were on the windward sides of islands, where they could hardly ever go. An aquarium fishing business lost its primary fishing ground to green rezoning after providing details to GBRMPA. Areas productive for catching brood prawns, essential for the continued success of the North Queensland aquaculture industry, were excluded after mapping details were given to GBRMPA. No wonder no-one had any faith in this process. When GBRMPA asked them to mark on the maps what they required to continue their businesses, those very areas were zoned out.

GBRMPA has the distinction of being able to achieve something that few other people have been able to achieve—that is, alienate both commercial and recreational fishers. Recreational fishermen lost their fishing areas after providing details of them. During the election campaign, the government agreed that this process would be reviewed, and the result of that review is the bill before us: the Great Barrier Reef Marine Park Amendment Bill 2007. I believe that we need legislation where the minister is responsible for such actions and is aware of any reactions that they might cause. GBRMPA will no longer be able to unilaterally get away with this type of subterfuge.

Senator Scullion, Warren Entsch and I secured a package to compensate the fishermen. It is not easy to ask for these things. Initially, we received $10 million. It was then raised to $26 million. Then it was uncapped for restructure funding assistance. We are still sorting out this mess; it is still going on. There are families who are still being hurt. There are people who are still waiting for their payments. There are people who are still ringing me up constantly. I have received phone calls from people who have said: ‘The keys to my trawler are here. You can take over the thing. You’ve bankrupted me.’ That is why Senator Scullion, Warren Entsch and I went in there and fought for and got an uncapped package. The packages include competitive tender licence buyouts, restructuring grants for onshore and offshore businesses, and small payouts for retrenched deckhands and trawler skippers. We also secured payments for outdoor motor retailers, fishing retailers and a number of other people who were impacted by the GBRMPA process.

What did the state government do? While the federal government was doing this, the state government brought in what it called ‘complementary closures’, which were in the state controlled fishery. While the federal government was paying out $200 million to compensate for the actions of GBRMPA, the state government put in exactly nothing. It did not put in one cent to compensate for the closures of the inshore fishery. The state slipped the net on paying for these extensive complementary closures.

I think it was on Friday that the state government made a statement that it was going to put down a 10 per cent closure in Moreton Bay. I have been through this before: 10 per cent suddenly becomes 35 per cent. Before the state government does this, it should not fall into the same trap that GBRMPA did. It should make sure that it knows how many and what kinds of commercial fishing boat licences would need to be bought out, as well as at what cost and under what scheme. It needs to do a social impact study. It also needs to know how many and what kinds of onshore businesses would be affected by the closures. What would it cost to compensate bait and tackle shops, seafood outlets, boat and motor dealers? What would be the impact on a person who takes his kids fishing in a green zone and under what system would this occur? How would the state compensa-
tion be calculated for onshore and offshore business? How will recreational fishermen be catered for to ensure that their children, parents and grandparents are able to go fishing without the risk of breaking the law, as occurred under the closures in the Great Barrier Reef Marine Park?

I call upon the state government to address those issues because hundreds of thousands of people enjoy Moreton Bay and enjoy taking their kids out fishing in it. It is their pastime and hobby. I know what happens with closures. I have seen it before and I never want to see it again: a 10 per cent closure suddenly becomes a 35 per cent closure, and then people will not go fishing because they are frightened of going into a green zone—this has already occurred in relation to the Great Barrier Reef—and being fined or charged with a criminal offence.

The impact of RAP has been to take a lot of fish out of the market. You almost have to be a millionaire now to get a feed of good fish because fewer fish are being caught. It is a product of supply and demand that, as fewer fish are caught, the more expensive fish is. We have ruined businesses and families. We have made criminals out of recreational fishermen. There are 320 people with criminal records as a result of dropping a line in a green zone. By the goodwill of the minister, this infringement system has been taken care of. There is no question of a criminal offence for someone who takes his kids or grandkids out fishing in a tinnie with an eight-horsepower motor and who, without a GPS, finds that he has lobbed into a green zone because he does not know how to navigate. There are 320 people with a criminal record from dropping their line in a green zone. This is not what I think you would want to support, Senator McLucas. We now have the infringement system in place, but there is still the matter of retrospectivity.

It was perhaps four or even six months ago that GBRMPA were taken to court by people who ascertained that GBRMPA could not charge someone using a GPS system. That decision has not been appealed by GBRMPA. But prior to this decision, a number of people, including both professional fishermen and commercial fishermen, were charged. While those charges remain, the court has ruled that no-one in future can be charged on GPS coordinates. Those charges should be reversed, and I am working with the Prime Minister to do that.

One of the other impacts that we have found is that people just do not go fishing anymore. They are frightened to go fishing. They are frightened that they are going to drift into or end up in a green zone. The fine is huge; it is very significant. People cannot relax. Fishing is supposed to be a relaxing hobby, not one where you are constantly worried about where you are. It takes certain skills and a lot of money to put GPSs in boats. GBRMPA said: ‘Well, it’s the football season, the cost of fuel’s gone up and everything is militating against people going fishing. That is why fishing has been reduced.’ But the real reason fishing has been reduced on the Great Barrier Reef is that people are frightened to take their children and their grandchildren out on their boats.

That has impacted on the bait suppliers, the fishing tackle suppliers and the commercial boat builders. Tourism operators have been forced to travel further and have been squeezed into smaller areas. A lot of people have sold up and got out. Onshore businesses, like boat, motor and tackle shops, have been severely impacted. Processing industries have all been impacted. I went to see one marina owner who just could not believe that this could happen—that GBRMPA had the authority to do this.
That is why we have brought down the legislation which we are debating now. It makes GBRMPA more responsible to the minister. No longer can GBRMPA just do its own thing. The minister was elected. The minister is part of the Westminster system, where we and the coalition appoint a minister to take responsibility. That is what we have now. It is time to bring GBRMPA to account. GBRMPA will now answer to the government. I did not get into this place to appoint an unelected body to deprive people of their livelihoods, take away their aspirations and even make criminals of them if they drift into a green zone when they take their children out fishing. We need to make GBRMPA more accountable, and that is why we have this legislation before us today. The legislation will lock down the RAP zoning plan for a minimum of seven years from the date it came into force.

(Time expired)

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (1.55 pm)—We still have about four minutes left before question time, so I will try and sum up the debate. I thank honourable senators for their contributions in relation to the Great Barrier Reef Marine Park Amendment Bill 2007. The bill implements changes arising from the government’s response to the 2006 review of the act. The machinery elements of the bill have been adequately canvassed, but I want to engage on a few issues that have been raised during the second reading debate.

Firstly, I understand Senator McLucas made a call for the reef to be gazetted or placed on the National Heritage List.

Senator McLucas interjecting—

Senator ABETZ—She confirms that. I understand that in fact that took effect on 21 May 2007. In relation to the Indigenous issues relating to the reef and the members having expertise, I understand that there continues to be the capacity to appoint members with expertise in Indigenous issues based on the relevant criteria, so that will not be ruled out.

The third matter that I wish to engage in is the proposal that the Labor Party will be putting up for, for want of a better term, a Great Barrier Reef region. I have been provided with a map that it may be helpful to table which shows, on my viewing—I have not done a close calculation—that the region would be about three times the size of the actual Great Barrier Reef Marine Park area. I am also advised that, when you get out to that extent, you get into different marine ecosystems. It would be incumbent upon the Australian Labor Party to tell us what it would mean if that were declared as a region. Undoubtedly it would mean further lockups et cetera.

It will be interesting to hear what the Labor Party have to offer in relation to this debate. We know that, in their rush to get Greens preferences at the next election, they have already done the deal in New South Wales irrespective of any policies. The deal has already been struck. They have to make a few concessions to the Australian Greens in return for those preferences, on which of course Mr Rudd hopes to gain government. I simply say to the Australian people: remember that, if Mr Rudd becomes Prime Minister courtesy of Greens preferences, it will be a Greens controlled Senate that will deliver for Mr Rudd. That will have great consequences for not only the environmental policies but, more importantly, the social policies that this country will face, especially in the very important area of drugs, which is a matter of great concern, especially to those on this side of the chamber. Whilst we say it is important to protect the environment, we say it is even more important to protect our children from the pollution of drugs. That is why we would
never do the sort of dirty deals with the Greens that Labor are willing to.

Question negatived.

Original question agreed to.

Bill read a second time.

QUESTIONS WITHOUT NOTICE

Broadband

Senator POLLEY

My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Is the minister aware of concerns of the Australian Local Government Association President, Paul Bell, that wireless broadband does not replace the need for fibre-optic cables in rural and regional Australia? Hasn’t Mr Bell rightly stated that fibre is much faster and can support a much wider range of services than wireless? Why does the minister think it is acceptable for metropolitan Australia to have access to a much wider range of services than rural and regional Australia? Why is the government bragging about entrenching a second-class level of telecommunications service in rural and regional Australia rather than delivering first-class fibre broadband?

Senator COONAN

I am really glad that Senator Polley has raised this matter, because today is an exciting day for regional and rural Australia. Far from being a second-class outcome, we have overcome what would be a second-class proposal from the Labor Party and we will now have a world-class network with a minimum speed of 12 megabits to 99 per cent of the Australian population.

Senator Abetz—That’s fantastic!

Senator COONAN

It is fantastic, Senator Abetz. WiMAX technology will be rolled out immediately. What is more important is that it will be available by the middle of 2009 to all Australians, whereas under Labor’s proposal you would not get it until 2013. You might, if you hang around long enough, be able to get it in some areas. This technology is capable of going at far greater speeds—up to at least 40 megabits per second—and it has a technology evolution upgrade. This government is very strongly committed to the proposition that all Australians, regardless of where they live, should have access to high-speed broadband. We do not believe in picking technology winners, but we have allowed the industry to put forward the best mix of technologies to meet the varying needs of Australia’s vast terrain and scattered population.

It would be very brave person who said they knew all of the technological answers for Australia over the next five years. Just a couple of years ago, we know that the Labor Party’s only foray into the internet was a policy to mandate a dial-up rollout for $5 billion. The reality is that a mix of technologies will be the most effective means to deliver the services that Australia needs. The WiMAX broadband technology is more flexible than fixed line broadband in regional and rural areas. It is fourth generation wireless standard that provides high-speed broadband
connections over long distances. The OPEL WiMAX network provides a network up to a radius of 20 kilometres from a base station and can be scaled to accommodate much higher speeds in future years. It is recognised by the OECD as particularly appropriate for regional broadband access. By adopting a mix of technologies, we are providing equitable access to all Australians, regardless of where they live, at a price they can afford because metro-comparable prices will now be available to rural and regional Australians—probably about the first fairness they are going to see in telecommunications regarding broadband for a very long time.

Senator POLLEY—Mr President, I ask a supplementary question. Is the minister aware that the Australian Local Government Association’s State of the regions report estimates that the failure to address inferior internet access could cost regions up to $2.7 billion in forgone production and 30,000 jobs in 2006 alone? Given this, how many jobs will be lost in rural and regional Australia over the next 20 years because of the minister’s failure to deliver first-class fibre broadband?

Senator COONAN—I think Senator Polley might content herself with something that was said about this by the NFF today. The NFF said:

The choice of Wimax wireless technology, supplementing the additional ADSL2+ technology, to deliver services ‘from the exchange to the farm’ is vitally important, but also provides the opportunity for scalable high speed broadband into the future.

The services, combined with other technologies … will deliver high speed broadband across the entire nation—including to farmers in the remotest parts of Australia.

I can appreciate that the Labor Party might not welcome this comprehensive proposal for Australia’s broadband needs, but it will be welcomed by those who need to have access to this service. It is an important policy announcement from this government which shows that it is right on the front foot when it comes to broadband and that it has delivered a comprehensive solution. (Time expired)

Broadband

Senator EGGLESTON (2.07 pm)—I firstly congratulate Minister Coonan for her great initiative in introducing high-speed broadband to Australia. My question is—

Senator Conroy—They don’t have anything!

The PRESIDENT—Senator Conroy! Come to order!

Senator EGGLESTON—will the minister provide the Senate with further details of the government’s plan to provide universal access to broadband for all Australians regardless of where they live, and compare this to any other proposals?

Senator COONAN—I thank Senator Eggleston for the question. I do recognise his outstanding efforts as the Chair of the Senate Standing Committee on Environment, Communications, Information Technology and the Arts. Fast, affordable broadband access will become an immediate reality for all Australians thanks to an initiative that I announced with the Prime Minister early this morning in the country New South Wales town of Goulburn. Australia Connected is a world-first initiative that ensures all Australians will now have access to high-speed broadband at affordable metro-comparable prices. You have heard, over the last few weeks that we have been talking about this matter, that a one-size-fits-all technology option simply does not suit the whole of Australia. We need to look both here and overseas for the best, cutting-edge solutions to ensure equitable broadband access for all Australians. Using the best mix of technologies, the government is now ensuring that 99 per cent of Australians will have access to a
minimum service of 12 megabits within two years—that is, by mid-2009—and that the service is unscaleable thereafter.

The centrepiece of Australia Connected is the immediate rollout of a new, independent, competitive, state-of-the-art national broadband network to be constructed by OPEL, a joint venture between Optus and Elders. OPEL has been awarded a total $958 million in funding from Broadband Connect and an additional funding allocation. The government will have met our commitment to ensure affordability and metro-comparable pricing for all Australians regardless of where they live, and—this is the important bit—retail prices for both the new WiMAX and ADSL2+ broadband services will range from $35 to $60 per month, depending on the speed selected by the consumer. We will also be establishing Broadband Now, a one-stop shop which will provide help and support for consumers to ensure that they get ready access to the best information to enable them to locate the broadband solution for their family, for the farm or for other business.

On any view, Australia Connected is a groundbreaking initiative which comes on the back of very hard policy work by the Howard government which has seen more than 4.3 million homes and small businesses connected to broadband across Australia. In parallel with the deployment of this new network, a new commercial fibre-optic network will be built via a competitive bids process and subsequent enabling legislation. There will be an expert task force to ensure an open and transparent process for assessment of bids to build a fibre-to-the-node network. My expectation is that this process will move forward expeditiously, and I expect the task force to hold its first meeting this week.

With two commercial proposals on the table to build a fibre network, there should be no delay in getting this underway and we will have a solution as soon as possible without wasting $5 billion of taxpayers’ money. Australians simply cannot wait until 2013 for fast broadband services under my plan, and they will not. The government remains firmly committed to investing taxpayers’ dollars where the market does not invest, and we will ensure that high-speed broadband will be available to all Australians regardless of where they live. That is not a claim that any other political party can make.

**Broadband**

**Senator Conroy** (2.11 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the minister to her claim on the AM program this morning that WiMAX is the broadband technology of choice around the world. Given that the minister has now backflipped on her opposition to picking technology winners, is she aware that wireless broadband performance declines with distance, bad weather, hilly geography and the number of people using the service at any one time? The OECD has found that many of the claims about WiMAX performance are:

… overly optimistic and rely on theoretical maximums rather than what users may be able to typically expect.

Given this, can the minister indicate what speeds the WiMAX network will actually deliver for Australians in rural and regional areas? Can the minister guarantee a minimum speed of 12 megabits for all users of the new WiMAX network?

**Senator Coonan**—I thank Senator Conroy for this question. Taking his questions in some sort of order, I too have seen some reports of the OECD, particularly the working party on telecommunications, which actually has a most favourable report on WiMAX. Its key finding says WiMAX:
should allow for wireless data speeds of up to 40 Mbit/s over a distance of 10 kilometres using relatively inexpensive equipment. These same technologies could also offer faster data transfers to mobile devices than is possible over current third-generation mobile networks under certain conditions.

The report on WiMAX also concludes that WiMAX is a particularly suitable platform for regional broadband access and says:

WiMAX equipment could play a key role in providing long-range fixed-wireless connectivity in rural and remote areas as well as mobile connectivity over shorter distances.

I am very glad that Senator Conroy wants to hitch his wagon to the OECD’s opinion of WiMAX technology. Of course, in the Broadband Connect initiative that I announced this morning with the Prime Minister, together with a number of other measures which I will eventually be able to get to, it was very clear that rather than picking technologies we have a mix of technologies, including fibre, with over 15,000 kilometres of additional backhaul that is going to provide about a 30 per cent reduction in backhaul costs; the enabling of 426 ADSL exchanges that will immediately provide speeds of up to 20 megabits per second; and the wireless network, which is particularly suited to ensuring that you can actually take your laptop to the shed, if you happen to live on a farm, and be able to do something appropriate in running your business with the use of this technology.

I am also very pleased that Senator Conroy seems to suggest that this cutting-edge technology has not been adopted anywhere else. I remind Senator Conroy that in the United Kingdom, Urban Wimax, a London based operator, is selling up to 10-megabit symmetrical access to businesses and has plans to roll out across the UK; in Scandinavia, Daneske Telecom in Denmark has approximately 10,000 WiMAX subscribers—the service beginning in large Danish cities, including Copenhagen; in the United States, the third-largest mobile company, Sprint, announced plans to deploy a WiMAX network to reach 100 million people by the end of 2008, covering the following large cities—Chicago, Detroit, Grand Rapids, Indianapolis, Kansas City, Minneapolis, Baltimore, Boston, Philadelphia, Providence, Washington DC, Austin, Dallas, Denver, Fort Worth, Portland, Salt Lake City, San Antonio and Seattle. WiMAX has been deployed in Africa and it has been deployed in Chile, where Telmex announced the commercial launch of its WiMAX network. It has been deployed in Europe, India and in China. So I stand by my claim that WiMAX technology is cutting-edge technology and the technology of choice of many comparable countries.

Senator CONROY—Mr President, I ask a supplementary question. I note that the minister ducked the question I actually asked her and so I will repeat it. Can the minister indicate at what speeds the WiMAX network will actually deliver to Australians in rural and regional areas? Can the minister guarantee a minimum of 12 megabits for all users of the new WiMAX network? Minister, you cannot run and hide on this one—yes or no.

Given the shortcomings of wireless broadband relative to fibre optics, why has the government chosen to allocate almost a billion dollars of taxpayers’ money to this technology? In light of the minister’s historical opposition to picking technology winners, why has she now decided to instead pick technology losers?

Senator COONAN—I prepared a very good chart, which Senator Abetz happened to have handy—and I can remember writing this myself. It shows that, if you compare the Labor fibre proposal to ours, fibre only has a four-kilometre radius from the exchange whereas with WiMAX you have a 20-kilometre radius from the base station. On
speeds, Labor has promised no more than 12 megabits, whereas the government is saying that with our entire broadband solution we are looking at 12 to 50 megabits. We are looking at getting this underway immediately.

**Broadband**

Senator RONALDSON (2.18 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Will the minister outline to the Senate how the government’s excellent new Australia Connected broadband package is being funded? Further, will the minister explain to the Senate the importance of the Communications Fund and the Future Fund in addressing Australia’s long-term economic challenges, and will the minister advise the Senate of any alternative policies?

Senator MINCHIN—I thank Senator Ronaldson for his pertinent question. He is one of many coalition senators who are focused on ensuring all Australians have access to quality telecommunications wherever they live. I congratulate Senator Coonan on this morning’s announcement of the Australia Connected package. It is a great package that means 99 per cent of Australians will have access to fast broadband by June 2009. It is entirely appropriate that we use a mix of technologies in a country like Australia, with its spread of population and geography—something the Labor Party completely misunderstands. In reference to Senator Ronaldson’s question, we are funding our package in a very responsible way. Firstly, because we put the budget back into surplus and we have eliminated Labor’s deficits and their debt, we can afford to provide generous support for broadband in regional and rural Australia. That is why we want to keep delivering surpluses. Secondly, and I emphasise this, we are putting our taxpayers’ investment into the areas that need government subsidies—the regional areas where you can assess that there is some market failure.

But there is simply no need for government funding of this in the cities, because in these areas the private sector is keen to build a fibre network by itself without it being subsidised by the taxpayers. But, of course, that begs the question: if the private sector is willing to build a fibre network by itself, why is Labor so committed to spending nearly $5 billion of taxpayers’ money on a city-centric network? There is simply no need for what amounts to a renationalisation of Australian telecommunications as proposed by the Labor Party. To make it worse, the $5 billion that Labor wants to spend is going to come from a smash-and-grab raid on the Communications Fund and the Future Fund. They lecture us all the time about planning for the future; and that is what these very important funds are about. These funds are responsible long-term planning to ensure that we have the savings locked away to deal with future challenges. The Communications Fund is there to provide around $400 million every three years to keep improving regional telecommunications, but Labor want to grab that and spend it all in one go on their proposal, leaving not one cent for future investment in regional and rural Australia. The Future Fund is there to ensure we can properly fund the superannuation of our soldiers, our police and our public servants and to take the tax burden off future generations of taxpayers. Labor are going to raid both these funds, and it is completely irresponsible. We are determined to stop them, and that is why the Prime Minister announced this morning that we will legislate to lock the Communications Fund away. So, like the Future Fund, it will be illegal for Labor to raid these savings funds.
The issue of broadband does demonstrate the real differences between the coalition and the Labor Party. The Labor Party have not escaped the big government solutions that have existed in that party ever since the Whitlam years. They have got a Whitlam style government extravaganza approach to broadband. The Labor Party do not have the experience or the ability to put together a broadband policy to suit Australia’s needs. The Labor Party are not financially responsible enough to be able to fund broadband without raiding the funds we have put away for long-term savings. With our experience in office, this government, and Senator Coonan in particular, has put together this great plan that will deliver fast broadband within two years in the city and the bush at best value for money for taxpayers.

Broadband

Senator CONROY (2.22 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Is the minister aware of an email sent by a member of her staff to her department asking for electorate maps to be made available for the recent cabinet discussion on today’s broadband announcement? Doesn’t the email direct public servants to urgently prepare media information kits for today’s announcement for 40 priority government held marginal seats? Doesn’t this show that the government’s broadband announcement is nothing more than a pre-election political stunt to shore up votes in marginal seats?

Opposition senators interjecting—

The PRESIDENT—Order! The last time I noticed Senator Conroy was the shadow minister for communications. He has asked a question and the least you can do is keep quiet on my left and let’s hear the answer.

Senator COONAN—The information contained in the Broadband Connect package is available for all Australians. That is why we have just made a public announcement. The maps that are available across Australia have obviously been prepared by the department universally. Let me just explain this: when you are rolling out a broadband network you do have to know where it is going to go—

Senator Lundy—You’ve had 11 years to get this right!

Senator Carr interjecting—

The PRESIDENT—Order! Senator Carr and Senator Lundy come to order!

Senator COONAN—you do have to know where it is going to be installed and you do need to know what is already there. So certainly my department has worked for months and months on what the Broadband Connect package will deliver for all Australians, regardless of where they live, particularly those in rural and regional areas. A point that has absolutely no basis but seems to be a mantra of the Labor Party—but they are completely wrong about it—is that this is just some poll driven exercise. Unfortunately, the Labor Party have belled the cat on this. I actually went back and had a look at the records. The money for this initiative that we have announced today was in the portfolio budget estimates, the supplementary budget estimates, for September 2005. And Senator Conroy asked a question on notice about the government’s intention to roll out broadband policies right across Australia in October 2005. Then last year, in 2006, I announced, together with the Deputy Prime Minister, the holding of the competitive grants process that was open to everybody, open to all Australians. In all of this process the prospect that we would not know where the technology was required, where there were underserved areas, is just absolutely fanciful. The proposal that we have now will cover an additional nine million residences
and another three million residences by ADLS2+. That is not specific to any particular spot.

Senator Chris Evans—So why’d you only prepare 40?

The PRESIDENT—Order! Senator Evans, shouting is disorderly!

Senator COONAN—It is by reference to underserved areas. That is entirely what the Broadband Connect new national network is about: serving underserved areas and investing government money where the market will not invest. I can understand that the Labor Party, who most certainly are poll driven, who thought of broadband as a sound grab rather than as any developed policy, do not like the fact that this government has been working on broadband now for years. Since 2004 we have already connected over four million premises to broadband, 1.3 million of those being in underserved areas. So I absolutely reject the notion that this was done for any particular electorate reason. It was done because we know that broadband is important to all Australians. And I plead guilty to knowing where this broadband network will be rolled out: it will be rolled out to nine million premises in underserved areas.

Senator CONROY—Mr President, I ask a supplementary question. I again refer to the leaked email from Senator Coonan’s own office, where it lists the government’s 40 priority electorates. Doesn’t this email prove your broadband announcement is a pre-election political bandaid for the government’s most marginal seats and doesn’t it explicitly list Kingston, Stirling, Bonner, Macquarie, Bass, Deakin, Solomon, Wakefield, Makin, Hasluck, Moreton, Blair, Lindsay, Eden-Monaro, Page, Dobell, Braddon, McMillan and others? Don’t Australians have every right to be cynical about a government that only acts on broadband in an election year and then tries to dress up the benefits in marginal seats only?

Senator COONAN—I stand by my former answer. The Labor Party are really getting paranoid with their conspiracy theories. The suggestion, for example, that companies—

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left! You are continually interjecting during question time and I ask you to come to order.

Senator COONAN—I know that this government’s comprehensive plan for broadband really gives the jump to Labor with their rhetoric on broadband. All they can think of is to throw ‘broadband’ into every statement simply because Labor have no idea how the market works, have absolutely no idea of how you could economically provide a solution right across Australia. But the suggestion that, inferentially, companies of the standard of Optus and Elders would be involved in any conspiracy is, quite frankly, completely offensive. I know that the Labor Party did not have the wit to work out how to cover 99 per cent of the population. We do and we will not be going back on providing broadband for all Australians. (Time expired)

Workplace Relations

Senator FERGUSON (2.29 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Will the minister inform the Senate of the importance of a modern, flexible workplace relations system to productivity growth? Is the minister aware of any alternative policies?

Senator ABETZ—I thank Senator Ferguson for his very important question. In this day and age, the greatest productivity gains are often made through a modern, flexible workplace relations system, not the stifling
one-size-fits-all approach of the 1970s that Senator Lundy and the Labor Party are still embracing. It is not just me saying that; it is what Australia’s leading employers are saying as well. Just this morning I became aware of a comprehensive report prepared by the John Holland Group. It outlines in detail exactly this argument. It also details why a return to the outdated IR system being promoted by Mr Rudd and Labor would be a disaster. Let me just remind those opposite that the chair of John Holland is Janet Holmes a Court, someone who it is fair to say is no enemy of the Australian Labor Party.

The centrepiece of the current industrial relations system is the ability of individual workers and their employers to negotiate employment arrangements, underpinned by a strong safety net, which best suit both the worker and the employer, allowing mutually beneficial productivity gains. Let us hear what John Holland has to say about this system. They said A W As are essential for the $90 billion building and construction sector to achieve further productivity growth. ‘Essential’ is their word. In fact, John Holland argue that, through AWAs, they can expect at least another 10 to 20 per cent improvement in productivity over the next five years. This proves that Mr Rudd knows nothing about productivity, because otherwise he would abandon his foolish pledge to outlaw AWAs. But then we all know, after his abysmal performance on AM last week, that he does not know anything about productivity. In case there was any doubt remaining within the community that he did understand anything about productivity, he dispelled that in his interview.

Productivity gains help us all. For example, they impact positively by reducing the cost of road construction, hospitals and a whole host of public works which, as a result, benefit every single Australian. These are gains which Mr Rudd and Labor want to deny the Australian community. There is one caveat to this 20 per cent productivity improvement prediction. According to the John Holland report, it will only be possible if the sector is ‘freed of regressive work practices’. That is if it is freed of union bosses such as Joe McDonald, Kevin Reynolds and others running riot over construction sites and freed of the likes of Dean Mighell’s pattern bargaining for no productivity gains.

Recently, Mr Rudd pretended to stand up to the union bosses when he told us he had dropped Mr Mighell from the ALP team. Yet today we learnt from the Victorian secretary of the ALP that straight after the election, just in time for the cricket season, Mr Mighell will be welcomed straight back into the ALP coaching panel. The reality is this: Labor’s IR policies are the policies their union bosses want, and Mr Rudd is nothing other than the ventriloquist doll of Sharan Burrow, Greg Combet and the ACTU.

Firearms

Senator BOB BROWN (2.33 pm)—I ask the Minister representing the Prime Minister, in the wake of the bloodshed in Melbourne this morning, why has the Prime Minister done essentially nothing since 1996 to reduce the growing number of semiautomatic handguns circulating in the Australian community, including in the criminal community? Will the Prime Minister call a gun summit with the state leaders to reduce the number of semiautomatic handguns in Australia as the number of semiautomatic long guns was reduced in the wake of the Port Arthur massacre?

Senator MINCHIN—I have not had a full briefing on this morning’s incident in Melbourne, but obviously the government expresses its deep sorrow at what has occurred. Any violence anywhere in Australia is to be condemned and the victims sup-
ported. We extend commiserations to all those affected.

I find the belligerence of Senator Brown’s question rather surprising given that, whatever people may say about the Prime Minister on all sides of politics, I think the one thing that the Prime Minister can be strongly commended for is the way in which, through such a strong reaction to the Port Arthur massacre, he brought some very tough gun laws into this country. I am advised that some 60,000 handguns were brought back in as a result of that. He did so at considerable political cost to himself, as Senator Brown would know. There was a reaction from certain parts of Australia condemning the Prime Minister for his very tough stand on gun laws as a result of the Port Arthur massacre. It was a very significant response and one that we want to maintain.

Without having had a full briefing, I am sure that, as a result of this incident, the government will consult with state governments to see if there is further action that should be taken to strengthen Australia’s already reasonably strong anti-gun laws. One of the great differences between this country and the United States is that we have much tougher gun laws. For me personally as someone who has a great affection for the United States and has lived in that country, one of the saddest things about the United States is the impossibility of getting a consensus to have much tougher gun laws in that country. I think that is a tragedy for the United States. Fortunately, we have been able to move beyond that.

I note Senator Brown’s concern. I respect his concern to ensure that Australians at a state, local and federal level are doing all they can to sensibly restrict access to handguns in particular, which are so dangerous. If I have any further information before three o’clock, I will report it at that time.

Senator BOB BROWN—I ask a supplementary question, Mr President. Why has the Minister representing the Prime Minister not been briefed on this issue? Does the minister agree that the proportion of deaths due to short guns has increased from less than 20 per cent to more than 50 per cent since 1996? Is it going to take a Dunblane or a Virginia Tech style massacre in this country before the leaders act to, for example, hold a gun summit and act against semiautomatic short weapons the same as after Port Arthur there was action against semiautomatic rifles?

Senator MINCHIN—This was a crime committed in the state of Victoria today, prima facie a crime under the Victorian criminal law, and will be properly investigated and prosecuted by the Victoria Police. I am sure that the Victorian government and the Victoria Police will keep the Australian government and the Australian Federal Police fully informed on the matter. If, as a result of that investigation, there are any prosecutions and clearly a need to strengthen, firstly, a Victorian approach but, secondly, a national approach, then obviously we are open to consider such matters. But I do think Senator Brown ought to give much more reflection upon the strength of the Australian government’s position on this matter. We have taken a very strong position on guns in this country, we continue to take a very strong position and we are of course always open to strengthening Australia’s gun laws if that proves necessary.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the gallery of former Senator Mischa Lajovic, a senator for New South Wales from 1975 to 1985. On behalf of all senators, I warmly welcome him to this chamber.

Honourable senators—Hear, hear!
QUESTIONS WITHOUT NOTICE
Australian Federal Police

Senator PARRY (2.38 pm)—My question is to the Minister for Justice and Customs, Senator Johnston. Will the minister advise the Senate on current resourcing and funding to the Australian Federal Police to assist in its fight against crime? Further, what level of cooperation has been received from state governments in meeting their Council of Australian Governments commitment of September 2005 to provide personnel at each of the 11 counterterrorism first response airports?

Senator JOHNSTON—I thank Senator Parry for his question and pause to acknowledge his longstanding commitment to law enforcement in Australia and indeed his service to law enforcement in his home state of Tasmania—a very admirable and proud service it was. Over the past 10 years there has been a 30 per cent increase in the number of sworn officers in the Australian Federal Police. The number of Australian Federal Police sworn police officers at 13 June 2007 was 2,503. This number has increased from 1,931 in 1997-98 to what it is today and represents a significant and important commitment from the federal government to ensure that our Australian Federal Police are provided with the required manpower to assist them in their fight against crime. Since 1995 the funding for the Australian Federal Police has increased from $276 million to the current position of $1.2 billion. I think in anybody’s language that is a massive increase in spending from the Australian government and an indication of our commitment as a Commonwealth to ensure that our Australian Federal Police are afforded the necessary funding and resources to enable them to get on with the job of fighting crime. This commitment has resulted in the AFP currently, as at 2 May, being resourced with a total of 6,011 staff performing a range of operational, specialist or operational support roles both nationally and, as everybody knows, internationally. This is forecast to increase to 6,345 by the end of the year.

Having said that, I am very surprised and disappointed that the Police Federation of Australia has even attempted to suggest that the Australian Federal Police is somehow inappropriately or not properly or fully resourced and is propped up by secondments from other jurisdictions. Of all Australian jurisdictions, there is only one that is adequately funding its law enforcement agencies—and that, of course, is the Commonwealth. The Australian Federal Police works closely with its state and territory colleagues on a range of fronts, including the International Deployment Group, which comprises a total of 694 staff and, as at 2 May, had 122 state and territory police secondments to its missions.

After the Wheeler review into policing and aviation, there was a requirement for increased policing at airports, and the Australian Unified Policing Model was provided in support of this strategy. As at this time only 110 of the COAG agreed 364 state and territory police are in place at these airports. In other words, the states agreed to provide manpower and they are 230 uniformed officers short of what they agreed at COAG to provide. I find it very ironic and rather political that the Australian Police Federation would simply fail to acknowledge the real problem here in policing. One government is doing the job properly; many—eight governments—are dragging the chain very badly.

What is also to be understood is that the Commonwealth has provided the states and territories with funding to recruit officers. We have actually provided the states and territories with the money to get the man-
power. The public policy misfiring, the public policy incapacity and the public policy negligence has failed to deliver these officers. I am very surprised—of course, rather not surprised in an election year—that a police union is seeking to take a cheap shot at the government. We are doing more for law enforcement than any other government in Australia. The facts speak for themselves.

**Broadband**

*Senator CONROY* (2.43 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Is the minister aware that the fact sheet distributed today by her office claims that the WiMAX network being funded by the government will provide coverage of up to 50 kilometres, while the Optus media release states that the network will provide coverage of only 20 kilometres? How far will the coverage of the network extend—20 kilometres or 50 kilometres? How can the government claim that it is delivering broadband to 99 per cent of Australians if it does not even know the coverage of its own network? Doesn’t this kind of fundamental technological confusion demonstrate the risks associated with funding an untested, risky solution for rural and regional Australia?

*Senator COONAN*—Thank you, Senator Conroy, for the question. I must say that you have a wonderful problem when you are arguing about whether you are extending coverage 20, 40 or 50 kilometres from an exchange, when the Labor Party’s proposal is for no more than four. Obviously the manufacturer’s fact sheets on WiMAX technology acknowledge the source of the manufacturer’s claim for 50 kilometres. Conservatively, we—together with Optus, Elders and the Opel venture and those advising me—are not claiming greater than 20 kilometres under the current iteration of the technology. We do not overpitch this; we say what it will do. We could have exaggerated this. We could have relied on various other materials that are available, but we will not do that. We make the claims that are deliverable—and deliverable to 99 per cent of Australians.

In another part of his question, Senator Conroy talked about his proposal—I think he mentioned it, although we do not seem to be hearing much about that—but I can talk about alternative policies. This must be a deeply embarrassing moment for the Labor Party, which has held onto broadband and the need for investment in infrastructure as some sort of mantra that was trotted out by an economically illiterate Mr Rudd and Mr Tanner, who does not even know that we have 24/7 broadband services and international diagnosis, and it was trotted out by Senator Conroy, who clearly does not understand the capacities of the WiMAX technology. It is important, in all the circumstances, that we take a deep breath and look at what is in this package. In this package there is a whole new national network that is probably the most important step for competition since deregulation in telecommunications. A structurally separated, wholly independent network will be available to all retail. Any wholesaler can access the network at parity prices.

The package also includes an expert task force to assess options for a commercial fibre rollout by way of competitive bids. We have said that we are not prepared to lend ourselves to the Labor Party’s totally irresponsible plan of raiding the Future Fund to make this hopeless foray of fibre into the bush. As Senator Minchin has said, we will quarantine it. We will legislate so that the Labor Party will not be able to help itself to $2 billion of money that has been set aside for future upgrades of this WiMAX technology. This brings me to the point that 20 kilometres will ensure that we can get this network to 99 per
cent of Australians. They have never had it before, and they certainly will never get any kind of fibre line under Labor’s policy unless they live within four kilometres of an exchange. The other important thing is that we have done this in a cost-effective way for taxpayers. The Labor Party, who are incapable of managing this economy, are going to grab $4.7 billion of taxpayers’ dollars for a network that will not go even 20 kilometres. (Time expired)

Senator CONROY—Mr President, I ask a supplementary question. Can I read to you from the WiMAX fact sheet, which states:

WiMAX is a fourth-generation wireless technology that provides high-speed broadband connections over distances of up to 50 kilometres.

That is from your own press release today. Is the minister further aware that Optus’s fact sheet on its wireless network provides:

Broadband wireless will use public and apparatus licensed spectrum.

The term ‘WiMAX’ is used in this fact sheet as a generic term to describe a family of technologies that include broadband wireless access. Won’t this use of public shared spectrum raise interference issues that will prevent this network ensuring quality of service? Can the Optus network formally be described as a WiMAX network? If so, what WiMAX standard is the Optus wireless network using?

Senator COONAN—I have seen claims at various places about the technology upgrade path—including Intel, which put the research and development into WiMAX technology—that this technology will be capable of scaling to 70 megabits per second. In fact, whether it goes 20 kilometres, 40 kilometres or 50 kilometres, when we start rolling it out, it will be far better than anything else that consumers have had to date.

Senator Conroy—Mr President, I raise a point of order. The point of order is relevance. I specifically asked: what WiMAX standard is the Optus wireless network using? That is the question which, with only 30 seconds to go, the minister has not answered.

The PRESIDENT—It was a supplementary question. I would remind you of the supplementary question, Senator Coonan. You have 20 seconds.

Senator COONAN—I think what Senator Conroy is shouting about is that he would like to know what spectrum is being used. Let me assure Senator Conroy that we are perfectly satisfied that the available spectrum will run this technology.

Liberal Party

Senator ALLISON (2.50 pm)—My question is to the Minister representing the Prime Minister. Minister, does this latest scandal of your government’s use of Kirribilli House for fundraising and entertaining Liberal Party members—and the confusing reactions to it—suggest to you that a code of conduct for ethical behaviour of prime ministers and the rest of the parliament is well overdue? If not, what action will you take to ensure that this kind of political party use of the Prime Minister’s residence stops?

Senator MINCHIN—I do not often commend the Labor Party, but at least the Labor Party today was asking serious questions about a serious policy matter, and it did respond to the government’s very significant announcement today on broadband. However, it has taken the Democrats to get back to the price of prawns and rubbish at Kirribilli, which disappoints me. I would have thought better of the Democrats than to bring up such a pathetic matter.

This Prime Minister does operate on a very strict ethical code of conduct, as demonstrated by his 11 years in office, in which his behaviour has been exemplary. The Prime Minister properly and above board hosted federal council delegates and business
observers at Kirribilli and made sure that the Liberal Party paid all the additional costs of so doing. Unlike what occurred with previous Labor governments, this Prime Minister has been exemplary in ensuring that should there be any questions about his hospitality to members of his own party then he has ensured that in all cases the costs associated with such hospitality are paid for by the Liberal Party. He has done so up front, and the Electoral Commission has now received independent advice that there is no need, and certainly no requirement, to disclose any such thing as a gift to the Liberal Party as a result of the hospitality which he as Prime Minister is perfectly entitled to have.

We say openly that while there may have been abuses in the past, and Mr Hawke, I think, is conceding that he may have abused the Lodge and Kirribilli House in the past, of course prime ministers from the Labor Party or the Liberal Party—fortunately there will almost certainly never be a prime minister from the Greens or the Democrats in this country—are going to host people from their own parties. We accept that as a fact of life. In cases like this where it was the delegates of the federal council of the Liberal Party, the party has properly paid for it.

The idiotic proposition that this necessitates some sort of black-and-white code of conduct written up as to what can be done and cannot be done is utterly ridiculous. You would get to the point where it would be impossible for a Labor or Liberal Prime Minister to live in one of the official residences. They will say that it is not worth it; they would rather go and live at home. It is interesting to reflect on the fact that when he came into office the Prime Minister actually wanted to live in his own home at Wollstonecraft. He said that he would rather live at home at Wollstonecraft, thanks very much. But it was the national security advice that he could not do so, and he lives in the official residences.

Let us be realistic. As I said, we accept that a Labor Prime Minister is going to host Labor people at the Lodge or Kirribilli just as a Liberal Prime Minister is occasionally going to host and extend hospitality to Liberal Party members at the Lodge or Kirribilli. In our case—I am not sure whether it was the case under Labor—when that occurs, as in past federal council meetings and this federal council meeting, the Liberal Party properly pays for it. I would have thought that the Democrats would have much bigger issues on their plate than functions at Kirribilli.

Senator ALLISON—Mr President, I ask a supplementary question. I note that the minister does not consider ethics to be a serious matter. I ask that he acknowledges that for over 30 years committees have been drafting codes of conduct for senators and members without success. In 1975 the Joint Committee of Pecuniary Interests recommended that a joint standing committee be set up for the purpose. In 1977 the Bowen committee recommended a code of conduct for MPs and public servants. In 1986 the Leader of the Government in the Senate moved a motion calling for a committee to consider a code of conduct. In 1989 Democrats Senator Michael Macklin proposed a joint select committee on ethical behaviour. The Prime Minister in 1991 set up a working group to develop a code of conduct—it only met twice and the committee was then dropped. In 1994 the government reconvened the Code of Conduct Working Group that drafted a framework of ethical principles—

The PRESIDENT—Order! Do we have a supplementary question there somewhere?

Senator ALLISON—My question is: how is it that there have been so many committees that have established draft protocols
and codes of conduct for ethical behaviour yet none has so far succeeded?

Senator MINCHIN—That was not a question; that was some sort of history lesson in 30 seconds. You do not produce ethics by just producing a piece of paper. The Soviet Union had a constitution protecting human rights—that was a great help, wasn’t it! I completely reject the suggestion from Senator Allison that ethics is not serious to us. We take the issue very seriously, and this Prime Minister is the most ethical Prime Minister this country has seen in its history.

Iraq

Senator HURLEY (2.56 pm)—My question is to Senator Coonan, the Minister representing the Minister for Foreign Affairs. Is the minister aware of comments by the US commander in Iraq that American troops may remain in Iraq on a long-term basis, with references to South Korea as an example? Don’t these comments reflect recent reports that the US is planning a long-term presence in Iraq after the bulk of its forces withdraw by late 2008? Has the US approached Australia about its withdrawal plans next year or requested that our current commitment remain as part of the 40,000-strong force that would stay in Iraq on a long-term basis? Does the government agree with the need for a long-term military presence in Iraq, and does the government see a role for Australia in this force? Is that what the government really means when it says it will stay until the job is done?

Senator COONAN—I thank Senator Hurley for her question. I am not entirely sure whether I heard her say United Kingdom or the United States. Did you say the US or the UK?

Senator Chris Evans—US.

Senator COONAN—Thank you; I was having trouble hearing. The new strategy does remain the best hope for the Iraqi people. The United States has consistently said that a full assessment cannot take place until all additional forces are in place and have been on the ground for several months. The Iraqi government has the lead in implementing the security plan and recognises the importance of demonstrating strong national leadership and encouraging reconciliation, including through the progress on issues such as constitutional reform and de-Baathification legislation.

They are very difficult matters, as I think we all recognise, and much work needs to be done. Australia has consistently expressed full support for both the security and political components of the plan and the need for progress. We also share the view with the United States that the alternative is greater bloodshed and chaos and victory to terrorists in Iraq and around the world. I understand that President Bush reaffirmed his confidence in Prime Minister Maliki when they spoke as recently as 21 May. He noted that in a very difficult and challenging year Prime Minister Maliki has done what he could in very difficult situations. I will get some information as to what Australia’s current position is if it is any different from what I have indicated in my answer to the senator.

Senator HURLEY—Mr President, I ask a supplementary question. I note that the minister did not in any sense address the part of the question that dealt with whether there would be any long-term presence in Iraq, but I will continue. Is the minister aware that the US in Iraq has begun arming Sunni insurgent groups in exchange for halting attacks on US forces? Couldn’t some of these groups have been responsible for attacks against Australian troops? What guarantees can the minister give that the arming of insurgent groups will not cause these groups to attack Australian troops while we are there?
Senator COONAN—Admittedly I did not initially hear the question—whether it was the United Kingdom or the United States—but I do not see how that supplementary question arises out of the original question. Assuming that what the senator is really asking me is ‘Would our withdrawal damage the alliance?’ I can say—and repeat—that, as the Prime Minister said on 25 February, America both appreciates our presence in Iraq and wants us to maintain our current commitments. And, as I said in my primary answer, premature withdrawal would embolden terrorists and abandon the Iraqi people. We do not intend to do that.

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

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

Firearms

Senator MINCHIN (South Australia—Minister for Finance and Administration) (3.01 pm)—I would like to add to an answer that I gave to Senator Bob Brown earlier in relation to the shooting in Melbourne. Media reports indicate that a person was killed with a handgun in Melbourne this morning. The exact nature of the incident or the specific type of handgun used is not yet clear.

Since the 1996 national firearms agreement, firearms owners in Australia have needed to prove they have a genuine reason to own, possess or use firearms. Such reasons include government, professional pest controllers, security guards, recreational hunters and sporting shooters. Personal protection is not a genuine reason. Following the Monash University shooting in 2002, the Council of Australian Governments agreed to prohibit a large number of handguns based on characteristics of calibre, capacity and concealability. Almost 70,000 handguns were taken off the streets in the 2003 national handgun buyback. In addition to the prohibition of many handguns, tighter controls on access to handguns were agreed to by the COAG, including establishing additional requirements for sporting shooters to gain access to handguns, providing shooting clubs with the power to request police checks on people before accepting them as members, adopting laws to allow the refusal of handgun licences on the basis of criminal intelligence and any other relevant information, requiring suspension or revocation of licences, and seizure of firearms immediately upon the issue of a domestic violence order or an apprehended violence order to a licence holder.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Broadband

Senator CONROY (Victoria) (3.03 pm)—I move:

That the Senate take note of the answers given by the Minister for Communications, Information Technology and the Arts (Senator Coonan) to questions without notice asked today relating to broadband telecommunications infrastructure.

If ever there was a day when a government was exposed for what it is really about, it was today. Today we have a leaked email from Senator Helen Coonan’s office which demonstrates beyond any shadow of a doubt that this government is not interested in the national interest, nor is it interested in the public interest. It is interested in one thing and one thing only: votes in marginal seats for its own re-election campaign.

This email demonstrates that this government has, once and for all, passed its use-by date. It is obsessed with its own interests. It is obsessed purely with its re-election and nothing else. Good policy does not matter; just ‘Where are we going to get the votes to win the election, and what sort of sham policy can we put up?’ The government fails the
national interest test. Its priorities have been set out in its email, in which a minister’s office tells a department to ‘go and get me maps and details on the following priority seats’, which, coincidentally, are all marginal. Let me read the list again just to highlight the shame involved in this policy pronouncement by the government: Kingston, Stirling, Bonner, Macquarie, Bass, Deakin, Solomon, Wakefield, Makin, Hasluck, Moreton, Blair, Lindsay, Eden-Monaro, Page, Dobell, Braddon, McMillan—and I could go on. This is what obsesses this government. It does not have a national interest, or a national vision; it has a plan for a quick-fix bandaid solution to get it through the next election. That is its political priority. The government is not even really announcing a fibre-to-the-node network. It has announced a committee. It is so afraid that Ken Henry will blow the whistle again—like its sham water policy off the back of an envelope. It is so ashamed of its performance on water it has tried to dragoon Ken Henry into its selection process.

Ken Henry is an eminent public servant and an eminent economist, but what does he know about the ins and outs of fibre-optic technology? I am talking about WiMAX, and I could be doing Mr Henry a disservice but I am sure he will point that out to me if I am. He is there because the government got caught out on its water plan, its back-of-the-envelope, $10 billion spend on water. Mr Henry is there to make sure that the National Party and the rural and regional Liberal senators across the other side of the chamber do not get to stick their paws in the honey jar and rip off the Australian public again.

Today we have seen that it is not just Senator Ronaldson and not just Senator Eggleston—we know that Senator McGauran does not understand technology; we saw the Minister for Communications, Information Technology and the Arts demonstrate how out of depth she is on this issue. We asked her a question about the coverage of WiMAX and she said, ‘Oh no, look, isn’t it great; we can discuss 50 or 20 kilometres.’ But here it is on the minister’s letterhead, which even has her face on it. It says: ‘WiMAX is fourth generation wireless technology that provides high-speed broadband connections over distances of up to 50 kilometres.’ The Optus one actually produces the truth—20 kilometres. Optus are not prepared to gild the lily, but this government is.

Let us be clear about this. The minister would not answer this question. They say the definition of wireless is:

Broadband wireless will use public and apparatus licensed spectrum. The term WiMAX is used in this fact sheet as a generic term to describe a family of technologies that includes broadband wireless access.

Why have they got to say that? Because they will have to use public shared spectrums which will lead to interference. Can the Optus network formally be described as a WiMAX network? That was a simple question, and the minister ran and ducked. What WiMAX standard is the Optus wireless network using? The questions will haunt the minister until she answers them. They will haunt Senator Ronaldson and Senator Eggleston. Those are the questions. You claim it is WiMAX—(Time expired)

Senator EGGLESTON (Western Australia) (3.07 pm)—Today Senator Conroy said that the government has been exposed for revealing what it is all about. That is absolutely true. Today the government has been exposed. It has been revealed to be committed to providing fast broadband service to the Australian population wherever it is found—to 100 per cent of the population, not just to a few people living in major cities and regional centres, as would be the case under the Labor proposals. The government is very proud to have been revealed to be committed
to providing this high-technology service to the whole population of Australia. We are very proud of that because broadband is now a basic tool of business. People rely on the internet in business, just as they do in their personal lives, to acquire information for their businesses and, at a personal level, to download videos and movies. As I said, the most important and the most outstanding feature of the government’s proposal is that it is to go to every nook and cranny of Australia. It will reach, in fact, 100 per cent of the Australian population.

Let us have a look at what the government is providing under Australia Connected. It is a program which will provide fast, affordable broadband for all citizens of this country. It will provide broadband at speeds 20 to 40 times faster than those in use by most customers today. In the built-up areas of our cities, and major regional centres, this speed will jump to 20 to 50 megabits per second—a really fast and outstanding service to the people of Australia. The centrepiece of Australia Connected is the immediate rollout of a new, competitive, state-of-the-art wireless broadband network which will extend high-speed broadband to 99 per cent of the population and provide speeds of 12 megabits per second by 2009.

By 2009, 99 per cent of Australian households and small businesses will be able to access a high-speed broadband service which has the capacity for live video streaming, five-second CD downloads and multichannel television. So, if you are living up in Wyndham on the far north-west coast of Australia, you will get multichannel television and fast downloads. It is hard to imagine anywhere more remote than Wyndham, except perhaps Kalumburu, which is a little further up on the north-west coast. The Aboriginal people in that community will have these benefits also.

Let us see what the composition of Australia Connected is. First of all there is a new national high-speed wholesale network. The awarding of the $600 million competitive grant for this will deliver a mix of fibre-optic, ADSL2 and wireless broadband platforms to rural and regional areas of Australia. This rollout has been boosted with the addition of $358 million in funding to ensure coverage for 99 per cent of the population. That is the great strength of this program. This innovative, outstanding, remarkable program announced today by the Minister for Communications, Information Technology and the Arts is going to deliver state-of-the-art, high-speed broadband connections to Australians wherever they live in this country. It is not going to concentrate just on capital cities and larger regional centres. People in even the most isolated areas—the most remote areas—will have access to high-speed broadband, and that is something that, as senators and Australians, we should congratulate the government on.

Senator STEPHENS (New South Wales—Parliamentary Secretary to the Leader of the Opposition) (3.13 pm)—I, too, wish to take note of the answers provided by Senator Coonan to questions today in question time. I really despair. I am very glad that Senator Coonan was in Goulburn today. I wish she had told me she was coming because I could have arranged for her to meet some of the people who live in the suburb of Bradfordville, in Goulburn, who cannot access ADSL and who have been very frustrated. Maybe she could have met some of the residents in the villages such as Marulan and Tarago, who cannot get reliable connections to the internet at all and some do not have mobile telephone service. Perhaps she could have talked to those people about what she has in mind. Or perhaps she could have met some of the parents of the homeschooled children who are struggling to participate in
some online learning activities. But, no, she was there to launch what is really a pup of a program. It is certainly something that we could say is a broadband, whiteboard band-aid and nothing more. It really is about clearly defining a divide between rural Australia and the rest of the country.

I do not quite know what Senator Coonan thinks about country people, but she certainly seems to think that there may be country bumpkins who cannot see what is really going on with this announcement. I was very pleased that Senator Joyce was able to understand that she was condemning country people to a second-rate system. What we will end up with in this country is a two-tiered system of communications that will leave country communities behind. This policy is one of the most cynical vote-buying exercises we have seen. If the Prime Minister were really genuine about helping country people, he would look at funding the services which the government wants to be delivered through technology. He might like to fund some of these services on the ground so that we do not have a community like Temora advertising a half-a-million-dollar incentive payment for a doctor to come to the town. Temora is only a couple of hours drive from here, but it is a community that is desperately short of doctors.

How credible is the Prime Minister’s commitment to IT? As we heard in the chamber, what is the real grasp of the technology that is being talked about today? Who is going to benefit from the faster broadband that is being offered under this regime? Not too many people, I can tell you, until at least 2009. The minister for communications was very keen to say that, regardless of where someone lives, they will have access to broadband for between $35 and $60 a month. Perhaps the minister does not pay for her broadband plans. Perhaps she does not understand the costs of downloading and uploading or how people are reaching their download limits so quickly that they are being penalised by the uploading costs that are coming from video streaming, movies and the multichannel televisions that Senator Eggleston was so keen for us all to take up.

We heard about the WiMAX network today. We all know that there are real problems with this wireless technology. The OECD report was quite scathing about it. Our problem with it is that those communities and farming families who are living 20 to 50 kilometres from the exchange will be stuck with a system that degrades with the number of users on it and also according to the weather. If you have regular seasonal weather problems, you will be very disadvantaged by that when using this system. So, let’s think about what we are condemning country Australia to—a two-tiered system that will leave regional Australia very disadvantaged in the longer term.

Senator RONALDSON (Victoria) (3.17 pm)—I am not surprised that Senator Stephens sat down early, because she was starting to repeat herself. Isn’t it remarkable that the Australian Labor Party is talking about regional and rural Australia?

Senator Stephens—Do you know where Goulburn is?

Senator RONALDSON—I do, because I actually live in regional Australia—unlike you, I suspect. What is amazing is that this is the same party who phased out analog without any other system to replace it. You stranded regional and rural Australians with an analog phase-out without any technology replacement for it at all. When we got into government, we had to move very quickly to put in the CDMA system; otherwise the people that you are crying crocodile tears on behalf of would not have had any mobile phone service at all. So do not come in here and talk about regional and rural Australians
and the Australian Labor Party. What about your proposal to phase out the Communications Fund? Who will that impact on? What group of people will be impacted by the Labor Party’s decision to phase out the Communications Fund? Again, it is regional and rural Australians.

Earlier, the shadow shadow minister, Senator Conroy, was crying crocodile tears. His nickname is ‘Captain Dial-up’. He has had two policies. The first was dial-up, but Lindsay Tanner, the real shadow minister, got onto it and tried to do something else. The second policy had Senator Conroy with his hand in the honey jar, ripping funds away from our kids and grandkids. What did he say about Labor Party costing? Senator Birmingham, you are wondering that to yourself as I speak. He does not know where the figure came from. He has no idea. I hope that gives you an answer to the question that you were just about to ask. He had no idea of what the figure was or where it came from.

Those who actually know something about this technology have a rough idea of what it will cost. Senator Conroy is talking about $4.7 billion. Industry analysts believe that it will be closer to $16 billion. So he will have one bite at the Future Fund for $4.7 billion on the basis of figures about which he says he does not know where they came from. Everyone, except Senator Conroy, believes that it is grossly underpriced at $4.7 billion. Industry says it will be closer to $16 billion. So Labor will have one bite at the Future Fund, then they will have another bite at the Future Fund and, when they start running the country back into debt again, they will have yet another bite at the Future Fund. Labor parties, both federal and state, cannot help themselves. They are poor economic managers, and the people who end up paying the price for it are the Australian community.

This program provides a balance between the requirements of metropolitan Australia and those of regional and rural Australia. The bottom line is that, for people living in capital cities, there is very strong competition and the market is capable of delivering these services with fibre. You will see players come out of the woodwork to put in tenders, which will be considered by the group that was referred to earlier. But, in regional and rural Australia, it is just patent nonsense to think that fibre will solve these problems. This program has a sensible mix of technology, and it will maximise the chance of all regional and rural Australians having high-speed broadband. The Labor Party policy cannot work. It is not funded. It cannot be delivered. Our policy achieves what regional and rural Australians want, and that is access to broadband in the future which will enable them to live, work and entertain themselves where they live. (Time expired)

Senator POLLEY (Tasmania) (3.22 pm)—I too rise to make comment about Minister Coonan’s answers to questions. I was disappointed to hear the comments of Senator Ronaldson, who purports to represent rural Australia. Once again we see the Howard government responding to Labor initiatives and trying to play catch-up, just like with climate change. This government only appears to take notice of problems once the Labor Party has drawn its attention to them. This Prime Minister seems to be a sceptic on anything to do with the future. Whether it is climate change or broadband—you name it—this government refuses to accept that there is a problem until Kevin Rudd and the Labor Party point it out. Then it puts together something with a bit of spin and no substance and hopes that no-one will see through it and the problem will just go away.

The government’s backflip on broadband shows a lack of vision that is characteristic
of this government. It has nothing left in its
tank, and all it can do is be towed along by
Labor on issues of national significance such
as broadband and climate change. The gov-
ernment’s broadband plan as announced is
nothing more than another election year ban-
daid for a problem that requires a long-term
solution. The Prime Minister has realised,
months out from an election, unsurprisingly,
that broadband is a serious issue and that he
cannot get away with closing his eyes and
pretending broadband is not an issue. Labor
realised this a long time ago and put forward
its own national broadband policy, which
represents a massive long-term investment in
Australia’s future. Kevin Rudd has put for-
ward a vision for this country’s broadband
future that looks at what is best for everyone,
regardless of where they live.

This government’s policy does nothing of
the kind. It makes a distinction between rural
and metropolitan areas and it offers wireless
access for regional areas. I ask why, if wire-
less is such an excellent solution, the Prime
Minister, the minister and her colleagues do
not switch over to wireless completely.
Somehow I cannot see that happening, yet
the Prime Minister is perfectly happy to pro-
pose the same solution for millions of Aus-
tralians. Of course, this government does not
really care about the quality of the access it
is providing to Australians. It is all about the
spin of putting something forward, even if it
is nowhere near what is required.

Wireless is hardly a solution to rural
broadband issues. It still has a range of prob-
lems, such as declining performance due to
distance, bad weather or the number of users
at any one time, let alone the problems in a
community like Tasmania, where there are
geographical challenges. Wireless has a
place as a complement to fixed-line broad-
band services but cannot be a replacement as
the government intends. We need the vision
and foresight to take us forward into the fu-
ture, and we need to invest in the infrastruc-
ture that will help our rural areas. To do that
we need to provide them with the best possi-
ble fixed-line broadband services that we
can—exactly what is proposed by Kevin
Rudd and Labor.

Once again, we see the government look-
ing for the quick fix, the easy solution. I
should not be surprised that this is what the
government is proposing—it is an election
year, after all. That is the only time that this
out-of-touch government pays any attention
to issues that Labor has drawn to its atten-
tion. Does anyone here really think that this
broadband plan would have been cobbled
together if there was not an election or that
climate change would even be acknowledged
as an issue by the Prime Minister if it was
not an election year? It illustrates just how
out of touch with the Australian public this
government and this Prime Minister are, that
it takes an election and polls to wake them
up to the issues facing Australians.

Labor believe that regional areas, includ-
ing many places in my own state of Tasma-
nia, deserve to have the same broadband op-
opportunities and infrastructure as metropolitan
areas. We do not agree with the two-tier sys-
tem that has been cobbled together when
there is an election around the corner. La-
bor’s proposal delivers a minimum speed
increase 40 times greater than current speeds
to everyone, no matter where they live. The
government is proposing 12-megabit cover-
age using a wireless system. We are propos-
ing a much more solid fixed-line broadband
solution that will provide a much faster al-
ternative to the government’s proposal. Our
solution is not a cheap bandaid like what the
Prime Minister is proposing.

We believe that it is important to set up
our broadband infrastructure now so that
Australians are no longer disadvantaged and
so that living in the bush certainly does not
Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.28 pm)—I move:

That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Bob Brown today relating to hand guns.

The problem with the government’s performance on handguns, while I think there has been universal support for its action on long guns, is that the two are not comparable. The Greens first moved to restrict the use of long guns, particularly semiautomatics, back in 1987, when I introduced legislation to the Tasmanian parliament. Unfortunately, the coalition government of the day held that down. Then we had the massacre at Port Arthur, and the legislation of the Greens—who then had the balance of power—which Senator Milne brought to the cross-party committee in the Tasmanian parliament, had a model role in the national legislation which followed. That was adopted by Prime Minister Howard and the leaders of state governments and had huge public support back in 1996.

The problem with handguns is that they were not included in the legislation. There are an estimated 100,000 to 200,000 handguns now available in the Australian community, and they are just as lethal as the rifles or shotguns which were dealt with in the early days. As Senator Minchin said, it is true that there was a move in 2002 to restrict handguns, but it dealt with about 20 per cent, and 80 per cent were not dealt with. And so we have a situation in Australia where, despite the licensing restrictions, there is a wide availability of handguns and semiautomatic handguns in particular through state laws. They are allowed to have up to 10 bullets in the magazine—that means 10 people in a row can be shot. They are allowed to have a barrel length of 12 centimetres and up to a .38 inch calibre. These are very deadly weapons. For sporting shooters, the calibre can be up to .45 centimetres. The barrel length is longer than for single-shot revolvers. Unfortunately, these are weapons that can lead to massacres. The Dunblane massacre in Scotland of the 16 little kids in the auditorium was by a man with a semiautomatic revolver. The shootings at Virginia Tech were also by a man armed with revolvers. They may be outside the ambit of Commonwealth law, and I am not sure about that, but nevertheless they are very deadly.

There are too many handguns available in Australia. They are not necessary. We agree that police, security guards, some sporting shooters and collectors should be licensed to hold handguns, but the availability is altogether too great. There needs to be a gun summit where the state and territory leaders and the Prime Minister agree to greatly reduce the number of these deadly weapons, capable of a massacre, in the Australian community. We should not wait until we have a Dunblane or a Virginia Tech massacre in our country for that action to take place. I appeal to the government yet again—I have done this a number of times in this chamber since 1996—and, through the minister, to the Prime Minister to take action on this matter. Please do not wait until a massacre occurs. Please do not wait for a Port Arthur style day of infamy in this country again. Many, if not most, of these handguns are unnecessary. They should not be abroad in our commu-
nity. Bank officers and police will agree with what I am saying. So I ask the government to listen and take action.

Question agreed to.

PETITIONS

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

Firearms

To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows our support for the positive working relationship between the New Zealand Government, police, and licensed firearms owners, and for Canada’s adoption of similar, and our desire for Australia to follow this example. This petition highlights the importance of evidence-based policy, the increasing body of evidence from sources such as the Australian Institute of Criminology demonstrating the lack of impact of restrictive firearms legislation upon firearm homicide and firearm suicide, and the need to consult with key stakeholders affected by any legislation. Your petitioners humbly request that the Senate -

(a) Acknowledge the need for any firearms legislation enacted by the State, Territory or Federal Parliaments of the Commonwealth to be based upon robust, peer-reviewed evidence and to incorporate the New Zealand consultative model.

(b) Recognise international sports shooting events other than Olympic and Commonwealth events.

(c) Ensure that legislation provides our sports people are on a level playing field with international competitors.

by Senator Ronaldson (from 974 citizens)

Petition received.

NOTICES

Presentation

Senator Ronaldson to move on the next day of sitting:

That the time for the presentation of the report of the Economics Committee on private equity markets be extended to 16 August 2007.

Senator Faulkner to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Defence all documents including briefs to ministers concerning complaints and allegations made in 1997 and 1998 about substandard maintenance on Navy ships and the likely risks of harm, particularly with respect to the safety of HMAS Westralia, as well as responses and results of any investigations into those complaints and allegations subsequently conducted.

Senator Murray to move on the next day of sitting:

That general business order of the day no. 16 relating to the Public Interest Disclosure (Protection of Whistleblowers) Bill 2002 [2004] be discharged from the Notice Paper.

Senator Nettle to move on the next day of sitting:

That the Senate:

(a) notes that:

(i) the respected British Broadcasting Corporation journalist Alan Johnston was abducted whilst on assignment in the Gaza Strip more than 3 months ago and his whereabouts remains unknown,

(ii) the Army of Islam group has claimed responsibility for that abduction, and

(iii) all factions in the Palestinian Parliament, including the Fatah and Hamas factions, have condemned the abduction; and

(b) calls on the Australian Government to:

(i) express its concern about the plight of Mr Johnston to the Palestinian authorities,

(ii) use whatever influence it may have with the Palestinian authorities to secure the safe return of Mr Johnston, and

(iii) use whatever influence it may have in the region to ensure that the release of
Mr Johnston does not add to the bloodshed in the Palestinian territories.

Senator Stephens to move on the next day of sitting:

That the Senate:

(a) notes that:

(i) an estimated one million children are driven into the multi-billion dollar commercial sex trade every year,

(ii) more than 100 countries are parties to the United Nations (UN) ‘Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography’, which opposes the sale of children, child prostitution and child pornography and requires those offering or delivering or accepting children for the purposes of sexual exploitation, organ harvesting or forced labour to be punished,

(iii) while Australia ratified the optional protocol on 8 January 2007, some countries in our region that receive aid from Australia have signed the optional protocol but are yet to ratify it, while others are yet to sign the document, and

(iv) poverty is a key driver in fuelling child and adult trafficking; and

(b) calls on the Federal Government to:

(i) encourage countries in the region to sign to and ratify the UN ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children’ on Trafficking and implement its requirements,

(ii) increase support for poverty alleviation programs directly targeted to assist poor communities particularly affected by people trafficking, and

(iii) enhance its responses to the needs of victims of trafficking into Australia by improving support services and access to visas and by assisting the repatriation of those who wish to return to their country of origin.

Senator WATSON (Tasmania) (3.33 pm)—Following the receipt of a satisfactory response, on behalf of the Standing Committee on Regulations and Ordinances, I give notice that on the next day of sitting I shall withdraw business of the Senate notices of motion Nos 2 and 3 standing in my name for eight sitting days after today, the disallowance of the Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006 and the Treatment Principles (Australian Participants in British Nuclear Tests) 2006. I seek leave to incorporate in Hansard the committee’s correspondence concerning these instruments.

Leave granted.

The correspondence read as follows—

Repatriation Pharmaceutical Benefits Scheme (Australian Participants in British Nuclear Tests) 2006

Treatment Principles (Australian Participants in British Nuclear Tests) 2006

1 March 2007
ref: 23/2007

The Hon Bruce Billson MP
Minister for Veterans’ Affairs and
Minister Assisting the Minister for Defence Suite M1 19
Parliament House
CANBERRA ACT 2600

Dear Minister

I refer to the following instruments made under the Australian Participants in British Nuclear Tests (Treatment) Act 2006.


The Committee has examined these instruments and identified the following matters on which it would appreciate further advice.

The definition of ‘Repatriation Health Card—For Specific Conditions’ in clause 3 contains a typographical error, where the word ‘Act’ has been omitted from the name of the legislation.

The operation of clause 4 is unclear. The Committee notes that where the Department or the Commission is required to make notification of certain matters (presumably examples are found in clause 20—notification of forms, and clause 29—notification of rates) this requirement can be satisfied by the publication of the Explanatory Notes. The Explanatory Notes are defined in clause 3 to mean the notes that were published in the Schedule of Pharmaceutical Benefits for Approved Pharmacists and Medical Practitioners dated 1 February 2002. Although clause 4 seems to permit other means of notification, it is not clear when the Explanatory Notes are to be used or whether they will require modification to notify matters that now arise under this instrument. Nor is it clear what those other means of notification are, or how they will be communicated to relevant persons.

It is possible that these questions might have been answered if the Explanatory Statement to this instrument had provided a detailed clause by clause explanation.

The Explanatory Statement indicates that there was no consultation in respect of this instrument because it is beneficial in nature and it “needed to be made as quickly as possible”. The Explanatory Statement does not indicate why the instrument needed to be made as quickly as possible.

The Committee would appreciate your advice on the above matters as soon as possible, but before 26 March 2007, to enable it to finalise its consideration of these instruments. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson Chairman
22 May 2007
Senator John Watson
Chairman
Senate Standing Committee on Regulations and Ordinances Room SG49
Parliament House
CANBERRA ACT 2600

Dear Senator Watson
Thank you for your letter of 1 March 2007 (your ref: 23/2007) in relation to two legislative instruments made by the Repatriation Commission and approved by me under the Australian Participants in British Nuclear Tests (Treatment) Act 2006.


I am advised that there is no typographical error in the definition of “Repatriation Health Card - For Specific Conditions” (omission of ‘Act’ from the name of the legislation). This definition refers to the eligibility for treatment card issued under clause 2.1.1 of the Treatment Principles (Australian Participants in British Nuclear Tests) 2006. That instrument does not contain the word ‘Act’ in its title.

There are minor typographical errors in the following provisions in this Instrument:

- paragraph 2.2.3(c)—‘to a an entitled person’;
- paragraph 3.2.1(a)—the Note contains an Error message; and
- clause 11.3.2—‘persons’ should be singular.

The Explanatory Statement indicates that there was no consultation in respect of this instrument because it is beneficial in nature and it “needed to be made as quickly as possible”. The Explanatory Statement does not indicate why the instrument needed to be made as quickly as possible.

The Committee would appreciate your advice on the above matters as soon as possible, but before 26 March 2007, to enable it to finalise its consideration of these instruments. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely
John Watson Chairman
22 May 2007
Senator John Watson
Chairman
Senate Standing Committee on Regulations and Ordinances Room SG49
Parliament House
CANBERRA ACT 2600

Dear Senator Watson
Thank you for your letter of 1 March 2007 (your ref: 23/2007) in relation to two legislative instruments made by the Repatriation Commission and approved by me under the Australian Participants in British Nuclear Tests (Treatment) Act 2006.


I am advised that there is no typographical error in the definition of “Repatriation Health Card - For Specific Conditions” (omission of ‘Act’ from the name of the legislation). This definition refers to the eligibility for treatment card issued under clause 2.1.1 of the Treatment Principles (Australian Participants in British Nuclear Tests) 2006. That instrument does not contain the word ‘Act’ in its title.

There are minor typographical errors in the following provisions in this Instrument:

- paragraph 2.2.3(c)—‘to a an entitled person’;
- paragraph 3.2.1(a)—the Note contains an Error message; and
- clause 11.3.2—‘persons’ should be singular.
You have correctly understood the operation of paragraph 4 of the instrument under discussion (hereinafter referred to as the RPBS (Nuclear)).

I am advised that work is still underway to prepare detailed written advice to Community Pharmacists of the slightly different requirements of the RPBS (Nuclear). The revised Explanatory Notes (as that term is used in the instrument) are scheduled to be published on 15 March 2007 and will contain this information. The previous Explanatory Notes will be slightly modified so as to refer to the class of person entitled to pharmaceutical treatment under this instrument.

However, please appreciate that from a practical point of view it’s simply “business as usual” for the Community Pharmacists who provide pharmaceuticals to the holders of a White Card (ie the Repatriation Health Card - For Specific Conditions). As far as those pharmacists are concerned an entitled person will present with a prescription and proof of their eligibility (ie the White Card) and will need to record the card number when claiming reimbursement from my Department. The card number will then be used by my Department in identifying the eligibility and under which appropriation the funds are to be withdrawn. However, to all intents and purposes, there will be no substantive changes for the pharmacists in dealing with this new category of white Card holders. As the Committee will note the RPBS (Nuclear) instrument is virtually identical to the instrument under which these pharmacists currently supply pharmaceuticals to veterans and other eligible persons and the Department utilises the same procedures.

I have noted your comment about clause-by-clause Explanatory Statements. Clearly this would be a preferable course of action to be undertaken where time permits. I am advised that the Office of Legislative Drafting has indicated that Explanatory Statements in such a form are not a requirement of the Legislative Instruments Act 2003. As explained below, the instruments under discussion needed to be made quickly, they are lengthy, and time did not permit the preparation of clause-by-clause Explanatory Statements. Hopefully these unusual set of circumstances will not be repeated.

Regarding your concern about the lack of consultation in respect of this instrument and your comment that the effect of the instrument on business was such that it would appear consultation was required, please note the above comments on the negligible impact on Community Pharmacists introduced by this instrument. Community pharmacists will see a White Card and will merely follow current practice without regard for the different legislative requirements that apply to this new category of eligible persons.

As a matter of practice, the impact on business will be minimal. The requirements and procedures under this instrument are identical to those under the RPBS to ensure that from a practical point of view there are no differences for pharmacists. The only practical impact for a pharmacist is that he or she might have a few extra clients presenting with white Cards.

As to the need for the instrument to be made quickly and the lack of a reason, the Explanatory Statement does provide a sound explanation for the urgency when read in the context of the Australian Participants in British Nuclear Tests (Treatment) Act 2006 (Act). It says:

“... the attached instrument ... needed to be made as quickly as possible in order for pharmaceutical benefits to be provided under the instrument to eligible persons.”

The Act applies to people eligible for treatment under it. The terminology of the RPBS relates to veterans and dependants, not to people suffering from malignant neoplasia as a result of participating in British nuclear tests. These people were not necessarily veterans or their dependants and included civilian contractors who have no eligibility under the Veterans’ Entitlements Act 1986 (VEA). Accordingly, the legislative instruments made under the VEA could not be interpreted to cover this new category of persons.

If the inappropriate terminology of the RPBS had not been modified (which is what the RPBS (Nuclear) did) it may have been extremely difficult to administer and the likely confusion may have resulted in entitled persons not receiving their treatment under the Act and pharmacist’s claims for reimbursement not being met. Accordingly the RPBS needed to be modified as quickly as possible.
The other reason for the urgency is that claims for treatment could be made in relation to treatment that occurred before the commencement of the Act. As the Explanatory Memorandum for the Bill stated:

“The commencement date for treatment eligibility will be three months prior to the lodgement date of the claim or 19 June 2006, the date of the Government’s decision, whichever is the later.”

Claims for treatment had already been received by the Department of Veterans’ Affairs before the instrument was made.


The typographical errors are noted and will be rectified in an amendment to the principal instrument that is proposed to be made shortly.

The reasons for the need to make this instrument quickly are the same as those given above for the RPBS (Nuclear) instrument. Again I draw to your attention the fact that a reason was given for that need viz:

“... consultation was not appropriate because the instrument needed to be made quickly in order to make the relevant treatment available for eligible persons.”

I trust this information satisfies your concerns. Yours sincerely

Bruce Billson

Minister for Veterans’ Affairs and
Minister Assisting the Minister for Defence

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator O’Brien for today, proposing the reference of a matter to the Rural and Regional Affairs and Transport Committee, postponed till 19 June 2007.

General business notice of motion no. 814 standing in the name of Senator Nettle for today, proposing the introduction of the Migration (Climate Refugees) Amendment Bill 2007, postponed till 21 June 2007.

General business notice of motion no. 815 standing in the names of Senators Siewert and Nettle for today, relating to water resources in northern New South Wales, postponed till 19 June 2007.

PEACE AND NON-VIOLENCE COMMISSION BILL 2007

First Reading

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.37 pm)—I move:

That the following bill be introduced: A Bill for an Act to establish a commission for peace and non-violence, and for related purposes.

Question agreed to.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.37 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 ALLISON (Victoria—Leader of the Australian Democrats) (3.37 pm)—I present the explanatory memorandum and 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—

The Democrats consider it to be a major shortcoming that there is no Act of Parliament that establishes peace and non-violence as an objective and responsibility of national government and that there is no statutory body in Australia that has that specific objective. The humanitarian, environmental and economic cost of war and violence is great and there are enormous advantages in peaceful co-existence, whether for individual relationships, the family, in schools, in the community or internationally.

CHAMBER
The last ten years has been marred by too much violence and there is every reason to find a better way.

Conflicts in the Middle East, in Africa, Cosovo and Timor Leste, terrorist attacks on New York, Washington, London and Bali and the invasions of Afghanistan and Iraq have destroyed the lives of hundreds of thousands of civilians and have all had serious consequences for Australians and the peace we enjoy.

The race-based riots at Cronulla and the backlash against Muslim Australians following 9/11, has shattered our claim to be a tolerant, fair society. Extreme violence fuelled by alcohol has left Indigenous communities in crisis. Domestic violence has not abated and too many children die from violent abuse.

The Howard Government’s preparedness to ignore international humanitarian and refugee law in detaining innocent people, including children and the mentally ill, and the violence and riots that resulted are a blot on our copybook of leadership in the past on such laws. Australia has turned a blind eye to torture at the hands of our allies at Abu Graib and at Guantanamo Bay prison and in countries to which suspects have been taken for such purposes.

Restrictions on gun ownership following the horrific shooting at Port Arthur were welcome but could go further. The small arms trade to developing countries alone has reached more than $1 trillion.

27,000 nuclear weapons are still in existence, despite nuclear weapons states undertaking to disarm as their part in the Nuclear Non-Proliferation Treaty bargain whereby non-nuclear weapons states would not take up nuclear weapons. Now India, Pakistan, Israel and North Korea have developed nuclear weapons outside the NPT.

And the latest potential theatre of war is outer space. Militarism and missile defence is now dominating what should be space reserved for common good and peaceful purposes, heightening tensions world wide.

There is therefore a case for a different, more effective approach.

I have pleasure in introducing, on behalf of the Democrats, a Bill for an Act to establish a Peace and Non Violence Commission in Australia that will promote the pursuit of peace and non-violence as an objective and a responsibility of national government.

This Commission will also work to align Commonwealth government activity with United Nations policy in the promotion of peace and advance Australia’s obligations under international humanitarian law.

It will take a proactive and strategic approach in the development of policies that promote national and international conflict prevention, non-violent intervention, mediation and peaceful resolution of conflict.

It will consist of a Commissioner and seven Assistant Commissioners of Peace, Education and Training; Domestic Peace Initiatives; International Peace Activities; Technology for Peace; Arms Control and Disarmament; Peaceful Coexistence and Non-Violent Conflict Resolution; and Human Rights and Economic Rights.

There is a growing push internationally to establish statutory bodies of this kind - in the United Kingdom, the United States, Canada, Japan and Italy and, I am pleased to say there are peace groups, longstanding and emerging, in Australia, like the Conflict Resolution Network, the Peace Organisation of Australia, Ministry for Peace, Australia, and Global Citizens for Peace which are behind the move.

Commonwealth governments of Australia once played a leading role in the promotion of peace internationally. Australia set up the Canberra Commission on the Elimination of Nuclear Weapons. It was disbanded soon after reporting in 1996 and little progress has been made on its recommendations in the intervening ten years.

The PNVC will make recommendations for reductions in weapons of mass destruction and provide advice on Australia’s obligations, responsibilities and negotiations in relation to treaties and international agreements and matters relating to defence and security. It will attend negotiations on treaties such as the NPT.

Australia’s spending on defence has climbed to $22 billion and, for the first time in our history, exceeds that spent on education. The case has not been made for such a shift in priorities and the
The defence budget appears more geared to war-fighting capability than peacekeeping. This Peace and Non Violence Commission will be an authoritative voice and counter-point to those who would have us go down the path of violence.

The PNVC will forecast the comparative costs of violent and non-violent solutions as a basis for advice. A Peace Institute will be established and the Office of International Peace Activities will provide training and deployment of graduates and other non-military conflict prevention and peacemaking personnel.

The PNVC will have a commissioner of arms control and disarmament and will make annual reports to the Prime Minister on the sale of arms and munitions from Australia to other nations and how such sales affect peace.

One of the missions of the PNVC is to work to divert from armed conflict and develop new structures for the resolution of disputes by non-violent means.

Anti terror laws have been enacted but not enough effort made to counter the factors that give rise to terrorist acts or to build social cohesion and foster peaceful conflict resolution. The Office of Domestic Peace Activities will have a role in developing domestic policy to address these and other problems within in Australia.

Universities offer fewer courses in peace studies than in the past and peace education in schools has all but disappeared. Bullying remains a big problem in schools despite good progress in sadly too few schools. The Office of Peace Education and Training will develop a peace education curriculum that will include the civil rights movement, peace agreements and circumstances in which peaceful intervention has worked to stop conflict. It will impart communicative peace skills and non-violent conflict resolution skills.

The PNVC will develop policy alternatives for the treatment of drug and alcohol abuse and for the prevention of crime.

The Office of Arms Control and Disarmament will advise on the reduction and elimination of weapons of mass destruction, develop strategies for deterring testing of nuclear weapons and provide assistance in the implementation of international agreements on arms and nuclear weapon control.

Human rights abuse has been perpetrated by countries with which Australia has trading and military cooperation agreements, including Indonesia, China and the United States yet it is rare for such agreements to leverage improvements in human rights protection. The trade dollar has become more important than human rights.

The Office of Human Rights and Economic Rights will assist in incorporating the principles of human rights into all agreements between Australia and other nations. It will conduct economic analyses of the scarcity of human and natural resources as a source of conflict, whether due to armed conflict, mal-distribution of resources or natural causes. It will develop strategies regarding the sustainability and management of aid funds and the impact of conditions set by funding agencies on peace and stability in the countries in receipt of such funds.

The PNVC will advise the relevant Ministers on all matters to do with national security and international conflict and to promote the peaceful resolution of such conflicts.

Peace and Non-Violence Commissioners will be appointed on merit and will have expertise in peacekeeping and peace studies, international humanitarian law, conflict resolution and mediation; non-proliferation and disarmament; civil rights; international law and treaty making and obligations.

A review of the operation, impact and effectiveness of the PNVC will be conducted by the end of 2011 and there is a sunset provision, effective 30 June 2012.

I commend this bill to the Senate. I suggest it has the potential to change the way we do things, to change attitudes and behaviour, to save lives and to start the process of making the world a more peaceful, safer, more just place.

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

Leave granted; debate adjourned.
Senator FIELDING (Victoria—Leader of the Family First Party) (3.38 pm)—I move:

That the following bill be introduced: A Bill for an Act to protect competitive markets by prohibiting predatory pricing.

Question agreed to.

Senator FIELDING (Victoria—Leader of the Family First Party) (3.38 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 FIELDING (Victoria—Leader of the Family First Party) (3.39 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—

The Trade Practices Amendment (Predatory Pricing) Bill 2007 will give small businesses much needed protection from a practice that threatens to destroy their livelihood.

This practice is employed by some big businesses and is called predatory pricing.

Predatory pricing is where powerful retailers drop their prices in one area to drive out competitors, before raising prices later on.

Not only are small businesses affected, with some forced to shut up shop because they can no longer compete, but Australian families suffer as well from higher prices in the long term.

Australian families, who are already struggling to make ends meet, are being ripped off as big business predators price independent supermarkets, pharmacies and petrol retailers out of the market.

It is important to understand that many of Australia’s major retail markets are controlled by only two or three players.

For example, Coles and Woolworths have a thumping 80 per cent control of the grocery trade, and these two giants also dominate the petrol market.

They also have a strong presence in the non-prescription medicine and healthcare and toiletries market.

It is no wonder these supermarket giants reaped profits last year of up to five per cent, the highest in the world.

And it is no surprise that food prices in Australia are rising at double the inflation rate, making it even harder for families to survive and pay the bills.

It is interesting that this huge market dominance is not seen in other countries, which is why it is so important to stand up to big businesses destroying smaller rivals.

Family First has two constituent groups; Australian families and Australian small businesses. These groups do not have a strong enough voice in Canberra and Family First believes they need all the support they can get.

Because predatory pricing has such a negative impact both on small businesses and ultimately families through higher prices, Family First is introducing legislation to ensure smaller operators are protected from predatory pricing.

It is a joke that small business has been waiting for protection for over three years, since the Senate Economics References Committee recommended action.

Family First acknowledges that we cannot undo the market domination, but we can have laws that ensure genuine competition, which benefits small business and also families by delivering the lowest possible prices.

Family First’s legislation to amend the Trade Practices Act is similar to Canadian competition laws and outlaws predatory pricing which destroys competitors.

The Bill outlaws predatory pricing in three key concentrated markets which are very important to families. These are the market for groceries, the
market for the sale of fuel and the market for pharmaceutical products, proprietary medicines and toiletries.

There is a growing lack of competition in these markets and genuine concerns about corporations using their market or financial power unfairly. The Family First bill would help restore a more competitive market by outlawing predatory pricing, so small businesses and families are better off.

There are a number of other concentrated markets where small businesses have similar problems and those industries may be listed in the future. Under the Family First legislation it has to be shown that a corporation has either a “substantial degree of power in a market” or “substantial financial power”.

This strengthens the Trade Practices Act to cover corporations that may not have “substantial degree of power in a market” but do have the “financial power” to act in a predatory way.

It is worth pointing out that the 2004 Senate Committee on protecting small business heard evidence that a financial power test would be appropriate.

In the Family First Bill, where one of those two conditions, financial or market power, is met, a corporation is not allowed to offer goods or services for sale in a market at unreasonably low prices, with the purpose or effect of substantially lessening competition in that market or eliminating competitors.

It is important to stress that this does not prevent ordinary sales or discounting.

Family First is certainly not against price cutting, but when you undercut for extended periods of time with the purpose or effect of squeezing out a competitor that’s not on.

The Bill also adds an “effects test”, which means those corporations that do have “financial” or “market” power need to be careful in how they use that power so they do not substantially lessen competition or eliminate competitors.

The ACCC supported an effects test in evidence to the 2004 Senate Committee inquiry.

As I said earlier, Australian families are being slugg by big increases in food prices. Last year food inflation was almost 10 per cent, which is the second highest in the industrialised world. The latest inflation figures show that food prices are increasing at double the inflation rate.

How do we explain these statistics?
One of the major reasons is that the market is not working. There is not enough competition to keep prices as low as they should be and families are suffering because of it.

Families and small businesses are the victims of the market power being wielded by some of Australia’s retail giants who dominate key sectors.

The system has got to change. After all, most small businesses are family businesses.

In fact, a total of 97 per cent of businesses in Australia are small businesses, with fewer than 20 employees. And these small businesses employ 50 per cent of Australian workers, half the entire Australian workforce, or about 3.6 million people.

If small business can always be undercut, there is no point in them trying to compete with the supermarket giants. They know they can never win a price war. It is no surprise that many small businesses shut down or are bought out by the big players.

On the other hand, if the law bans predatory pricing, it encourages small business to make efficiencies to compete.

Another reason Family First is so determined to protect smaller operators is because they are vital to local communities, particularly in regional Australia.

The loss of small shops can be devastating to a town, and particularly impacts on older and less mobile members of the community.

The equation is simple; you need competition to keep prices lower over time, so families get the best deals.

We all know that the supermarket giants sell their groceries at higher prices where there is no competitor in the area.

Family First is delighted to have support for this move against predatory pricing from a range of key small business groups, including the Pharmacy Guild, the Motor Traders Association of
Australia, the Victorian Automobile Chamber of Commerce and others.
These groups recognise that Family First is championing the needs of small business because the Government has failed to give them the protection they need.
Family First asks the Government to support this Bill so small businesses can have genuine protection from predatory pricing and families can enjoy the lowest possible prices.

Senator FIELDING—I seek leave to continue my remarks later.
Leave granted; debate adjourned.

MIDDLE EAST

Senator NETTLE (New South Wales) (3.39 pm)—I move:
That the Senate—
(a) notes that 10 June 2007 marks 40 years since the Israeli occupation of the West Bank, Gaza Strip and Golan Heights; and
(b) calls on the Australian Government to:
(i) take action to ensure that Israel complies with United Nations Security Council Resolution 242 passed unanimously in 1967 that calls for a ‘withdrawal of Israel armed forces from territories occupied in the recent conflict’,
(ii) ensure that humanitarian relief is provided to those who need it, particularly the children in Palestine,
(iii) stop providing arms to Israel, and
(iv) play a constructive role to ensure that peace and justice can be achieved in Palestine, Israel and the Middle East.
Question negatived.

Senator NETTLE (New South Wales) (3.40 pm)—I note that the Australian Greens were the only people to support that motion.

The DEPUTY PRESIDENT—That will be noted, Senator Nettle.

Senator STOTT DESPOJA (South Australia) (3.40 pm)—I seek leave to make a brief statement as to why the Australian Democrats voted that way.

Leave granted.

Senator STOTT DESPOJA—The Democrats did not support the motion because the wording of United Nations Security Council resolution 242 is deliberately vague on what constitutes compliance by Israel—the drafters admit as much—and it is therefore hard to determine the extent to which Israel is actually in breach of that resolution. This makes it difficult to see a strong rationale on which to claim that Australia’s defence exports to Israel, which I acknowledge are already relatively small, should be ceased altogether. We believe part (iii) of the motion would have benefited from more specificity in relation to arms and military exports. Nevertheless, the Australian Democrats remain committed to campaigning for an end to the violence in the Middle East and believe that all parties in the conflict need to do more to bring about a lasting peace.

URANIUM EXPORTS

Senator MILNE (Tasmania) (3.41 pm)—I move:
That the Senate—
(a) notes:
(i) the use of a nuclear by-product, polonium-210, sourced from the Russian Federation (Russia) in the murder of Alexander Litvinenko,
(ii) that Russia supplies nuclear materials to Iran,
(iii) that Russia is in talks with the military regime in Myanmar with a view to supplying nuclear materials to that regime, and
(iv) that, following attacks on freedom of the press and the murders of several journalists in Russia, the Committee to Protect Journalists rates Russia as the third most dangerous country in the world for journalists, after Iraq and Afghanistan; and
(b) calls on the Government not to sell uranium to Russia.
Question put.

The Senate divided. [3.46 pm]

(The Deputy President—Senator JJ Hogg)

Ayes........... 8
Noes........... 49
Majority........ 41

AYES

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

NOES

Abetz, E. Adams, J.
Barnett, G. Bernardi, C.
Birmingham, S. Bishop, T.M.
Boyce, S. Brown, C.L.
Campbell, G. Carr, K.J.
Chapman, H.G.P. Colbeck, R.
Crossin, P.M. Eggleston, A.
Faulkner, J.P. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Forshaw, M.G. Hogg, J.J.
Humphries, G. Hurley, A.
Hutchins, S.P. Kemp, C.R.
Kirk, L. Ludwig, J.W.
Lundy, K.A. Marshall, G.
Mason, B.J. McEwen, A.
Moore, C. Nash, F.
O’Brien, K.W.K. Parry, S. *
Payne, M.A. Polley, H.
Ray, R.F. Sculley, N.G.
Sherry, N.J. Stephens, U.
Sterle, G. Troeth, J.M.
Trood, R.B. Watson, J.O.W.
Webber, R. Wong, P.
Wortley, D.

* denotes teller

Question negatived.

IN-VITRO FERTILISATION

Senator NETTLE (New South Wales) (3.49 pm)—by leave—I move the motion as amended:

That the Senate:

(a) notes the Victorian Law Reform Commission’s publication, Assisted reproductive technology & adoption: final report, recommending ‘that the requirement that women must be married or in relationships with men to access clinical services needs to be removed from the legislation’ and ‘that same sex couples should be allowed to apply to adopt children’ and stating that ‘research shows that having single, lesbian or gay parents does not pose a risk to children’s well-being’; and

(b) calls on the Federal Government to work with all states and territories to provide IVF treatment and adoption rights to all people, regardless of their sexuality.

Question put.

The Senate divided. [3.51 pm]

(The Deputy President—Senator JJ Hogg)

Ayes........... 8
Noes........... 51
Majority........ 43

AYES

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

NOES

Abetz, E. Adams, J.
Barnett, G. Bernardi, C.
Birmingham, S. Bishop, T.M.
Boyce, S. Brown, C.L.
Campbell, G. Carr, K.J.
Chapman, H.G.P. Colbeck, R.
Crossin, P.M. Eggleston, A.
Faulkner, J.P. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Forshaw, M.G. Hogg, J.J.
Humphries, G. Hurley, A.
Hutchins, S.P. Kemp, C.R.
Kirk, L. Ludwig, J.W.
Lundy, K.A. Marshall, G.
Mason, B.J. McEwen, A.
Moore, C. Nash, F.
O’Brien, K.W.K. Parry, S. *
Monday, 18 June 2007 SENATE 53

Payne, M.A. Polley, H.
Ray, R.F. Scullion, N.G.
Sherry, N.J. Stephens, U.
Sterle, G. Troeth, J.M.
Trood, R.B. Watson, J.O.W.
Webber, R. Wong, P.
Wortley, D.

* denotes teller

Question negatived.

COMMITTEES

Environment, Communications, Information Technology and the Arts Committee

Report

The DEPUTY PRESIDENT (3.54 pm)—Pursuant to standing order 38, I present the report of the Environment, Communications, Information Technology and the Arts Committee on the provisions of the Great Barrier Reef Marine Park Amendment Bill 2007, together with submissions received by the committee, which was presented to the President after the Senate adjourned on 15 June 2007. In accordance with the terms of the standing order, the publication of the report was authorised.

Ordered that the report be printed.

REPRESENTATION OF SOUTH AUSTRALIA

The DEPUTY PRESIDENT (3.55 pm)—On behalf of the President I table the original certificate of the choice by the Parliament of South Australia of Mary Josephine Fisher, to fill the vacancy in the representation of that state.

PARLIAMENTARY ZONE

Proposal for Works

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (3.55 pm)—In accordance with the provisions of the Parliament Act 1974, I present a proposal for works within the Parliamentary Zone, together with supporting documentation, relating to the construction of an extension to the National Gallery of Australia. I seek leave to give a notice of motion in relation to the proposal.

Leave granted.

Senator ABETZ—I give notice that, on Wednesday, 20 June 2007, I shall move:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the construction of an extension to the National Gallery of Australia.

COMMITTEES

Electoral Matters Committee

Report

Senator FIERRAVANTI-WELLS (New South Wales) (3.56 pm)—I present the report of the Joint Standing Committee on Electoral Matters, Civics and Electoral Education, and seek leave to move a motion in relation to the report.

Leave granted.

Senator FIERRAVANTI-WELLS—I move:

That the Senate take note of the report.

On behalf of the Joint Standing Committee on Electoral Matters, I have pleasure in presenting the committee’s first report for 2007, Civics and Electoral Education.

As one of the six longest continuous democracies in the world, Australia has a proud history and solid foundation of democratic principles. A basic understanding of our political and voting systems is fundamental to a vibrant participatory democracy. It is of some concern to the committee that surveys have shown that Australians between the ages of 15 and 35 typically have limited knowledge of Australia’s political history and political system and have little interest in Australian political affairs. Young people are not alone in this feeling of disconnection:
evidence suggests that Indigenous Australians and migrant citizens also experience some difficulties in their interactions with the democratic process.

The committee’s inquiry sought to examine the reasons for low rates of electoral participation amongst young people, Indigenous Australians and migrants, and to find meaningful ways to encourage citizens to participate more directly in Australian democracy, primarily based on their poor English language skills.

The terms of reference for the inquiry were very broad, enabling us to hear from a diverse range of Australians, from schoolchildren and teachers to community leaders, academics and practitioners. The committee conducted 11 public hearings which included hearings in every state and territory. The committee also visited 10 schools, both primary and secondary, and held two school forums, during which it held discussions with 244 students and 47 of their teachers.

The committee has made a series of recommendations which we believe will contribute to a healthier democracy with more citizens who are informed, involved and engaged in the issues that are important to them. While many of the committee’s recommendations focus on matters regarding the provision of civics education, we also recommend a number of practical measures aimed at reducing the disenfranchisement of eligible voters.

Some of the committee’s key recommendations include: developing a short, focused electoral education unit to be delivered to either year 9 or year 10 students and year 11 and year 12 students in all secondary schools; reassessing the Parliament and Civics Education Rebate, as it affects students from the remotest parts of Australia; improved training and guidelines for polling officials communicating with Indigenous Australians; reviewing the languages which the Australian Electoral Commission currently translates its materials into, taking into account the languages spoken by more recent migrant arrivals to Australia; and providing a program of electoral education in the lead-up to federal elections which specifically targets areas of high informal voting, including those with a high proportion of voters from non-English-speaking backgrounds and those in areas where there are different voting systems in place for state elections.

I take this opportunity to thank my fellow committee members for their dedication to the inquiry. I also acknowledge the support the Australian Electoral Commission provided to the committee throughout the inquiry. I will take this opportunity to also make a number of comments. When this report was tabled in the House, regrettably the relevant shadow minister used the opportunity to criticise the Howard government over the closing of the rolls provisions. Even in New South Wales, where the rolls closed some time after the writs were issued, in the recent state election there were still 120,000 people who did not register early enough to vote. Regrettably, even if one gives a period of time of a day, two weeks or three years, there will always be people who will not register to vote. I think it is better to have a system which protects the integrity of the roll but still affords the opportunity for people to register to vote.

It is not optional to be correctly enrolled on the register; it is the law of the land. Being busy is no excuse. I think it is regrettable that in the other place those opposite were trying to find excuses for just plain laziness. In society in general, people manage to make time for all sorts of things when they are important to them. I think it is important that voting is compulsory in Australia and that therefore there is an obligation to register to vote. I do not think that affording opportuni-
ties and parameters that provide excuses is appropriate.

The report was unanimous and there was no dissenting report. Regrettably, the member for Bruce, who spoke in the chamber, did not participate in many of the actual hearings and he made it clear on numerous occasions that he did not think much of the objectives of the report. I think making negative comments at the tabling of the report was quite unfair given the participation during the debates and proceedings of the hearings.

Finally, I wish to thank all the groups, organisations and individuals who gave their time to prepare submissions and appear as witnesses before the committee. Having said that, on behalf of my committee colleagues, I commend the report to the Senate.

**Senator HOGG (Queensland) (4.03 pm)**—Thank you, Mr Acting Deputy President Ferguson, for taking over my duties in the chair a minute early. I was a member of the committee and I did participate. I have since left the committee and I did participate. I have since left the committee, which was a bit unfortunate from my perspective because I did not get to see and participate in the formulation of the report that was developed. I did go to a number of the schools. I visited the Australian Electoral Commission here in Canberra and schools interstate. We had planned visits to my own state of Queensland but, unfortunately, I could not attend the one that took place in Townsville, and the one that was planned for the Brisbane city region was not able to take place at all. So there were some people whom we did not hear from. I felt that the unfortunate part of the inquiry—and this is not necessarily the fault of the secretariat, the chair or anyone in particular—was that, although we tried to get a balanced view as to what was happening in the area of civics and civics education not just in our school system but in the broader community at large, that was not necessarily always able to be achieved.

We did visit some schools. I recall that we visited a school in Tasmania where there was a highly switched on class in the area of civics and they responded very well to the inquiry. But this could be contrasted with the other end of the spectrum where there were people and teachers—and I am not blaming teachers—who were not as well versed in the area of civics and so, of course, civics was not treated with the same sort of priority as it was in the school we saw, for example, in Hobart.

The other school that comes immediately to mind is the one that we visited in the Northern Territory. The school in Hobart was a junior school; the school in the Northern Territory was a senior school. Again, the people there were highly switched on. The students in that particular class were highly switched on to the electoral processes. But the unfortunate part was that that small microcosm were the only group in that school who were switched on to electoral reform, electoral matters and politics in general, and that was because they were participating in a legal studies course.

I think that one of the weaknesses that I saw in the various inspections that took place—and I do not know if this is reflected in the report, because I must concede that I have not read it at this stage—was the fact that, where there was strength in teacher presence and knowledge and strength in that particular element of the school curriculum, civics was done very well, but where that was lacking it was done poorly indeed. I am sure that this has been addressed in the recommendations of the committee and I am sure that something will be done in the longer term to redress this situation.

One of the things that did concern me as a member of the committee was people’s abil-
ity to place themselves on the roll under the new enrolment regime that has been put in place by this government. Again, I have not seen the speech by the member for Bruce, but we had concerns, even if they were not on the Hansard record. Given the way in which some of these meetings at the schools were conducted, this of course was not likely to be forthcoming in the junior school area but more in the secondary school area. We did hear concerns expressed about people’s ability to place themselves on the roll under the new enrolment regime. There are some real concerns that young people will not be aware of the need to enrol themselves and to participate in the electoral process. This is a great concern indeed when one considers that these people will probably this year have the opportunity to exercise their right to vote in a federal election for the first time and that right will not come around for another three years.

Interestingly enough, there were some initiatives where high school students who are becoming eligible to vote as a result of their pending 18th birthdays receive a birthday card which reminds them of their role and their responsibility as potential electors in Australia. That is good. But whilst this is a good program, it certainly does not reach all the students.

We went to Warburton and spoke to the Indigenous students at a junior-cum-secondary high. It was interesting to see the challenges that they are faced with in terms of linking into a civics program that has a meaningful outcome for them. We heard, particularly in the Warburton area, that the Indigenous community related more to local government elections than to state or federal elections. Of course the concept of Federation is not necessarily understood either by some members of the Indigenous community or by the broader community at large. That became a fundamental concern of mine in the conduct of this particular inquiry.

We did receive representations from the migrant community in Sydney. They expressed their concerns about the ability to have other migrants participate in the electoral process and that there should be no barriers placed before migrants participating in the electoral process.

Another issue that was of particular concern to me was in respect of the number of people who travel overseas who are not on the roll when they leave, and their prospects of enrolling once they are overseas. Under the new regime it poses a number of difficulties. I am quite sure that this was not taken up in the committee’s report, but a suggestion did come to the surface during the inquiry that, with the stricter regime in place for passport application these days, the passport application process may well serve in a dual manner to act as a registration for election and may well overcome the need for people to go through some overly rigorous process in an overseas country to get themselves on the electoral roll. I do not believe that that has been taken up by the committee at this stage.

I mention it in this debate because I think it is something that should be looked at in the future. It warrants real consideration not only for those who might be on the roll and moving overseas temporarily, but those—particularly the young people—who will spend two years overseas travelling around and then find that an election has been called and they have great difficulty getting on the roll.

One of the greatest rights that we have in our democratic society is the right to vote, the right to elect the government that we want to see put in place, even though some people will not agree with the government that has been duly elected to office. That will
always be the case. If that right is not freely available to be accessed by people, such as many of our young people, they find themselves becoming cynical and detached from the system. Anything that overcomes that is welcome indeed. Whilst I do not believe that it is part of the recommendations of the report before the Senate chamber today, I would think that that is one of those sleeping issues that, at some stage, needs to be taken up by government, regardless of whatever complexion it might be. We should not in any way put obstacles in the path of those who want to participate in the electoral process. I commend the inquiry in that it sought the views of a wide range in the community. Whether everyone believes that civics is being well treated will be seen in the longer term.

Senator MURRAY (Western Australia) (4.11 pm)—This Joint Standing Committee on Electoral Matters report, Civics and electoral education, has been a long time coming. I recall that in the joint standing committee’s inquiry into the 1993 report, former senator Meg Lees, the then Deputy Leader of the Australian Democrats, was calling for a much upgraded program with respect to civics education broadly. It is an issue in this country—it is probably an issue in all democracies. It ties back to the general sense of civic participation in the community at large. It is difficult, depending on the circumstances of individuals—the families they come from, the communities they live in—for people to engage with and get interested in and excited about the issues of civics participation. Any inquiry which would come to this table would recognise that civics is tied back to general issues of participation in the community at large. That of course includes an understanding of history, legal studies, social studies and environmental studies. It has to be part of an integrated education program.

I have been a member of the Joint Standing Committee on Electoral Matters since 1996. I welcome this committee report, and I welcome the fact that it is a unanimous report. The report concentrated on three main sectors: young Australians, Indigenous Australians and migrants. At the heart of any inquiry like this is a recognition that it has two fundamental purposes: the first is an understanding of our system and a desire and an ability to participate in the system in the broadest political sense, not just in the narrow representative sense; and the second is to make sure that people fully participate in our electoral processes. The report will be worth nothing unless the government of the day puts commitment behind it and provides the money and resources to make sure it happens; otherwise it will be just an expression of parliamentary opinion. It really does need the government, either this one or the next one, to respond actively and to make a long-term commitment in this area.

Sometimes governments withdraw from these areas and do not appreciate the consequences until much later. I recall that, as part of the budget cuts in 1996, the Indigenous program of electoral education and encouragement in the civics area broadly was slashed. The consequence was a negative one. Unlike Senator Fierravanti-Wells, I think the remarks of the shadow minister in the House about the early closing of the rolls were relevant to this report because part of civics education is to encourage people to enrol and to participate. But very little can be done to change human nature. Essentially, closing the rolls early has made it more likely that more Australians will not be enfranchised for the federal election this year.

There is a sharp division of opinion between the government and the non-government parties on this matter. I have sat through four inquiries into four federal elections and at none of them did I feel that the
integrity of the roll was at risk as a result of closing of the rolls seven days after the writs had been issued. I based my opinion on the evidence that was before me and on the opinion of the AEC principally; however, government members took issue with that. So now the rolls will close early, and we have switched to an address based system rather than a divisionally based system. There is a danger that, compared with the last election, many hundreds of thousands more Australians will not vote this time. That means that not just the AEC but all political parties must do their very best to get the vote out—to get Australians enrolled. In concluding, I confirm my support for the recommendations of the report, and I again urge the government to put its back behind the report in the sense of money, resources and political will. I hope it will have a long-term beneficial effect on civics education and electoral education for young Australians, Indigenous Australians and migrants. I seek leave to continue my remarks.

Leave granted; debate adjourned.

DELEGATION REPORTS

Parliamentary Delegation to East Timor

Senator MOORE (Queensland) (4.19 pm)—by leave—I present the report of the Australian parliamentary delegation to observe the first round of the 2007 presidential election in East Timor, which took place from 7 to 11 April 2007. I seek leave to move a motion to take note of the report.

Leave granted.

Senator MOORE—I move:

That the Senate take note of the document.

I think it is particularly timely that this report has come up in the midst of the discussion we have just been having on a review of the electoral system and the knowledge of civics in Australia. The experience that I was honoured to have recently, when I was part of a delegation to observe the first round of presidential elections that the East Timorese government had held in its own right, brought out a great contrast for me between our approach to elections in Australia and that of the East Timorese community, which approached their first step in running elections in their own country with enthusiasm, commitment and passion.

At this time I want to congratulate the workers in that process in East Timor. They received massive support from the UN because there was an acknowledgement that it was a huge task to take one of the youngest democracies in the world into the process of actively conducting an election for its own president. There was major international interest in this process and, frankly, I was surprised at the large number of international observers. I was not prepared for the numbers of people from across the globe who had decided to come to East Timor to share this experience.

The Australian delegation was small. We had Mr David Tollner from the House of Representatives and his partner, Mrs Alicia Tollner, representing the government, Mr Ian Loganathan from the Australian Electoral Commission—Ian is the Electoral Commissioner in the Northern Territory and has had great experience working with the East Timorese in developing their system, working with the officials and seeing just how strongly the East Timorese officials took their responsibility at this time. We were also supported by Mr Chris Munn from the Department of Foreign Affairs and Trade. Chris has a great deal of experience, particularly of the Indonesian process, and was invaluable in providing support to our delegation.

I also want to note the amazing, assiduous and careful support that Ms Margaret Twomey, the Ambassador to East Timor, and her wonderful staff gave to our delegation.
We laughed at different times about what would happen to the ambassador or her staff if they lost any of us, but they did not so they did not have to face that particular trauma. Nonetheless, we could not have had more support and more information about that country.

And it was notable, Mr Acting Deputy President Ferguson, as you would have found by visiting Australian embassies, the real joy with which our Australian diplomats take up their role, the care with which they perform their job and the way that they shared the excitement in the community leading into this election. As we all know, there was some fear about how this process would actually work out. There was a degree of violence in the community leading up to the election, and I think a lot of people were waiting to see how this particular process would work in a country where up until now there has not been a full electoral roll. In fact the roll was being developed as this process occurred, because in the period between the first round of elections and now an amazing number of East Timorese citizens attained the age and the right to vote. East Timor is, as we know, one of the youngest countries in the world and, in terms of the process, the people were faced with having to develop the way that the roll would operate.

They were also faced with an amazing geographic isolation. For a small country it is particularly difficult to travel around East Timor and just a simple process of ensuring that voting papers were available in all of the over 500 spots was a major exercise for those involved. It was like the invasion of a country to be there during the time of the election process, but it was well organised. Whilst there were issues that had to be addressed, there was a calmness and a professionalism from all of the people that we observed in the process.

It was a genuine honour to be part of this delegation. It was something for which I was not prepared and I do thank the officials from DOFA who stepped in very quickly and gave very detailed briefings to allow us to walk into that experience and to know exactly what was going on and what our own responsibilities were.

For me, the most overwhelming image is the turnout of people to take part in this process. No-one quite knew what was going to happen on the day, but at the opening of one of the polls in Dili we saw people queuing for kilometres to take their opportunity to be part of the electoral process. I think this confronts us in our own country about how we take our responsibilities to vote, and I was actually very interested to hear the report of the previous committee and compare it to the experience that we had in East Timor.

I think that it is also timely that this report is being handed down now as we move through the second process of the voting practice in East Timor. We have now concluded the presidential elections, and at the end of the process that we observed there were two candidates who had received over 20 per cent of the vote and they were moving into a count-off, similar to the French system, in that process. I would like to congratulate Mr Horta, though I don’t think he actually needs my congratulations, for his success in now being the president of his country. Now we are part of the wider electoral program in East Timor and the lessons that were learnt in the process, for which we were observers, are now being put in place for the next round of elections. And I think that, in terms of the experiences that we had, the processes of just making sure that people had enough of the necessities at each polling booth was one of the most basic things that came out of our process. It was also the splendid education program that was had.
across the country to inform people of their rights, to inform people about how the poll operated, and also to ensure that the officials were confident and professional in working through their responsibilities on the day of the poll and also in the very difficult task of actually counting the poll.

Over 500,000 people are registered to vote in East Timor. At the end of the first round of the presidential elections it is estimated that over 81.79 per cent of the citizens took up their opportunity to vote. When you see the challenge of that in terms of ensuring that people have the opportunity to vote, when you see the terrain that had to be traversed by people to vote to ensure that they did have their right, that is a splendid result by anyone’s calculation. And of that 81.79 per cent of the vote there was only 5.44 per cent of the votes cast that were invalid. We in this place know how that statistic compares sometimes to the way that Australians actually use their vote. One of the saddest things of being a scrutineer in an election, and I have said this here before, is seeing people who have taken the opportunity to vote, wanted to vote, and then, through a process of confusion or ignorance, cast an invalid vote. Now, considering the absolute obstacles that were put in place of people in a brand-new country, voting often for the first time, in very isolated areas, to have an invalid vote of less than six per cent I think indicates that people were actively involved in their process, and I congratulate them for that.

Leading up to the election one of the issues was to ensure that East Timorese women were given the opportunity to take part in the election. There was only one woman in that particular round of elections. There are many more running in the wider range that are going now, but I can guarantee that on the booths that we attended both in Dili itself and in Liquica, one of the provinces that is farther out, there was no evidence that there was any gender imbalance in the people who were coming to cast their votes. Women were there, they were there in numbers; women were there also in an official capacity working in the electoral processes. I think that that was one education process that was very successful.

I hope that the ongoing electoral processes in East Timor will be as successful as the first one. I hope that the lessons learned will be able to be put into place. I think that we can be well pleased with the first round of the election process, and I hope that the Australian government will send more observers to see this next round so that we can fulfil a partnership with East Timor and ensure that we have neighbouring democracies in this part of the world.

Question agreed to.

NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS SCHEME) BILL 2007

Report of Community Affairs Committee

Senator McGAURAN (Victoria) (4.30 pm)—On behalf of the Chair of the Senate Standing Committee on Community Affairs, Senator Humphries, I present the report of the committee on the provisions of the National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2007, together with the Hansard record of proceedings and submissions received by the committee.

Ordered that the report be printed.

FISHERIES LEGISLATION AMENDMENT BILL 2007

FISHERIES LEVY AMENDMENT BILL 2007

Report of Rural and Regional Affairs and Transport Committee

Senator McGAURAN (Victoria) (4.30 pm)—On behalf of the Chair of the Senate Standing Committee on Rural and Regional
Affairs and Transport, Senator Heffernan, I present the report of the committee on the provisions of the Fisheries Legislation Amendment Bill 2007 and a related bill, together with the Hansard record of proceedings.

Ordered that the report be printed.

**BUSINESS**

**Rearrangement**

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.31 pm)—I move:


Question agreed to.

**WORKPLACE RELATIONS AMENDMENT (A STRONGER SAFETY NET) BILL 2007**

**Second Reading**

Debate resumed from 13 June, on motion by Senator Colbeck:

That this bill be now read a second time.

Senator WONG (South Australia) (4.31 pm)—I rise to speak on behalf of the opposition on the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007. The government announced this legislation because it needed a quick political fix to a problem called Work Choices. We know this legislation is not about fixing the inherent unfairness in Work Choices; it is about fixing what the government calls the ‘perception’ in the Australian community that this government is arrogant and out of touch and that its Work Choices laws are unfair.

The government senators who reviewed this bill agreed in their report. They said, ‘The legislation is aimed at assuaging concerns which have emerged in the community’—about Work Choices. It is because this government needed a quick fix to a political problem called Work Choices that the Senate was forced yet again to hold a one-day token inquiry—a Clayton’s inquiry, the inquiry you have when you do not want an inquiry—into legislation that will affect every employer and employee covered by the government’s Work Choices laws and that again increases the regulatory and red-tape burden on business.

This bill makes an already opaque workplace relations system absolutely muddy and interminable. It adds further complexity, confusion and chaos for Australian employers and employees. The arrogance of this government is breathtaking. It is so intent on making sure it has a quick political fix to the problem of Work Choices that it does not seem to mind yet again adding to the mound of legislation representing its supposedly simpler industrial relations system. In fact, as employers and employees know, this system is anything but simple. And, because this government needed a quick fix to a political problem called Work Choices, here we are again in this place debating yet another round of amendments which the government is rushing through and which were drafted at the last minute, debated at short notice and designed solely for a political fix. But make no mistake: this short-term political fix has long-term consequences for all Australians, workers and businesses. The government has, in effect, manufactured a reason for introducing yet another round of multimillion-dollar taxpayer-funded political advertising in the lead-up to the election, which it calls an information campaign about the so-called fairness test but which, so far, has not mentioned a fairness test at all—and the campaign was in fact developed before the fairness test was even announced.
Let us be clear about what we know of the government’s advertising. We know that $55 million was spent on Work Choices mark 1. We also have on the public record $36.5 million having been flagged to be spent on Work Choices mark 2, and I note that the government are yet to come clean on how much will actually be spent and whether the $36.5 million figure, which has been in the public arena, is correct. So far they have not said that it was not. We also know that, over a six- or seven-day period after the Prime Minister’s quick political fix announcement, the government spent about $25,000 an hour in the first week of this campaign advertising this so-called fairness test.

And, as the minister has recently confirmed, not satisfied with wasting taxpayers’ money on political advertising on industrial relations, the government now wants to add amendments to this bill to force employers to hand out government propaganda to every employee within the next three months. Who needs volunteers to help with election campaigning when you are requiring every employer in the country to hand out political propaganda for the Howard government on industrial relations? But, whilst this government can find a quick fix to the political problem called Work Choices, it is a real shame that we will never see the Howard government find a genuine fix to the real problems caused by its extreme Work Choices legislation.

In the six weeks since the government announced this bill, over 30,000 AWAs have been made. Because this government needed a quick fix to a political problem called Work Choices, those 30,000 Australian employers and employees who have made AWAs since 7 May have been left in the dark with no guidance about how to comply with laws, because these laws were not even drafted until a fortnight ago.

It is clear that this is not a government that believes in fairness at work. Those of us who participated in or listened to the first Work Choices debate will well remember that this government in this chamber voted against a range of things which it is now trying to turn around. It voted against the principle of fairness. Let us be clear: time and again amendments were moved by Labor in this place and, I think, also by some of the minor parties, which sought to—

Senator Murray—Forty pages of amendments were guillotined.

Senator WONG—Forty pages of amendments were guillotined, Senator Murray reminds me. I recall getting 336 amendments some 30 minutes before the committee stage commenced, but that is another issue.

Time and again in this place the government voted in that debate against putting the principle of fairness in the legislation. In fact, I recall Senator Abetz making some interesting comments during that time. When we were trying to ask him to justify this, Senator Abetz said, on page 50 of the *Hansard*:

You could have fairness without actually saying it.

Clearly, you could not have had a modicum of fairness, because now you have bowled up with a bill that has ‘fairness’ in it, in an attempt to try to deal with your political problem that is Work Choices. Senator Abetz also said:

Very briefly, it is implicit in what the parameters are. To use fancy words to say that as a result of putting in the word ‘fair’ it somehow will or will not make it fair will not necessarily assist anyone in this debate.

What a ridiculous contribution to this chamber! What a ridiculous contribution, particularly in the light of what you are now doing, which is seeking to put some words about
fairness into this rotten piece of legislation. Let us also remember that in that debate this
government voted not only against fairness
but against the protection of penalty rates,
against the protection of meal breaks and
against pay equity. Who can forget that? Pay
equity is the principle that you should have
equity between different types of jobs, and it
entitles women to earn the same wage for
work of equal value. The government voted
against that, and then bowls up here and try
and convince the Australian people, through
these amendments, that this is a political fix
to all the problems that its Work Choices
legislation introduced.

This is not a government that believes in
fairness at work. This is a government oper-
ating with a simple and arrogant approach to
governing this country: pollsters first, adver-
tising second and policy third. That is what
this bill is all about: pollsters first, advertis-
ing second and policy third. This bill is not
about the Howard government listening to
the Australian people; it is about the gov-
ernment listening to its pollsters. It is not
about tough decisions, conviction and the
national interest; it is about politics—first,
second and third. It is not about the govern-
ment providing fair compensation for em-
ployees; it is about the Howard government
hiding the unfairness of its legislation until
after the next election.

The reality is that since this Prime Minis-
ter secured control of this chamber he has
changed. The arrogance which came with
that power has caused the Prime Minister to
betray the Aussie battlers he always claimed
to represent. Mr Howard could have created
a workplace relations system built on fair-
ness and balance and on protecting vulner-
able workers, but instead he fell under the
spell of implementing his lifelong obsession
to impose his extreme views about industrial
relations on the Australian people. Let us not
forget that it was Senator Minchin, the
Leader of the Government in this place, who
came out with some honest statements about
the government’s real plans. The govern-
ment’s real plans are nothing to do with rein-
troducing fairness. That is just a political fix
to get you through to the next election. Sena-
tor Minchin made it very clear, in March
2005, when he said to the HR Nicholls Soci-
ety:
We do need to seek a mandate from the Australian
people at the next election for another wave of
industrial relations reform.

In other words, Senator Minchin did not
think the Work Choices legislation went far
enough. That is the real agenda. The only
reason we have some words about fairness
being introduced into the Work Choices leg-
islation now is that the government knows it
has a political problem.

The Australian people are not going to be
fooled by this. When the Prime Minister says
he is not for turning on the fundamentals of
Work Choices he is actually being truthful.
This is his creation. It is his political labour
of love, and he wants it to continue. As I
said, we know from Senator Minchin, and
from comments by the Treasurer and others,
that the government actually wants to go
further in industrial relations. What none of
the government really wants—unless they
are dragged kicking and screaming to it—is a
fairness test. That is why we saw Mr
Costello refusing to rule out removing the
test we are currently debating, until after the
election. And that is why we have this quick
political fix. We have the spectacle of this
government no longer using the words ‘Work
Choices’ because they have become a hated
name of its hated laws. And, as I said, this
government continues to use taxpayer funds
to try and fix its political problems through
advertising.

Finally, what does the government do? It
brings this bill into parliament. It is the
Prime Minister’s way of pretending to fix Work Choices without really fixing it. Minister Hockey does the same. He has been saying for months that there is no methodology to determine whether employees on Work Choices AWAs are better off, because of the need to compare apples with apples, but he found a methodology quick smart when the polls and the Prime Minister demanded it. For a bill that is supposed to be about fairness, it is interesting that the government could only bring itself to mention the word ‘fair’ five times in 83 pages of new laws.

We know the Prime Minister is a clever politician, but the fact is that this is a quick political fix, not a real fix. And that fact is made clear by asking one simple question: does anyone in this chamber, or any Australian, actually believe this bill would be before this parliament if this were not an election year? Of course it would not be. The electorate will judge the Prime Minister’s motives and his quick political fix later this year. The task for the opposition is to judge this bill. Any cogent analysis of the bill shows that the so-called fairness test within it is a fake fairness test. It will not bring Australians the fairness that they have lost, because of the extreme nature of the Work Choices legislation. The only way to do that is the Labor way—by ripping up Work Choices and ending unfair Australian workplace agreements.

But Labor supported this bill in the House, and we will do so in the Senate. Work Choices is inherently unfair, but if there is a chance that this bill will make a difference to one worker in Australia in the interim we will support it. If a low-paid worker is offered an AWA this afternoon, and that AWA takes away all 11 of their protected award conditions—like overtime and penalty rates—for no monetary or non-monetary compensation, then this bill might just stop that AWA. But let us make no mistake: this does nothing to alter the inherent unfairness of Work Choices and its key objective, which is to cut workers’ pay and conditions.

However, this bill fails resoundingly in many other areas. The hundreds of thousands of workers who have already signed up to unfair AWAs and who have received no compensation for losing these conditions get nothing from this bill. Since Work Choices commenced, workers who have been offered AWAs which took away protected award conditions without any compensation—like the AWAs for the workers at Spotlight or the AWAs for the casuals at Darrell Lea—will get nothing from this bill. The bill will not produce any fair outcome for Australian workers who have lost other important award conditions such as rostering protection, redundancy or long service leave entitlements. Under the government’s new test, these employees will not be entitled to these award conditions or to any compensation in lieu of them. In fact, if they are offered these basic entitlements, which used to form part of the safety net for workers in this country, they will now be considered as fair compensation for the loss of other award conditions such as penalty rates and overtime. Effectively, workers have to trade one set of conditions against another. In the words of Orwell: some award conditions are apparently more equal than other award conditions.

Senator Mason interjecting—

Senator WONG—I am glad you enjoyed that analogy, Senator Mason. Think of a mother working in a retail shop under the Victorian shops award. Under normal circumstances, this working mother would receive at least 14 days notice of a change in her roster—a protection which means that the mother has the time and the certainty to arrange child care when her shifts change. In an emergency the notice period is reduced to 48 hours, which is still enough time for the
mother to arrange something. However, if this hardworking mother were offered an AWA today, that standard award protection could be stripped away from her and the government’s test will do nothing to protect her. Indeed, if she is provided with this notice period, it might even be considered to be fair compensation for the loss of other protected award conditions, particularly as the reason may be that it is of benefit to her because of her family responsibilities.

The bill may also jeopardise the job security of those employees whose family circumstances mean that they need to work certain hours. This is set out in section 346M(3) of the bill, which states:

... In considering whether a workplace agreement provides fair compensation to an employee ... the Workplace Authority Director may also have regard to the personal circumstances of the employee ... including in particular the family responsibilities of the employee ...

This is the first time in the nation’s history that our personal circumstances can determine our worth at work. Does that mean that it will be fair for an employee with children who says that they would prefer to work on Saturday, because their partner is home, not to be paid penalty rates but to work side by side with workers who are being paid penalty rates? Who assesses the impact of these personal circumstances?

The bill and the EM suggest that this is solely at the discretion of the Workplace Authority. The authority receives details from the employer or employee, but there is no mechanism outlined in the bill to ensure that this will occur objectively and without prejudice. Furthermore, do Australians really want details of their personal circumstances forwarded to a big, Canberra based bureaucracy and weighed up by bureaucrats who do not even have to talk to them? As we consider more examples like these and introduce more factors into the test, the more the process becomes engulfed in secrecy.

The bill sets up a secretive, unwieldy and unreviewable process for the Workplace Authority to unilaterally determine whether an agreement is fair. The authority is not required to give reasons for how it assesses the monetary value of something provided to an employee, what it thinks of an employee’s work situation or their personal circumstances or how these considerations are relevant. It is not even required to give reasons for how it reached a decision that an agreement is unfair. This deficiency was highlighted before the Senate inquiry, and I am sure that some of my colleagues will speak on it.

There is no right of appeal for any of these matters, unless Australian employers and employees want to go to the High Court. Of course, that is beyond the capacity of most employees. Government senators on the committee knew of these concerns and concluded that the need for speedy decision making should overcome amendments to ensure that a so-called fairness test was applied in a fair way. Again, political expediency won out. The bill sets no time limit on the Workplace Authority to tell employers and employees whether the test is going to be applied, what the designated award might be and whether their agreement even passes the test. In effect, it creates a system where employers and employees can be left in the wilderness for weeks or months, not knowing whether their agreements, which are already in operation, are lawful.

Frankly, the bureaucracy and the expenditure that come with this bill are unbelievable. According to the EM, the government will spend an additional $370.3 million on the implementation of the so-called fairness test. The Workplace Ombudsman will receive an additional $64.1 million, and DEWR will receive an additional $2.7 million. From the
Senate estimates process, we learnt that, as at the end of May, in excess of 20,000 agreements had been lodged and that these will be subject to the test. We are going to see a massive increase in bureaucracy in order to consider this backlog of agreements, which is a result of the government’s hasty political announcement prior to the bill passing through the Senate.

Let us be clear: under Labor, Work Choices will go—lock, stock and barrel. There is no fixing this legislation; it is rotten to the core. We will build an industrial relations system based on balance and fairness. If by chance this bill helps even one worker exist at the extremity of the operations of the government’s extreme legislation, we will not stand in its way in helping them. These workers need all the help we can give them, but we believe in fairness at work every day and that employees deserve their pay and conditions to be protected every day. We believe those protections should not be stripped back, undermined and lied about by the federal government. When Labor say that we will protect conditions, unlike the Howard government, we actually mean it.

In the time between now and the election, there is no choice for Australian workers. However, at the next election Labor will give Australian working families a clear choice to reject these unfair laws and to support the introduction of an industrial relations system based on balance and fairness—and fairness not just in name but in substance. Today we will give those of you in the Senate a choice. On behalf of the opposition, I move the second reading amendment circulated in my name:

At the end of the motion, add “but the Senate condemns the Government’s lack of honesty about:

(a) its plans for extreme industrial relations laws before the last election;
(b) the impact of its inherently unfair Work Choices laws including the way these laws have:
    (i) caused the pay and conditions of individuals on Australian Workplace Agreements to be cut,
    (ii) allowed good workers to be dismissed for no reason at all,
    (iii) placed an unprecedented paperwork burden on small businesses, and
    (iv) destroyed the independent industrial umpire;
(c) the cost of the taxpayer polling research which apparently led the Government to dropping the term ‘Work Choices’ and bringing this bill to the Senate;
(d) the magnitude of the taxpayer funded advertising campaign to promote the Government’s political spin on industrial relations;
(e) the fact that this bill leaves Australians still overwhelmingly exposed to the harshness of Work Choices; and
(f) its intention to legislate even harsher laws if re-elected”.

Later, at the committee stage, we will offer that choice. Labor cares about employees in this country every day, not just in the days leading up to the election. (Time expired)

Senator MURRAY (Western Australia) (4.51 pm)—The Workplace Relations Amendment (A Stronger Safety Net) Bill 2007 will amend the Workplace Relations Act 1996, which became Work Choices after the act’s radical transformation at the end of 2005. The bill is ostensibly to strengthen the safety net and protections for employees. The common perception is that this change is not driven by conviction or a sense of fairness but by fear of the coalition losing the 2007 federal election because of Work Choices. The bill has been widely viewed as a cynical attempt by the government to improve its standing in the opinion polls.
The most obvious problem with the Stronger Safety Net Bill is that it seeks to build onto a legislative house that has unsafe and shaky foundations. The main structure is faulty, and add-ons cannot alter that fact. The bill sets up a fairness test for workplace agreements and sets up two statutory agencies: the Workplace Authority, which replaces the Employment Advocate, and the Workplace Ombudsman, which replaces the department’s Office of Workplace Services. The proposed amendments are: to ensure that fair compensation be provided in lieu of any modification or exclusion of protected award conditions that apply to employees; to establish the Workplace Authority director and the Workplace Ombudsman as statutory office holders and create the office of the Workplace Ombudsman and the Workplace Authority as statutory agencies; to establish a compliance framework to ensure the effective operation of the fairness test; to provide additional protections for employees when protected award conditions are modified or removed or an agreement fails the fairness test; to clarify and simplify the provisions prohibiting bargaining service fees; and to remove the requirement that federally registered organisations have a majority of members in the federal workplace relations system in order to become registered or remain registered.

Although the government claims that the fairness test will guarantee fair compensation to workers who trade off conditions, significant concerns were expressed in evidence to the committee. However, the test is a modest advance on the present system. It was clear when Work Choices was rammed through the Senate in December 2005 that this coalition government had ridden roughshod over the rights and conditions of many Australian workers and, not only that, it was clearly enjoying the ride. The coalition is and was driven by an antagonism to union power, because the coalition sees the unions as inseparable from its Labor political foes. That drives its political objective.

But the coalition also had—and it still has—a policy objective. At the heart of the coalition’s agenda was a belief that it was good economics to increase the profit share and decrease the wage share and to give employers greatly increased leverage in the employment contract. To achieve that, workers had to be made more vulnerable, not just to exploitation but in the sense of having less power. The speed with which, and the extent to which, some employers have taken advantage of the new imbalance in the industrial relations system to strip back core workers’ entitlements has been alarming. There are numerous anecdotal reports highlighted in the media about workers being offered unfair agreements and told they could ‘take it or leave it’. The coalition has taken fright at the political effect of its economic agenda. It has been reminded by the Australian people that there are many millions more workers than bosses—hence this bill.

The erosion of protections for workers commenced in March 2006, when Work Choices became law. Work Choices undermines the principle of a fair go for workers. Fundamentally, these laws attack the historic principle of Australian workers doing a fair day’s work for a fair day’s pay and being able to bargain to achieve that. By so doing they attack the very foundation and nature of our egalitarian Australian society.

There are numerous anecdotal reports highlighted in the media about workers now being offered unfair agreements and told to ‘take it or leave it’. To now argue that Australia’s low unemployment figures and strong economy do in fact justify this policy and are directly the result of the Work Choices reforms is just plain wrong. The jobs produced since March 2006 are not all because of
Work Choices. We have all noted the language technique the coalition use in praising the job growth since 2005. They use the word ‘since’, meaning for it to be understood as ‘because of’ Work Choices. It is not because of Work Choices. Jobs growth is not a sudden change because of Work Choices. Welcome as it is, the fall in unemployment is essentially a continuation of the positive downward trend pre Work Choices, which has many causes. Principal amongst them are the resource boom and a strong Australian economy, coupled with strong global growth. Those are the main contributors to jobs growth and economic prosperity, not Work Choices.

Fifteen months on, Mr Howard now presents himself as a listener who is responding to public opinion. He has already spent millions of taxpayers’ dollars on advertising telling us he is listening—advertising that, I might say, with respect to this bill, not only borders on fiscal impropriety but is also in contempt of parliamentary processes, as it preceded the legislation now subject to parliamentary debate. This bill would not have been necessary had the coalition not dismissed and vilified the arguments of those who warned them of the perils of their unamended Work Choices proposals.

The disgracefully brief 2005 Senate inquiry into this bill clearly brought to the government’s attention that, among other matters, workers would be unfairly disadvantaged if the award system was uncoupled from Australian workplace agreements. It also stressed that if the pre Work Choices global no-disadvantage test was abolished there would be profound effects for workers.

In essence, the government left itself exposed to attack by grossly overplaying the economic benefits and underplaying the social costs to Australian workers and their families. The sensible small ‘1’ liberal advocacy of the merits of choice, flexibility and freedoms for workers and employers was badly compromised by a clumsy, hostile takeover of state systems, a mangle of overregulation and red tape, and an ideological determination to maximise profits at the expense of wages.

If the government loses office because of Work Choices, part of the blame will lie with the failure of government senators to provide a steadying influence on an adamant and ideologically driven Prime Minister and his executive. The government senators did have the evidence before them, and they did not respond to it in the main. Had Mr Howard listened back in 2005 when serious concerns were raised about the unfair nature of Work Choices, he could have avoided the current fallout. Because the coalition did not listen then, their credibility and motive for introducing the fairness test is now under attack.

The government’s claim that this bill will restore the rights lost by working Australians under Work Choices is misleading. Addressing just one element of Work Choices cannot remedy the act as a whole. The Democrats are of the opinion that the fairness test does not go far enough to establish an adequate safety net for workers. It has a number of fundamental deficiencies. First, the proposed safety net excludes large proportions of workers. The ACTU estimates that around 2½ million workers will be excluded from protection because the test only comes into operation prospectively from 7 May 2007. This figure includes those workers already on registered AWAs and agreements since Work Choices came into operation—apparently around 961,000 workers. To lock them out from any monetary or other compensation for the remaining years of the employment contract is grossly unfair. The bill entrenches and promotes unfairness towards those workers with inferior rights under Work Choices up until May 2011. Also ex-
cluded will be those who earn more than $75,000 annually—about 1.14 million workers—if they sign an Australian workplace agreement. The inquiry pointed out that this cap could exclude key sectors and industries such as teachers and IT workers, many of whom would otherwise enjoy award protections under the old system. Also, as the limit is to be applied pro rata for part-time workers, many of these workers earning well under $75,000 will miss out. Additionally, as the cap incorporates casual loading, a casual worker attracting an annual salary of $62,501 would also miss out on the test. Arguably, there should be no cut-off at all.

A concerning exclusion raised during the hearing was that employees on NAPSAs would only be covered by the fairness test if they had been on these agreements immediately preceding the making of a workplace agreement when Work Choices was introduced. This is completely contrary to the supposed intent of the provisions, which is to ensure employees traditionally covered by industries usually regulated by an award have appropriate protection. Additionally, award-free workers will also not be covered by the test, which could exclude at least 1.16 million employees. In essence, an award must be a federal one, which would exclude many workers. The bill also excludes those regulated or underpinned by a state award. I remind the chamber that up to 25 per cent of workers are still under some state systems.

Another deficiency is that the new test fails its claim of fairness by not covering all existing award conditions when determining compensation, even if they were to be viewed globally as a whole, as with the pre-Work Choices no disadvantage test. This problem was overwhelmingly raised during the inquiry into this bill.

A range of award and/or statutory entitlements could still be bargained away because they fall outside the category of ‘protected award conditions’. For instance, long service and paid maternity leave could be removed from employment agreements with no compensation. Also not included are limitations on rostering, including minimum shift lengths and limitations on working more than one shift per day. Further, the right to request flexible working hours to assist with family responsibilities are not protected. Of particular concern is that redundancy or retrenchment pay entitlements are not covered. Even if these provisions in terminated agreements were allowed to remain in effect for up to five years, there is no guarantee that such pay could be included in a subsequent agreement and, if removed, there would be no compensation payable. Again, this highlights the dangers in the broader Work Choices legislation as there have been examples of workers unfairly dismissed for so-called rather than genuine ‘operational reasons’.

The third deficiency is the problem of there being no independent umpire to administer the ‘fairness test’. The two new statutory bodies to be created—the Workplace Authority and the Workplace Ombudsman—will only be answerable to the minister. The Workplace Authority will replace the Employment Advocate and will be responsible for assessing the test. Its decisions will not be transparent and they will be made in private. Of even more concern is that there is no requirement for reasons to be given for decisions, and decisions will not be reviewable. This is a breach of natural justice and seems to be inconsistent with the claims of fairness. The lack of details provided for the Workplace Authority is worrying. Concerns were raised in the inquiry from employers and unions about what fair compensation would be and how it would actually be calculated. Without such details, the authority will end up vulnerable to allegations of inconsistency and suspicions about its competency or its
matters. This lack of clear guidelines at this stage raises questions of just how genuine the government is in its attempt to provide workers protection for the loss of entitlements. Indeed, it can be argued that the fairness test actually provides an escape route for a number of employers who undercompensate.

The second statutory body provided for under the bill is the Workplace Ombudsman, which will replace the Office of Workplace Services. It will supposedly offer additional protection for workers by ensuring employers comply with their obligations. However, the term ‘ombudsman’ is being corrupted here as by definition an ombudsman should be a body or person independent from government. To ensure a genuine, fair and balanced approach in applying the test, it is essential there be a role for an independent umpire to scrutinise workplace agreements. The independent employment rights legal centre, Job Watch, was right to point out in their submission that:

… the Fairness Test is a poor substitute for the no disadvantage test which, prior to the WorkChoices changes, was applied by the Australian Industrial Relations Commission and the Office of the Employment Advocate … before collective agreements could be certified and AWAs could be approved.

Work Choices is badly flawed. Work Choices is unfair and it has to go. The Democrats support that approach. As yet, however, the alternative offered by Labor is far from clear. Turning to the coalition: should they win the election, people should understand they will have a mandate for this legislation and they will have a mandate to further tighten the IR screws. But even if they did that, that will still not be enough because, looking into the future, how on earth are the coalition going to make this complex overregulated system simpler? How on earth are they going to make it work?

It is clear that Australian workers need a new deal, one that gives them clear direction. We Democrats have a very clear idea of what we think needs to be done. We have our long experience in this area to draw on. One advantage we do have is that we are not beholden to unions, and we are not beholden to business. We are in the business of trying to strike a balance. Our plan comprises reforms that would deliver productivity, efficiency, jobs growth and competitive gains. And it would do so in accord with the values and goals of a progressive First World society. We need to end the complexity and confusion of having six industrial relations systems across state borders, which we still do have. We need to end the system that we have whereby the states, to try and restore fairness, are chipping away at the fabric of the edifice that has been constructed. What Australia needs is for the federal and state governments to cooperate in introducing a single and genuine national unitary system comprising four essential elements.

The first element is the setting up of a single, strong, independent industrial relations commission that would absorb the state industrial relations commissions into one national commission. It should be appointed on merit and take up the determination functions of the federal Employment Advocate, now to be the Workplace Authority, and the Fair Pay Commission. It should have the restored powers to ratify, vary and determine awards and agreements and to resolve disputes.

The second element would be to set up a well-resourced, national, strong and independent workplace regulator that would absorb the regulatory functions of state departmental inspectorates. It would also take up the regulatory functions of the Employment Advocate, Office of Workplace Services—now the Workplace Authority and Workplace Ombudsman—and the Australian
Building and Construction Commission. The third element would be the provision of a genuine safety net. It would have a fair and balanced minimum wage awarded annually; it would have at least eight minimum conditions for all workers, whether on statutory or common-law agreements; and it would have national or industry based simplified awards with at least 16 allowable matters.

The fourth and last element would be the provision of a genuine flexible bargaining system that would have a mix of industrial instruments available. It would have union and non-union agreements, it would have collective and individual agreements and it would have statutory and common-law agreements. This system would also enshrine the right to collectively bargain in good faith and would enshrine freedom of association.

Importantly, it would abolish Work Choices AWAs and replace them with statutory individual agreements with a global no disadvantage test referenced back to the relevant award. We would replace Work Choices AWAs with individual agreements ticked off by the Industrial Relations Commission and underpinned by a real no disadvantage test and the relevant award. Statutory agreements would be regulated so that they did not exploit workers. We would also support common-law agreements.

The Democrats have always been modernisers in the field of industrial relations. We have followed clear principles. We supported the important advances made by the first wave of the Keating Labor industrial relations reforms in 1993. We also supported the second wave of coalition industrial relations reforms in 1996, but to those we were able to negotiate 176 fair and balanced changes to swing them back from the Right to the Centre. Unfortunately we did not have the opportunity to do that with Work Choices. We did not support the flawed legislation that is Work Choices. We will join the opposition in supporting the Stronger Safety Net bill because we do think something fairer is better than nothing at all. I do hope, however, that it will be amended to strengthen it.

Senator SIEWERT (Western Australia) (5.09 pm)—Work Choices is bad law and it is bad policy. Work Choices has proven to be a disaster for many in the community, with the supposed economic benefits proving to be more spin than reality. One of the most objectionable and detrimental aspects of Work Choices is Australian workplace agreements and their undermining of collective bargaining. I do not think it is necessary to go over all the statistics and data that have so conclusively shown that, since Work Choices became law, AWAs have been used to exploit employees; in particular the most vulnerable in our society—women and women.

Of all the data, both official and leaked, that has shown how AWAs have ripped penalty rates, overtime rates, public holiday pay and rest breaks away from employees, I find the wages data the most telling. In a time—as we are so constantly reminded by the government—of unprecedented economic growth, wages for significant sections of the workforce are going backwards in real terms. The research into the wages of women on AWAs tells a sorry story. The gender pay gap is growing significantly for non-managerial women on AWAs and, what is more, these employees are also experiencing a deterioration in their real wage. There really is no question that women are significantly disadvantaged in a system where primacy is given to individual bargaining. These are the employees who need to be protected by a robust and effective safety net, not this flimsy, full-of-holes political stunt. More perniciously, AWAs are used to deny employees the right and, indeed, the ability to get together collec-
tively to bargain with their employer. In fact, AWAs are used not to enable flexibility for employees, as the government suggests, but to disenfranchise employees in their workplaces.

It is remarkable to reflect just how far Australia lags behind countries such as Canada in protecting the fundamental rights of workers. At the same time as we in the Australian parliament are debating the government’s flawed so-called fairness test for AWAs, the Canadian Supreme Court has recognised that the right of employees to collectively bargain is a fundamental human right protected by the Canadian Charter of Rights and Freedoms. The contrast could not be more stark. While other nations around the world protect the fundamental rights of people to bargain collectively, Australia’s laws, in particular AWAs, directly undermine such rights. The Canadian Supreme Court recognised that the right to bargain collectively with an employer enhances the human dignity, liberty and autonomy of workers. It is exactly these attributes that Work Choices denies to many employees.

There is a clear and fundamental difference in how the different sides of politics view the idea of a safety net. The Greens believe in a strong and effective award safety net for all employees—not in a narrow, gap-filled safety net that lets through more people and conditions than it catches. We are seeing with Work Choices the ‘death by a thousand cuts’ of the award safety net that has been protecting Australian employees for decades. The government would like nothing more than for awards to disappear forever. While this fairness test resuscitates some parts of awards, we have no faith that awards will remain if the government is returned at the next election.

Another aspect of the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007, and indeed of the whole of WorkChoices, which goes against the grain of the government rhetoric of ‘a simpler, fairer system’ is the outrageously complicated and time-consuming regulation and bureaucracy this law requires. We have been told that 800 staff will now be working at the Workplace Authority applying this test. On the figures presented to the Senate Employment, Workplace Relations and Education committee hearing into this bill about the number of agreements that need to be considered, we have no faith that the test will be applied in a rigorous and timely manner. This will inevitably leave both employees and employers in an untenable position.

The Australian Greens do not believe this bill should be passed in its current form. The bill does not achieve the objective of providing a fair safety net for employees. While it may be said that the bill provides a stronger safety net, that is only true because the current safety net is so weak. Of the many deficiencies in the bill, the main ones relate to the coverage of the fairness test, the application of the test and the lack of transparency in decision making. There are too many employees who will not have the fairness test applied to their agreements for it to be considered in any way fair. These employees include all those who signed a workplace agreement between 27 March 2006 and 7 May 2007, all those whose full-time equivalent earnings are more than $75,000 and all those whose work is not usually covered by a federal award. The Greens see no justification for these arbitrary exemptions from the fairness test. While we realise it would be a lengthy task to assess all the workplace agreements lodged prior to 7 May 2007, it is unreasonable for the government to acknowledge by introducing this bill that there have been employees worse off under such workplace agreements and yet to provide no remedy at all. AWAs can last up to five
years, so someone who signed an AWA on 6 May 2007 could have all their penalty rates, overtime rates, rest breaks and so on removed with no compensation or inadequate compensation. They will remain stuck with what the government acknowledges is an unfair agreement and there is nothing that they can do about it. There is nothing, to my mind, fair about this.

With respect to income exclusion, apart from the arbitrary nature of such a provision, of particular concern is that because the annual threshold amount is applied pro rata to part-time employees, there will be part-time workers who earn significantly less than the prescribed amount but whose agreements will not be subject to the test. Once again, we are seeing workplace laws from this government that disadvantage the already vulnerable. The Greens are also particularly concerned about the potential for many employees who were employed under the state industrial relations system prior to Work Choices and who could now be excluded from the fairness test. The exclusion of these employees comes from the definition of ‘usually covered by an award’, where an ‘award’ is defined specifically as a federal award. As became clear in the Senate inquiry, there are many employees whose work was covered by a state award but where there is no federal award. While the amendments to schedule 8 in the bill are intended to deal with this issue, as the bill is currently drafted, into the future these employees would not have the fairness test applied to subsequent agreements. There will be additional problems in the future for employees previously in the state system where there is no relevant federal award to apply in the test, and the bill does not allow the Workplace Authority Director to consider a state award as a designated award. We understand that the government intends the award review process to circumvent this situation arising; however, we have no faith that this review process will occur in such a time or manner to ensure that employees will not fall through these gaps and become worse off.

We note the government’s intention to move an amendment to ensure that all employees working in traditionally award-covered areas, including under state awards, are subject to the fairness test. We would welcome such amendment but will await the detail to consider if it adequately addresses the problem. With all these holes and gaps for employees to fall through, this is not a safety net but a sieve. The Greens will be moving amendments to the bill so that the fairness test must be applied to each and every workplace agreement lodged.

A second area of concern for the Greens is the operation of the fairness test, particularly in the way the test is limited to only considering a restricted list of protected award conditions. Under this test, a range of award conditions can be traded away without compensation. These conditions include: redundancy pay, long service leave, rostering provisions and other working hour provisions, casual loadings that are more than 20 per cent, any right to request flexible working conditions, and paid maternity leave. These are important conditions which affect an employee’s work and family life and they should be factors in the test if it is to be truly fair. The Greens believe an effective fairness test must consider all award conditions. We are also concerned about the extent of matters the Workplace Authority Director can take into account in deciding whether an agreement test passes the fairness test. In particular, we note the objections of the ACTU to the director being able to take into account the employee’s personal circumstances. We believe that such a provision is discriminatory and should not be considered in the legislation. We are also concerned about the breadth of the exceptional circum-
stances exemptions open to employers in respect of the industry, location or economic circumstances of the employer. We do not believe such exemptions should be allowed, but if an employer is able to have their economic circumstances taken into account, in all fairness a resulting agreement should be limited to no more than one year or at least be reviewable after one year. That way, if the employer’s business circumstances have changed, employees are not subject to an inferior agreement for any longer than is absolutely necessary.

The application of the test to collective agreements is inequitable. These provisions allow for some employees under the agreement to not be provided with fair compensation for the loss of conditions while others are. The Greens do not believe such inequity should be allowed and we are moving a simple amendment requiring the fairness test to be applied to each and every employee under the agreement to ensure that they will receive fair compensation for loss or modification of award conditions. A number of submissions have raised concerns about defining and assessing fair compensation, and in particular taking into account non-monetary compensation. The Greens share these concerns and believe the bill should provide a clearer definition of fair compensation. The Greens are concerned about the lack of transparency in decisions made by the Workplace Authority Director in applying the fairness test. We believe it would enhance the fairness of the test if provision was made for a person affected by a decision of the director to have the right to request and receive written reasons for the decision. Furthermore, there should be a process for review of the director’s decision. These decisions potentially affect people’s livelihoods, and as such there should be a robust mechanism to ensure that these administrative decisions are taken in accordance with the legislative requirements.

The Greens will move amendments to this effect.

The list of deficiencies in this bill is extensive. We will also be moving amendments to strengthen the provisions relating to what happens when an agreement fails the test so that there is no possibility of an employee being returned to an inferior agreement. If you fail the test, what happens after that? We will also be moving amendments to strengthen the provisions for dismissal protection.

The interaction between Work Choices and the Welfare to Work laws are of particular concern to the Greens. We already have the unconscionable situation where people receiving welfare benefits can have these benefits cut off for eight weeks if they refuse a job which requires them to sign an AWA, but now we have the potential for people to be breached and have their benefits cut off for eight weeks if they refuse to sign an unfair AWA. We believe that amendments need to be made to the Social Security Act to ensure that this situation is not a possibility. While the law is unclear on this, it could happen.

I want to make a couple of comments on the amendments proposed by the government to its bill relating to prohibited content and union registration. The government is moving from the regulations into the act the listing of bargaining fees and some other union related matters as prohibited content. These provisions demonstrate a cynical manipulation of legislative process—bargaining fees are already banned under Work Choices, like they were under the previous act.

The Greens are supportive of the amendments relating to the ability of state unions to become federally registered if some members, rather than a majority of members, are in the federal system. The requirement for a majority of a union’s members to be in the
federal system before the union could be federally registered meant that a number of public sector unions with majority membership in the state system faced not being able to represent those minority of members in the federal system. With the corporatisation of sections of the Public Service, this was a direct threat to freedom of association. We are glad the federal government is prepared to fix this problem.

The Greens will be moving a series of amendments to make this a true safety net and to make sure that the safety net provides for everybody. We want to really put fairness into this fairness test and we want to do what is really fair for all workers in all circumstances, not a select few under limited circumstances.

This bill not only is not a safety net; it is a sieve. But it also has what I think may be unintended loopholes that need to be fixed—for example, the Welfare to Work provisions, where people could be breached for not signing an unfair AWA. I do not believe that that is the government’s intent—I believe it is a genuine loophole—but I think it needs to be fixed. As I have not seen any amendments to fix this, despite the fact that it was raised in the committee inquiry, the Greens will be moving an amendment, which I hope the government will support, to ensure that people are not breached if they refuse to sign an unfair AWA, because I do not believe that that is the government’s intent. If it is the government’s intent that people could be breached for signing an unfair AWA, I am shocked. But I hope they do recognise that, to be fair, they need to act to fix that loophole and they need to act to fix other loopholes.

Senator TROETH (Victoria) (5.25 pm)—It is with great pride that I stand up today to talk about the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007. Contrary to what has been put forward by both Senator Siewert and Senator Murray, this new fairness test will enhance the safety net for over 7.5 million Australians making workplace agreements. It will allow employers and employees to modify or to exclude protected award conditions but only where employees are fairly compensated. This particular bill guarantees employees fair compensation in lieu of conditions such as penalty rates, overtime and shift loadings. There is also additional protection for vulnerable employees, including young people and workers from a non-English-speaking background.

I would like to take issue with Senator Murray when he mentioned that, in the original Work Choices legislation passed in December 2005, and in this bill as well, coalition senators made no move to amend or ameliorate some of the conditions that we thought needed fixing. You may remember, Madam Acting Deputy President Crossin, that coalition senators—and, I will say, along with Labor senators—held extensive consultations with the department to see that outworkers were not disproportionately dealt with under the original legislation. I have also gone to particular trouble to check out that, in this legislation, their conditions of work will be looked at so they do not suffer any detriment. Indeed, government senators have made several recommendations as a result of the committee hearings which deal with some of the issues brought up by Senator Murray. But I might leave those remarks till later on.

This bill will reassure Australian workers that, when they enter into a workplace agreement, it will be a fair one that has been approved by an independent statutory authority. It builds on the important employment and workplace relations reforms that were undertaken by this government in 1996 and again in 2006. This is a bill that obviously
has looked at the original Work Choices legislation one year on and then decided to make appropriate changes in the areas where it thought changes needed to be made. It is a matter of evolution, not revolution.

The system that is now working under the original Work Choices legislation and this bill has helped reduce unemployment to a rate of 4.4 per cent. It has created more than two million jobs over the past 11 years, no matter what Senator Murray says, and it has ensured that a record high 10.4 million Australians are in work. What we want to do is make sure that this country’s future economic prosperity is bolstered by a flexible and modern workplace relations system. We establish in this bill two independent statutory offices which will play pivotal roles in maintaining the safety net. The fairness test is to be applied by the Workplace Authority to ensure that workplace agreements provide that fair compensation. And the Workplace Ombudsman will ensure that employers comply with their legal obligations with regard to the fairness test. The Workplace Ombudsman will also strengthen the policing role that has been undertaken previously by the Office of Workplace Services.

No matter which way you look at it, and no matter which yardstick you use, in every area of economic activity this government has provided exceptional growth, exceptional productivity and exceptional benefits to workers. Look at jobs growth. Since March 1996, two million jobs have been created and 85 per cent of all jobs created have been full time, giving the lie to the story that has been established by the Labor Party and other parties that many of those jobs have been part time.

Senator Brandis—They hate that we’re a friend to the workers, Senator.

Senator TROETH—They do indeed, Senator Brandis. There are now 7.4 million people in full-time employment and 2.9 million in part-time work. As I mentioned before, the unemployment rate in Australia was 4.4 per cent in April 2007, its lowest level in over 30 years, and it has been below five per cent for 12 consecutive months. The unemployment rate for males is four per cent and the unemployment rate for females is 4.9 per cent. If you contrast that with the unemployment rate of well over 10 per cent that operated when I came into this place, the difference is startling.

I note with interest a report in today’s paper that our very successful Work for the Dole program, which helps unemployed people back into the workforce, is not having enough people applying to take up places because presumably they are all out working or in study or training, which is just what we want them to be doing. Long-term unemployment, people who have been out of work for more than six months, is at its lowest level in 20 years. It has more than halved under the Howard government.

Wages was something that both Senator Murray and Senator Siewert mentioned. Recent ABS national accounts figures highlight that real wages have increased by 1.5 per cent since the introduction of Work Choices and, indeed, there has been a 19.8 per cent increase in real wages under the coalition compared with a 1.8 per cent decrease when Labor were in government.

Regarding those workers on a collective agreement compared to those on an AWA, the Australian Bureau of Statistics has again found that non-managerial employees earn $949.60 a week on Australian workplace agreements. This is, on average, nine per cent more each week than employees on a collective agreement, who earn $871.20, and 94 per cent more than employees covered by an award.
Let us look at job security, which is another yardstick. In the year up to February 1991, the retrenchment rate was 6.5 per cent, falling to 4.6 per cent in the year up to February 1996 under the Labor government. Since that time, the retrenchment rate has continued to decline to stand at 2.2 per cent in the year up to February 2006. People value their jobs, they want to keep them and they work hard at it.

Australian workplace agreements are the main point of this bill. Over 380,000 Australian workplace agreements have been lodged since March 2006. The participation rate among the working population now stands at 84.9 per cent—a near record high. That compares with the rate of 63.5 per cent in March 1996 when this government came to power. The participation rate of Australian youth—that is, 15-year-olds to 24-year-olds—ranks second highest amongst OECD countries. There are many more statistics that I could give the Senate, such as on industrial disputes. The number of strikes is now so low that the ABS will not release data on many state industries because there are so few that to do so would identify the individual employers. Worker entitlements and small business convey similarly encouraging figures.

I will now take a look at what has been proposed by Labor in its similar blueprint of Forward with Fairness. Under Labor, there will be no limit on what the union bosses can demand in agreements. Therefore, unions will be able to force employers into having the following requirements in workplace agreements: deductions from an employee’s pay or wages for trade union membership subscriptions; paid leave to attend trade union meetings or union meetings; bargaining fees to trade unions; providing unions with information about employees bound by agreement; that any future agreement must be a union collective agreement; mandated union involvement in dispute resolution; employers will be compelled to invite the union bosses to be a party to every agreement they make with their employees; workers will be bound by union agreements even when they have chosen not to be a member of unions claiming coverage of a site; and Fair Work Australia will tell the parties what they must put in their agreement before it will be approved. Indeed, there are many others.

We have already heard from Senator Wong that Labor will abolish AWAs and that Labor will impose collective bargaining on every workplace by requiring employers to bargain collectively when ordered to do so by Fair Work Australia. In fact, where just one employee in a workplace wants a union agreement, the union will have the right to be a party to any agreement made. Labor is trying to claim that non-union agreements will be available. Why then will it only allow union greenfields agreements and not non-union employer greenfields agreements as well? That is what the current system allows.

Labor has form when it comes to this. Under Labor’s system from 1994 to 1996, for employers to ensure that they could get a non-union collective agreement, they had to notify the unions that they were negotiating with their employees, they had to give unions the right to participate in the negotiations and, incredibly, they had to allow them to be a party to the agreement, if that is what the union wanted. I was glad that those bad old days were behind us. In other words, under Labor you could only have a non-union collective agreement if the unions said so. I must say that that is very unlikely, but that is how it would be under a Rudd Labor government.

By contrast, it is the coalition that has facilitated choice, and that is what workers want these days. The coalition has provided the freedom of association provisions in the Workplace Relations Act and it has offered a
choice of AWAs, union collective agreements, non-union collective agreements, union greenfields agreements and employer greenfields agreements. It is what the workers who are working in the business want, not what the union wants.

We have also enabled unions to be parties to collective agreements and bargaining agents for employees entering into AWAs, and we have maintained the right of union officials to lawfully enter workplaces and to take lawful industrial action. There is a continuing role for unions in the workplace relations system. Unions are only asked to act lawfully, just as employers and employees are obliged to act lawfully. That is the sort of system that the coalition has set in place, and I for one am very pleased that is what we have done.

As I said before, I think that the government senators in the committee hearing we held recently entered constructively into discussions. We recommended that the government consider the various technical and consequential amendments proposed during the inquiry, because there were some unintentional drafting errors. We also recommended that the Workplace Authority take note of those concerns raised during the inquiry about the duration of agreements that might be made when it is claimed that there are exceptional circumstances. This takes up the point that Senator Siewert made. She said that the Greens will be proposing an amendment to set duration of an exceptional circumstances agreement at a certain time. We do not expect exceptional circumstances to go on forever and, of course, there must be a good hard look at those. We also recommended that the Workplace Authority take note of the concerns raised during the inquiry about the application of the fairness test and ensure that these inform the performance of its duties. This bill is about fairness. I believe that the legislation underpins that and I recommend the bill to the Senate.

Senator MARSHALL (Victoria) (5.39 pm)—The Senate conducted an inquiry into this amendment of the Work Choices bill. Senator Troeth, who has just made her contribution, is chair of that committee and I am deputy chair. There was a dissenting report from the opposition senators, and all other political parties represented in this Senate also put in dissenting reports. I guess if one reads both reports you will see a very stark contrast in the conclusions that both groups—government and opposition senators—have made in their contribution. While I accept that both parties can grab figures from here and there to back up and argue their case, it is ultimately the Australian people who will make the final decision on this.

The differences represented in this chamber are also the differences that are represented out in the community. It is one of the issues that most starkly defines the difference between the coalition government and the Labor Party. We believe our criticisms of this bill are well founded. We believe our criticisms of the original Work Choices bill are well founded. I accept that the government argues the same from their point of view. Again, this is a debate we will have and it will ultimately be a debate decided by the Australian people.

This Workplace Relations Amendment (A Stronger Safety Net) Bill 2007 simply seeks to amend the flawed Work Choices legislation. The Work Choices legislation is flawed for this fundamental reason: it assumes that there is equality in the bargaining position between an employee and an employer. Simply, there is not. Employers decide the terms and conditions of employment, the way in which the work will be done, when the work will be done, and what sort of work will be done. They have all these matters under con-
Employees do not have the ability to negotiate around those issues unless the employer seeks to allow them to do so.

This is the argument the coalition will not win, because every Australian worker—whether they are the chief executive of one of our largest companies or one of the lowest paid workers in this community—understands and knows that there is no equality in the bargaining position between employers and employees. Some will argue that that is right—that that is the way it should be. We in the Labor Party do not agree. We believe that it ought not be that. Employees ought to have a large set of conditions that give them employment protection, that are protected for them and not able to be simply stripped away because an employer decides to do so. The reality in life—the reality which this government seeks to ignore or pretend simply does not exist—is that AWAs are offered on a take it or leave it approach. Most AWAs are template or pattern AWAs and there is no negotiation. AWAs are simply offered on a take it or leave it basis.

The flexibility often promoted as a benefit of the government’s industrial relations policy is one-sided and mostly delivers flexibility to the benefit of employers. The rhetoric associated with flexibility as the most desirable characteristic of workplace agreements is willfully misleading. There is rarely any real negotiation with employees, who are often faced with the prospect of signing an AWA as a condition of employment, promotion, transfer or wage increase. Most AWAs are standardised documents that do not take into account an individual’s circumstances. Work Choices allows simply for wages and conditions to be gouged with no regard at all to the productivity or the flexibility that this government seeks to champion. It is simply a race to the bottom. This government often confuses the difference between productivity and profitability. Simply allowing employers to gouge the wages and conditions of employees does nothing to enhance productivity; it is all about profitability. Of course, time and time again we have seen in a similar industry one employer who reduces the cost of the wages component in their production putting pressure on every other employer in that industry who competes with that employer, and we see the downward spiral and the race to the bottom.

The government will argue that that is not happening and it will bring out all sorts of statistics—and if I get a chance I will address some of those later in my contribution—to try to say that that is not happening. But the government will fail to convince the Australian people because it is the Australian people who are actually experiencing this. They know how it works. They are the ones who are suffering under this legislation. They are the ones out there, day in and day out, with those sorts of pressures being brought to bear on their employment. This government has simply sided against working people, and Work Choices is the result of that.

The government claims that this amending legislation is required to address the perception of unfairness—simply the perception. It may assist the government’s political agenda in addressing the perception, but it will do very little to address actual fairness. This is what the Treasurer had to say in an interview with Laurie Oakes on the Sunday program on 6 May. Laurie Oakes asked the Treasurer:

Staying with IR though, the hundreds of thousands of people that have already signed AWAs would not get any protection from the new measures announced last week by the Prime Minister. So you have a two tier system. Where is the fairness in that?

The Treasurer’s answer was:

Well I think Laurie, the fact of the matter is to go back through all of those contracts, to go back through all of those conditions again would lead
to an enormous dislocation, and there is no real evidence, no real evidence at all that there have been any egregious cases. So what the Government has announced is protection measures for the future in relation to fairness. I think they are sensible measures, I think they will work and I think you will see the benefit in relation to the workforce.

So the Treasurer does not believe there has been any real evidence of any egregious cases. But of course that flies in the face of the facts—the government’s very own facts. It is quite a ridiculous assertion by the Treasurer. We know from the Senate estimates of May 2006 that there was a sample of AWAs at that time—and I admit it was a small sample and we would like to have much bigger samples. But of those sampled AWAs, 100 per cent excluded at least one of these so-called protected award conditions, 64 per cent removed leave loadings, 63 per cent removed penalty rates, 52 per cent removed shiftwork loadings, 41 per cent did not contain gazetted public holidays, 31 per cent modified overtime loadings, 29 per cent modified public holiday payments, 22 per cent did not provide for any wage increase over the life of the agreement and 16 per cent excluded all of the so-called protected award conditions and simply replaced them with what the government calls the fair pay minimum standard.

That was the first set of data. Then there was the data leaked to the *Sydney Morning Herald*—data the government denied it was collecting. The Office of the Employment Advocate was collecting it, even though they denied to Senate estimates that they were doing so. That data was from a much larger sample, taken much later and from a much broader group. It said that just under 45 per cent—note, the figure is now around 45 per cent—excluded all of the protected award conditions, 30 per cent excluded rest breaks, 70 per cent excluded incentive based payments and loadings, 59 per cent excluded annual leave loadings, 23 per cent excluded declared public holidays, 53 per cent excluded public holiday pay, 67 per cent excluded days to be substituted for public holidays, 57 per cent excluded allowances, 52 per cent excluded overtime loadings, 76 per cent excluded shiftwork loadings and 68 per cent excluded other forms of penalty rates. So that evidence is out there. And the Office of the Employment Advocate now admit they were collecting sample data and they have not denied that that leaked data is the data they were collecting. The Treasurer says there is no evidence. But what further evidence do we need?

The government’s own amendments in this legislation are simply an acknowledgement that AWAs have eroded standards of living, left many workers worse off and attacked traditional values and quality of life. They have created an industrial relations system where the basis of social justice and a fair go, or protection for society’s most vulnerable workers, have been undermined. On 4 May Minister Hockey said:

“We are introducing a stronger safety net for working Australians. It was never the intention that it should be the norm for penalty rates to be traded off without proper compensation and that’s why the Government is going to introduce new laws that, simply put, employees must receive fair compensation if they agree to trade away conditions such as penalty rates, shift and overtime loadings, monetary allowances like travel allowance or tool allowances, annual leave loadings, public holidays, rest breaks and incentive and other types of bonuses.”

This statement is simply untrue. It was always the intention of Work Choices to allow for the removal of every so-called protected award condition. Take the government’s own example of ‘Billy’ from the original Work Choices advertising campaign and contained in print in their *WorkChoices* booklet. This is
a case study to demonstrate to employers what you can actually do with Work Choices. The booklet says:

Billy is an unemployed job seeker who is offered a full-time job as a shop assistant by Costa’s who owns a clothing retail store in Canberra. The clothing store is covered by a federal award. The job offered to Billy is contingent on him accepting an AWA—

take it or leave it—

The AWA Billy is offered provides him with the relevant minimum award classification wage and explicitly removes other award conditions.

As Billy is making an agreement under Work Choices the AWA being offered to him must at least meet the Fair Pay and Conditions Standard. The AWA Billy is offered explicitly removes award conditions for public holidays, rest breaks, bonuses, annual leave loadings, allowances, penalty rates and shift/overtime loadings.

Billy has a bargaining agent assisting him in considering the AWA. He understands the details of what is in the AWA and the protections that the Fair Pay and Conditions Standard will give him including annual leave, personal/carer’s leave and parental leave and maximum ordinary hours of work. Because Billy wants to get a foothold in the job market, he agrees to the AWA and accepts the job offer.

There we have it. We have got the Treasurer saying that there have been no problems with the application of Work Choices so far, no egregious effects at all. That is simply wrong. Then we have Minister Hockey saying that it was never the intention of the bill to strip away the so-called protected award conditions without proper compensation and arguing that the fairness test will enshrine that, and on the same day we have the Prime Minister saying that it does not necessarily have to be monetary compensation and all these personal issues such as unemployment status or employment experience will be taken into consideration.

That brings us to the fundamental flaws of these amendments. As Senator Wong has indicated, even if one individual does benefit from the so-called new fairness test—and I suspect it would mainly be because there may be a fix in the perception where employers do not seek to exercise their rights

But where the penalty rates etcetera are taken out or are modified in any way there’ll be a fairness test and the fairness test will inquire whether adequate compensation has been provided in return. Now in the great bulk of cases that compensation will take the form, probably of an increase in the hourly rate to take account of the non payment of penalty rates but the compensation can take a non-monetary form and in examining whether adequate compensation’s been paid, the authority will have a look at all aspects of the agreement. In some cases extremely flexible working arrangements can be given in return for the non payment of penalty rates, in other cases additional entitlements can be given.
under Work Choices to simply take away all these conditions—we would support the legislation. But let us make no mistake, the holes in this fairness test will be driven through by employers who want to still seek to remove the so-called protected award conditions and either pay no monetary compensation or very little. The case of Billy from the original Work Choices legislation is still there and it can still pass the test.

Who is going to apply this test? Again, this is one of the major concerns that we have and I can only suspect that the government has drafted it this way so that it will be a weak test. We have an arrangement where the old Office of the Employment Advocate will shortly be called, with the passing of this legislation, the Workplace Director. The Workplace Director will have the full realm of subjectively deciding what is appropriate and what is not appropriate. People may say that it is good to have someone independently doing that. Let me say two things to that. All that will be done in secret. No-one will know what weight the Workplace Director will put on any of those matters. If Billy were unemployed and seeking to get, as the WorkChoices booklet said, a ‘foothold in employment’ what value would the Workplace Director put on that? He can put any value he likes on that. He can put any value he likes on the removal of penalty rates. It does not have to be publicised; it does not have to be justified; no-one will necessarily know about this or how it was arrived at.

Where does that leave the employees? In terms of the old no disadvantage test that used to apply prior to Work Choices all these things were always negotiated in an open forum where decisions were publicised and precedents were made. Other employees and employers could get an understanding of what penalty rates were worth, what parental leave was worth, what carer leave might be worth, what the ability to have flexibility would be worth. Agreements would be negotiated based on those transparent, non-secret processes, and people could be satisfied that what they were forced to trade away in AWAs that were given to them as a take-it-or-leave-it process were in fact compensated for fully. There is going to be no right to appeal if you are unhappy. Agreements will simply go up to the Workplace Director and will come back as passing the unfair disadvantage test.

I would like the time to speak much more about many of the other flaws in this legislation on Work Choices. Clearly, here we are with a government that seek to make a quick political fix. They know they are in trouble because the Australian workers know that Work Choices is unfair as they come under more and more pressure to lose their wages and conditions and they are already judging the effectiveness of Work Choices. All of a sudden we see the government rushing to put the word ‘fair’ back into Work Choices with amendments as they seek to fix a perception. In the government’s own words, this is about ‘fixing a perception’, not fixing fairness. (Time expired)

Senator McEWEN (South Australia) (5.59 pm)—I rise to speak on the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007. The motivation for this bill is very clear. The Prime Minister is worried about losing his job, and his government is still losing its campaign to win over the Australian people to an industrial system that is inherently unfair. The purpose of the bill—which has yet another of the government’s notoriously Orwellian titles—is to try to trick the people of Australia into believing their government cares about working Australians and their families. However, the lack of any substantial commitment to fairness in this bill clearly shows that the government does not care.
There is, as previous speakers on the Labor side have said, enough in this bill for Labor to grudgingly support it, but it would be vastly improved by the recommendations made by opposition senators in their comments that were included in the report of the Senate Standing Committee on Employment, Workplace Relations and Education, which inquired into this bill. It would also be improved by the Senate agreeing to the amendments moved by Senator Wong in her speech on the second reading, but it is of course highly unlikely that those amendments will get up.

Labor will support the bill because anything that ameliorates the horror of the original Work Choices legislation should be supported. We support the bill but we are sorry to see that the Australian taxpayer has to fork out for yet another massive propaganda splurge by a government that is running away from its Work Choices label and that is covering its tracks with another media advertising spend—a spend that started off at $4.1 million for just one week of advertisements about a bill that had not even been drafted. And who can forget the $55 million-plus spent on advertising the original Work Choice legislation. We should not forget either that Australian taxpayers are still forking out $4,581 per month to store 3.5 million Work Choices booklets that are in storage because no-one wanted them in the first place. Now they are completely useless and will undoubtedly be pulped. What an outrageous waste of taxpayers’ money. We have come to expect nothing less from this arrogant Prime Minister who likes to spend taxpayers’ money on coaches for the Queen and lavish dining tables. He also thinks it okay to use taxpayers’ money and property to subsidise Liberal Party fundraisers.

The government does not like to use the Work Choices brand anymore; we have seen to happily utter the name that dare not be spoken by senators on the opposite side. We continue to mention it in the context that Labor will tear up the Work Choice legislation and replace it with an industrial system that is fair and transparent and is in the best interests of our economy and our nation’s future prosperity. As we know, the people of Australia were not duped by the government’s misleading rhetoric about the virtues of Work Choices originally, and they will not be duped by this new bill either. Their distrust of the government and their suspicions about the motivations for this bill can only be exacerbated by the appalling disregard for parliamentary process that preceded the debate we are having here tonight.

After months of bad polls, on 4 May 2007 the Prime Minister announced that a new so-called fairness test was to be included in the Workplace Relations Act. Agreements struck after 7 May 2007 would be subject to the new arrangements. We are used to this government’s liking for legislation by press release. It is a hallmark of a government led by a worn-out Prime Minister who is desperate to hang on to his job. Never mind that employers and employees who were in the process of entering into agreements from 7 May were wondering, when they heard the announcement, just what laws applied to the agreements they were entering into. Never mind that the legislation had not even been drafted when the announcement was made. A rattled Prime Minister and his bumbling—or I think he called himself ‘bungling’—minister rushed into making an announcement with the sole intention of gaining some political mileage. Then, in an extraordinary manoeuvre, on 10 May the government in the Senate decided on a date for an inquiry into a bill that had not even been drafted. The draft bill eventually appeared some weeks later and a one-day hearing into the bill of the Senate Standing Committee on Employ-
ment, Workplace Relations and Education was held in Canberra on 8 June 2007. Interested persons and organisations had only seven days to prepare their submissions to that inquiry. The committee had to report to the Senate less than a week later. It is just another example of the government’s disregard for appropriate parliamentary process.

The committee’s report from that inquiry reinforced the disparity between the government’s rhetoric about its industrial laws and the facts. It is a disparity that has characterised the debate ever since the government seized its Senate majority and rammed through industrial laws that the majority of Australians did not ask for, did not want and did not vote for. The government senators’ report from the inquiry into this bill is littered with words like ‘flexibility’, ‘streamlining’, ‘efficiency’ and ‘simpler’. More flexible, more streamlined, more efficient and simpler for whom, we ask. When you look at the practical implementation of the new test, you would have to say that the answer is: for no-one. What is simpler, more flexible, more efficient and more streamlined about creating the massive bureaucracy that will be spawned by this bill and that will cost the Australian public an additional $370 million? What is simpler and more flexible about having a plethora of regulatory bodies involved in Australia’s workplaces? These include: the Workplace Authority, which used to be known as the Office of the Employment Advocate; the Workplace Ombudsman, who used to be known as the director of Office of Workplace Services; the Office of the Australian Building and Construction Commissioner; the Australian Fair Pay Commission; and the industrial commission. Heaven help employers trying to navigate that minefield. What is simpler, more flexible and more efficient about an employer now having to hand out an additional piece of paper, a piece of government propaganda—the so-called fairness test fact sheet—to employees or risk a fine of $110 if they fail to do so within the prescribed time limit? What kind of burden is that on the small businesses that this government claims to protect? What is simpler and more flexible about an employer so confused that they need to get pre-lodgement advice from a government authority about a workplace agreement so that, when the agreement is lodged, the Workplace Authority can confirm that it meets the fairness test? All of this is because of this government’s long-standing determination to destroy the award system that provided a level playing field for employers and a decent safety net for employees. All of this is because the government knows that its workplace laws are on the nose with the Australian electorate, an electorate that understands the sense and stability of a strong award system underpinning workplace agreement making.

The electorate has not swallowed the government’s $90-plus million worth of propaganda so far and will not be fooled into thinking this bill is anything other than the application of a few changes to make a bad system look better. The Australian people will not be fooled because they have seen enough now to know that the heart of the government’s industrial relations agenda is to drive down wages and conditions through the use of individual contracts that can and will be offered on a take-it or don’t-take-it job basis. The government has this agenda because it is tired, ideologically bereft and has an impoverished view of a world that cannot contemplate any other way forward. A good Australian government would be focused on giving the nation an industrial system that encourages and emphasises genuine productivity improvements, that ensures workplace commitment to skills and training so that we can overcome the skill shortages holding us back and that really helps work-
ing families with genuine work-life balance initiatives. But, instead of modern and much-needed laws, this government promotes minimalist wage cutting and divisive individual agreements and lumbers Australian employers with the massive bureaucratic red tape that goes with the negotiation and approval of those agreements. It remains to be seen whether the Australian people will get any value for money out of the $370 million extra the government is going to pump into the multitude of organisations that monitor the 900 pages of the Workplace Relations Act.

The alleged purpose of this bill is to strengthen the safety net underpinning all workplace agreements. Of course, prior to the Work Choices legislation, we had something called the no disadvantage test to provide that benchmark, but the government got rid of that because they did want workers to be disadvantaged. The government took away the no disadvantage test because they wanted to create a world full of workers like Billy from the Work Choices propaganda booklet—vulnerable workers who could be forced to work on an agreement which had no penalty rates, no shift loadings, no leave loading, no compensation for working on public holidays and all the other things that are important to working people who engage in honest toil and have an expectation, rightly so, to be compensated accordingly.

While Labor knows that most employers do the right thing, some do not, and most will do whatever they can within the limits of the law to cut costs, including wages and on-costs, because they have to compete with each other, as Senator Marshall explained. That is what happened when Work Choices AWAs were first made available to employers. We know from the infamous statistics at the 2006 May estimates that, of the first 250 or so Work Choices AWAs, 16 per cent expressly excluded all protected award conditions, 63 per cent excluded penalty rates and 22 per cent did not include any pay rises. After that horror story, the office formerly known as the Office of the Employment Advocate stopped collecting statistics officially. But then we found out in April this year, courtesy of the media, that a sample of more than 5,000 AWAs analysed by the office formerly known as the OEA showed that 45 per cent had removed all protected award conditions and 76 per cent had removed shift loadings.

Realising it had gone a step too far and there are a few too many Billies out there who might damage the Prime Minister’s chance of returning for another round of fundraisers at Kirribilli, the government proposed the amendments contained in this bill—amendments to the Work Choices legislation—which Labor supports because they are better than nothing, but they are still not good enough. They are not good enough because the new fairness test does not apply to all employees. It does not guarantee monetary compensation for traded benefits, it does not apply to all award conditions, there is a lot of subjectivity in the application of the test, and there is no adequate appeal process if employers or employees are aggrieved by a decision of the Workplace Authority.

I would like to spend a few minutes elaborating on a few of those deficiencies. The new test does not apply to workers on existing AWAs, so the 300,000 or so workers on AWAs registered prior to 7 May can still be stuck on agreements that have no wage increases, no penalty rates, no shift and overtime loadings, no rest breaks, no leave loadings, no allowances and no whatever else they may have lost. It could be almost another five years before those workers are offered another agreement that is subject to a fairness test. There is no requirement for the fairness test to include wage increases, and the test will allow employers to require em-
ployees to sign agreements that trade off conditions such as penalty rates and overtime for non-monetary compensation. Just what constitutes sufficient or agreed non-monetary compensation remains to be seen, and whether or not the compensatory value is retained over the life of the agreement, which can be for five years, is not subject to review. As well, numerous escape clauses are available for employers who can avoid paying or giving appropriate compensation for loss of award conditions if they can demonstrate alleged difficult economic circumstances or competitive disadvantage because of their location. Just how these special cases are going to be fairly judged also remains to be seen.

In their dissenting comments in the Senate committee report, to which I earlier referred, Labor senators made a number of recommendations that would address some deficiencies in the bill. Included in those recommendations was the abolition of the $75,000 annual income threshold on the basis that all employees should be covered by the fairness test. An important point was made during the committee hearing that, because the $75,000 threshold is applied pro rata to part-time employees, there will be many workers who earn less than the prescribed amount whose agreements will not be subject to the test. As most part-time workers are women, it will be women who are most disadvantaged by this arbitrary and unfair limit. At the very least, Labor says that the income threshold should be indexed; otherwise, over time, more and more employees will fall outside the limits of application of the fairness test. Labor also recommends that all conditions and entitlements of the relevant award or instrument are included in the application of the test. This is the only way that the real value of traded benefits can be properly calculated.

Another recommendation that goes to the matter of transparency and accountability of the process of application of the test is the Labor senators’ proposal to include an appeal process against decisions of the Workplace Authority. We also suggested that the authority be required to provide reasons to the parties to an agreement justifying its decision. When the authority makes a decision, the parties to an agreement should have the opportunity to verify or refute information the authority has relied on to make that decision. This is particularly important because we know that the army of 570-odd new contractors or public servants required to implement the fairness test will undoubtedly—initially at least—have little understanding of the complexities of what constitutes a fair compensation. Anybody who has worked in the industrial system for any period of time would appreciate that that is always a difficult thing to calculate.

Another recommendation of Labor senators is that any agreements formulated under the exceptional circumstances provision be subject to a limited lifespan and include a requirement for a review during the life of the agreement as to whether those exceptional circumstances still apply, and if they do not still apply then the forgone conditions should be reinstated to the workers affected. Otherwise we will see agreements struck under the exceptional circumstances test—a test that in itself is going to be very subjective—that could be in place for up to five years. Labor is also concerned that, where an agreement fails the fairness test, there is potential for the workers party to the failed agreement to revert to an even less generous agreement struck prior to this legislation. Workers caught in the situation should be entitled to the protected conditions that would have applied but for the operation of the earlier, less generous agreement.
While this bill will be passed by the Senate, Labor questions the bona fides of the government, which has only put the legislation into the parliament in an attempt to improve its standing in the polls and in the eyes of the Australian people whom it continues to treat with contempt. As we know, Senator Minchin, the Leader of the Government in the Senate, has made it known that he thought the original Work Choices legislation did not go far enough. The employer bodies that appeared at the Senate inquiry or that provided written submissions were lukewarm in their support for this bill. While they obligingly supported the government it was evident that the view of big business was that they thought the situation that pertained prior to this bill was just fine but they understood the government's need to address perceptions—and for 'perceptions' read 'adverse public opinion'.

In the unlikely event that the government wins the next election, Labor are concerned on behalf of working Australians that the government will revert to form and dismantle the few, inadequate protections that this bill provides, whereas Labor in government will rectify the current imbalance in Australian workplaces; we will create legislation that makes the always difficult balancing act of work and family life easier; and we will ensure that workers are protected by a real, supportive and strong safety net. Labor will create a system that is overseen by one independent industrial umpire, creating consistency in decision making—a feature that is completely absent in the government's bill.

In this bill, the government has given a token nod to what most fair-minded Australians saw two years ago, and that is that Work Choices was neither choice nor fair. No amount of expensive taxpayer funded advertising, no amount of repetition of words like 'flexibility' and 'efficiency' and no amount of prime ministerial trickiness can cover the fact that this government is determined to persist with an industrial system that is inherently unfair.

Senator BARNETT (Tasmania) (6.17 pm)—I stand tonight to support the government's legislation, the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007, and in doing so say that this legislation is on the back of the government's reform legislation of March last year, which is on the back of the 1996 reforms of the Howard-Costello team. It is in the context of a Labor opposition that have over the last 12 months and longer made as a centrepiece for the party the fact that industrial relations is sacrosanct for them. They say that it is the big ticket item for them; it is the raison d'etre for their whole being. Yet Labor's industrial relations policy before us today is nothing short of a dog's breakfast. I say that because they have policies fair and square which say that they wish to abolish A W As, but they have not decided exactly what will replace them. They are not sure within their own minds as to what should replace AWAs, or maybe they just wish to abolish AWAs altogether and lead us back into history to a centralised wage fixing or collective bargaining system and to remove that choice for the 1.9 million small businesses around Australia today. They also have a policy to bring back the unfair dismissal laws. In my view, that is a very retrograde step and would be very damaging to Australia's small business in particular. This is a policy which Australian small businesses particularly wanted removed, and we tried 44 times in this parliament to remove it, but Labor with some of the opposition parties prevented that effort until recently. As I said, this time last year those reforms did take place.

The reason for Labor's inability to come up with a policy which is sensible, meaningful and that will create jobs, a stronger economy and higher wages is in my view because
they are a wholly owned subsidiary of the union movement. They are owned and operated by union bosses. I do not say that willy-nilly or off the top of my head. I say that because the facts speak for themselves. Union membership is 15 per cent of the private sector workforce, down from 16.8 per cent; yet nearly 80 per cent of the senators on the other side have a background in the union movement. I accept that some of them in fact—I can see Senator Stephens nodding over there—do not have union backgrounds but nearly 80 per cent of them do. Almost 70 per cent, or 27 out of the 40 on the front bench, are former union officials. Of course, 55 per cent, or 48 of the 88 ALP caucus, are former union officials. They are owned and operated by the union movement. In the wings, as it were, with the next election heading our way very shortly, we have people like Greg Combet being parachuted into the parliament. The fact is that the ALP have no employment balance; they are made up predominantly of ex-union officials and activists who are anti business and have never had to balance the books or to worry about creating jobs—and that is very important for the small business community.

The unions view construction not as a tool for progress but as a tool for stopping progress. They forget the dictum Tony Blair, the Labour Prime Minister in the UK, put forward some years ago: the best form of welfare that you can provide a person is a job. They seem to be political players hell-bent on power for union bosses rather than defending the rights of the working men and women of Australia. I think the union bosses have lost sight of their original goals. Their new goals are about personal advancement and personal perks rather than representing their membership. This mindset flows with them into politics. It has poisoned what some people would say was a once great Labor Party. We have seen evidence of this in recent days and weeks, with the union campaign strategy document having been leaked and discovered. It makes it very clear that they want union representatives and union members to be acting like they are in a scene from Little Red Riding Hood. She comes up and knocks on the door, and they are the wolf clothed like a little granny, kind and generous, dressed up, giving to and looking after the little granddaughter inside—but of course the exact opposite is occurring. They are motivated in all the wrong ways. They want to be represented at barbecues and at church meetings. They want to have DVD nights. This is what the strategy document discloses, and they have been found out.

At the Canberra hearing of the Senate Standing Committee on Employment, Workplace Relations and Education of which I was a member—and we received 28 submissions—held on 8 June 2007, I asked Sharan Burrow of the ACTU whether she stood by her comments and the lobbying that she had been undertaking, on behalf of the ACTU, to the ILO with respect to Australia’s position as being among some of the worst in the world. Australia—as a result of that lobbying by Ms Burrow and indeed, no doubt, others—has replaced Colombia on the list, where of course unionists have been assassinated for their activities. This is the type of activity that they have been involved with. It is a great shame, because it probably was once a great party. But that seems to have changed.

Tasmania is a small business state, with over 50 per cent of the private sector workforce in small business. It is critical for Tasmania. The Labor Party have preselected a man called Kevin Harkins in the federal seat of Franklin. He is a member of the ETU. In fact he is still employed by the ETU. It was Dean Mighell from the ETU in Victoria who, only a couple of weeks ago, was sacked by Kevin Rudd. In Tasmania Mr Harkins has
not been sacked and remains a member of the ETU. In fact he received considerable sums of money from the Labor Party for his campaign. The ETU have now admitted that that is the case. I have an ABC Tim Cox morning show transcript with me where Nicole Wells, on behalf of the Tasmanian ETU, says:

My limited information that I have about that, Tim, is that it was around $20,000. My understanding is that it will be refunded within the next week or so.

Tim Cox says:

So that was what was already spent.

Nicole Wells says yes.

And how much had to be returned that was unspent?

She says:

There is $20,000 to be returned to the ETU.

Tim Cox says:

So a total of $40,000.

Wells says:

That is correct.

So we get an admission from the ETU in Tasmania—on ABC radio and in no other publications, as far as I am aware—that $40,000 must be returned to the ETU from the Labor Party. Has it happened? Has it been identified by Kevin Harkins? We do not know. Has he come clean and disclosed this information to the Tasmanian public? We do not know that either. All this is in the context of an IR debate and a discussion about the future for Australian working men and women. Kevin Harkins, in my view, should promptly return all those donations from his union, and he should either cease working as an employee of the ETU or cease being a candidate for the Australian Labor Party in the electorate of Franklin. You cannot have it both ways.

In terms of the reforms, something was made clear, in my view, at the Senate committee hearing by a number of the submissions. The ACCI submitted. The list of those that submitted is at the end of the committee’s report. It included the Shop, Distributive and Allied Employees Union, the ACTU, the AiG and the department. We received a very good submission from AMMA, the Australian Mines and Metals Association. They make it very clear that they are very supportive of the reforms of the government and they highlight the benefit in terms of higher income for those in the mining sector. They refer to a recent study by the Melbourne Institute which found that average wage increases to workers on individual contracts were 6.8 per cent, exceeding those under collective agreements, 3.9 percent, and awards, at 3.3 per cent. This seemed to be disputed somewhat by the Labor Party. But the Australian Bureau of Statistics make it clear that on average those on an AWA have a nine per cent higher average wage than those on a collective agreement and a 94 per cent higher wage than those employees covered by an award. That is a huge amount of money extra. And why not? Those on individual agreements, those with an AWA, are earning a whole lot more. The government’s reforms have delivered higher wages, and the runs are on the board. It has certainly delivered more jobs. We have already heard about this during the debate, with nearly 360,000 additional jobs created, the bulk of those—over 90 per cent—full-time jobs. We have the biggest number ever in Australian history, 10.4 million, in the Australian workforce.

Sitting suspended from 6.30 pm to 7.30 pm

Senator Barnett—I was speaking about the merit of AWAs before the break and I was supporting the fact that the stronger safety net provides exactly that. It provides a fairness test to strengthen the safety net for agreement making in the na-
tional workplace relations system. Regarding AWAs, I was contrasting Labor’s position, which is to abolish AWAs, with the government’s position. The fact is that Australia now has had over 1.2 million AWAs either approved or lodged since March 1997. It is estimated by the Workplace Authority that at 31 March 2007 there were 747,000 AWAs in existence and that 364,634 AWAs were lodged between 27 March last year and 27 May this year. It is estimated that close to 400,000 AWAs will be lodged over the 2006-07 financial year based on an average five per cent monthly growth rate. At this growth rate, it is projected that nearly one million AWAs will have been lodged in the three years to the end of 2001.

The Australian Bureau of Statistics and the Workplace Authority say that people on AWAs in Australia make up 8.3 per cent of the workforce. This was confirmed by the department to our committee a few weeks ago in Canberra. I say that because it contrasts most markedly with the comments by the Leader of the Opposition, Kevin Rudd, who said on the 7.30 Report on 24 May:

Some 3 per cent of employment right across Australia currently has AWAs …

Why would he say such a thing? I was at a conference in Melbourne speaking to an IR forum seminar and shadow parliamentary secretary Brendan O’Connor was speaking at the same conference. He said that the number of Australians working on AWAs was four per cent of the workforce. And yet we have got the facts on the table: it is 8.3 per cent. In fact, with respect to my home state of Tasmania, we have had 40,675 AWAs since the industrial relations system began in 1997 and 9,016 since March last year. The national percentage, as I said, is 8.3 per cent, but in Tasmania it is 13 per cent. The Leader of the Opposition has been saying publicly, on the 7.30 Report, that it is three per cent. I think I know why he is saying that: he is trying to downplay the importance and the relevance and the significance of AWAs in Australia today.

But what do other people say about AWAs? We know the ABS says that people on AWAs are earning nine per cent more than those on a collective agreement. We know they say they are earning 9.4 per cent more than those on an award. But what do other people say about AWAs and the merits of them? The message from the business community is very positive indeed. And what do they say about the Labor policy? Let us read what Tony Caccamo, the Western Australian general manager of Australian Mines and Metals Association, AMMA, says. On 31 January this year he said:

Unless the ALP policy provides the same features as AWAs, we will continue to lobby hard against the abolition of AWAs …

That cannot be much clearer. An article in the Australian Financial Review on 23 March this year quoted Charlie Lenegan, managing director of Rio Tinto—a very important, big mining company for Australia:

Global … giant Rio Tinto has made a rare foray into domestic politics in an election year, labelling federal Labor’s pledge to abolish Australian workplace agreements as a “pathway to the past rather than a pathway to the future”.

On 9 April this year in the West Australian he went on to say:

“It is a nonsense to deny their importance and short-sighted to pursue policies which will eliminate this employment choice …”

So they are on the record. AMMA’s general manager of workplace policy, Chris Platt, said:

Any removal of AWAs hands power to union bosses.

I think that says it in one; that is exactly what it does. He goes on to say:

This, we believe, is the real reason behind the ACTU’s opposition to AWAs.
The ACTU campaign for the removal of AWAs is simply a means of handing power back to union bosses and facilitating an increase in union membership.

Of course, it would appear that the lapdog for the ACTU—that is, the Labor Party—are doing exactly that: they are following the bidding of the ACTU. Steve Knott, the head of AMMA, on 15 March this year said:

AWAs are a huge success in the mining industry. Why the ALP seeks to destroy AWAs is primarily about union control and political product differentiation.

AMMA made a very good submission to our Senate committee of inquiry and made it very clear:

As at 30 March 2007 37.2% of the resource sector were covered by AWAs.

They said in their submission:

A review of resource sector agreements lodged in the 12 months to 31 May 2007 reveals that 73.5% of resource sector employees were covered by an AWA, 21.8% are covered by a union collective agreement and 4.5% are covered by a non-union collective agreement.

They go on to say:

On 23 May 2007, BHP Billiton Chief Executive Chip Goodyear said that AWAs had had improved productivity by about 25 per cent by fostering a direct relationship with their employees.

Then, today, on the front page of the *Australian* is a story headed ‘Building giant warns against IR changes’. Steve Lewis writes:

Construction giant John Holland has warned that a multibillion-dollar productivity dividend will be threatened if Labor wins office and winds back the Coalition’s industrial relations reforms.

In the latest business challenge to Kevin Rudd’s industrial policies, the company argues the continuation of Australian Workplace Agreements is ‘essential’ for the $90 billion sector to achieve further productivity gains of up to 20 per cent.

With some building firms reportedly factoring in ‘risk-of-Rudd’ premiums into future contracts, John Holland also wants Labor to drop plans to scrap the building industry watchdog—and it goes on. So you can see the concern in the community and in the business sector in particular as a result of the proposed abolition of AWAs under Labor’s policy. It is a deep concern for those on this side and for the community in general, and it is a fear I also have. *(Time expired)*

**Senator GEORGE CAMPBELL** (New South Wales) *(7.38 pm)*—The Workplace Relations Amendment (A Stronger Safety Net) Bill 2007, as has been said by my colleagues preceding me in this debate, represents very small, incremental improvements to the gross unfairness of the post-Work Choices Workplace Relations Act. It should also be said that it is building on a very low base, because the Work Choices objective of driving down wages and conditions and of putting fear into the hearts of workers has substantially bitten in the workplace—otherwise, why would the government have gone to the extent they have to make changes to Work Choices at this point in time? They have made those changes because we are three or four months out from an election, they know that Work Choices in the workplace is biting hard against them, and they are trying to minimise the damage of the legislation to ordinary working Australians.

It has not just been Work Choices. I have been here since 1997 and I do not think a year has gone by in which we have not had a debate over some aspect of our industrial relations system. The government were frustrated for a considerable period by not being able to get passage through the parliament of the worst excesses of their industrial relations agenda because they did not have a majority in this place. But they have had a majority in this place since 2005 and they have used it brutally. They used it to introduce legislation in the industrial relations environment which went far beyond any-
thing they took to the electorate to seek a mandate for in 2005. This is clearly an ideological agenda; everyone knows it is an ideological agenda. But who is it hurting? It is not hurting us on this side and it is not hurting employers, but it is hurting ordinary workers, particularly those on low incomes.

You can tell it is an ideological agenda just by listening to the contribution of Senator Barnett. He talked about union bosses; that is currently a line they are trying to get across. He talked about the dirty tricks campaign; that is another line they are trying to get across against the ACTU. He talked about Colombia, despite the fact that Ms Burrow, the president of the ACTU, told the Senate Employment, Workplace Relations and Education committee that what had been reported was a falsehood—a lie, to put it in common terminology. Despite Ms Burrow telling the committee that, Senator Barnett persists in perpetrating the falsehood attributed to Ms Burrow. He talked about the Labor Party being the lapdogs of the union bosses. It was nothing but invective and rhetoric on behalf of the government. There was not a lot of substance in the contribution.

I know Senator Barnett is trying to impress those above him, including the Prime Minister, because he sees himself being left behind. He is being passed by all of his colleagues from Tasmania. He is being passed by all of his colleagues from Tasmania. Even Senator Parry, who has been here only a couple of years, has surpassed Senator Barnett and been appointed the Government whip. But you do not get yourself promoted by being prepared to ape the language of the leadership—by getting out there and promoting the rhetoric that you think will curry favour with them. You get it by doing hard work, Senator Barnett, and dealing with the substance of the bills before us.

You talked about union bosses and I heard you name a lot of people. You named Greg Combet and a number of others. I did not hear you name the leader of the Australian Chamber of Commerce and Industry, Peter Hendy, who is a union boss. Didn’t he once work in Mr Reith’s office? Wasn’t he one of the people who assisted Mr Reith on the waterfront—one of those who got up to the dirty tricks campaign on the waterfront to knock off the maritime workers union? Wasn’t he one of the leading protagonists in Mr Reith’s office? I did not hear you mention him. I did not hear you mention Mark Paterson, who is an ex-union boss and who now sits in the Department of Industry, Tourism and Resources as the secretary of that department. I did not hear you mention him in your discussion about union bosses. Is it only those union bosses who work for trade unions who are bad; not the ones who work for employer organisations, who, in your view of the world, are all good?

At the hearing of the Senate committee we heard evidence from ACCI. It was remarkable, because Mr Barklamb, acting on behalf of ACCI, said that he did not believe this legislation was necessary—that in fact it was being driven by a publicity campaign, a scare campaign, by the ACTU; that none of the issues that were being raised were actually happening out in the workplace; and that it was all of a state of mind that was being created by this campaign by the ACTU.

I pick up the government majority senators’ report on the hearings and their conclusions. The first paragraph of the conclusions reads:

The committee majority considers a flexibility in workplace agreements is crucial for improving productivity, employment and suitability of workplace conditions.

I understand what productivity is and I understand what you need to do to improve productivity, but individual or collective workplace agreements by themselves will
not increase productivity. I understand what employment is, and you can argue that both ways. I am struggling to understand what ‘suitability of workplace conditions’ means in the context of this paragraph. Then it goes on to say:

This also allows employees to negotiate conditions that are more appropriate to their circumstances.

In the hearing I asked Steven Smith from the Australian Industry Group if he could tell me how long it took to negotiate an AWA in a factory of boilermakers or a factory of metal workers. He could not tell me; he had no idea. I asked him if it was common for agreements in a factory of that character to be the same in that they contain the same conditions. He essentially admitted it was. He said that where there are negotiations, where there are more negotiations, is within senior management ranks—managerial staff and technical staff. Gee, that was enlightenment! I have only been in the game 42 years and I always understood that was the case: that management and technical staff were in a position to be able to negotiate their own agreements, but for the vast majority of people on the workshop floor it was a collective agreement. The conditions are similar because you could not work a factory on any other basis, otherwise it would be absolute mayhem. They still persist with this argument that employers like Ford at Broadmeadows, General Motors Holden and Bluescope Steel are all sitting down individually with their employees across the table saying, ‘Joe, what would you like this year in your agreement? Are there any family-friendly clauses we can put in? You have got three kids: would you like to knock off at 2 o’clock in the afternoon and start at 9.30 in the morning and come back, say, at 7 o’clock, when you put the kids to bed, and do an extra couple of hours to make up your wages?’ What utter garbage. No-one who has any cursory understanding of how industry operates would contemplate for one minute that that sort of system would work. It is absolute nonsense. The majority report went on to say:

Some apprehension has been expressed in the community that agreements could possibly be negotiated that remove entitlements without adequate compensation.

They came close to actually saying, ‘Yes, there are circumstances where workers out there can get ripped off’. Well, gee, that is enlightening! But it goes on to say that this has been driven largely by a campaign more remarkable for rhetorical excess rather than for evidence based comments. ACCI’s contribution to the inquiry was summed up in the first paragraph of the majority senators’ report.

They went on to talk about the dirty tricks campaign of the ACTU. Again, I have been involved with the union for 42 years and have been an official for 27 of those, and let me tell you, there would not have been 12 months go by that we did not put out material to our members advising them what was happening in the economy, on wages, on working conditions, what changes there were and giving them ideas on how they can promote the agenda out in the workplace. The Australian Metal Workers Union have published a number of books on the economy: Australia ripped off was one and Australia betrayed was another. A number of these were written when Malcolm Fraser was Prime Minister. Mr Howard was Treasurer for about seven years. He was the Treasurer who left us with double digit inflation in 1983, double digit employment and double digit interest rates. Check it out, Senator Barnett; make a note of it. I can guarantee you they were all in the double digits in 1983 when Bob Hawke walked into the Lodge.
When you look at the inflation and unemployment rates of 1983 and compare them to the size of the workforce that existed at that time, it was substantially more significant. You can put on that term whatever you like, but it is an important part of these Work Choices amendments so I presume you know what ‘significant’ means. It was more significant than what the inflation and unemployment rates were in 1996 when you came into office—much more significant. But I did not hear you talk about any of that. The reality is that in this country we have an industrial relations system that is deliberately constructed to be unfair, otherwise what was the basis of adopting it in 2005 anyway? It was deliberately put in place to ensure that the pendulum swung fairly and squarely in favour of employers and against employees, and it was constructed in such a way that third parties, that is, unions, would be cut out of the employment relationship to maximise the ability for employers to exercise the flexibility they wanted in the workplace. That is exactly what has happened. When you look at Tristar and other prominent cases which have been reported publicly, what has been happening in those factories is as a direct result of the imbalance this government put into the employment relationship as a result of Work Choices.

Now, ho, ho, ho—it’s starting to bite! Workers are coming back to bite you, because they are the ones who have suffered the consequences of it. The government knows that. The government does polling, the same as Newspoll does polling, the same as the ALP does polling—and everyone knows that industrial relations has been a front-and-centre political issue since its introduction in 2005, the only difference being that, the longer it has been in place, the more workers are exposed to it, the more they understand the nature of the legislation and the more they are determined to get rid of it. I think Mr Howard is going to find that out come October/November, whenever the election is held. Sure, it is true to acknowledge that what you are doing with respect to this legislation is incrementally better than what is currently there—but, as I said, albeit that it is being built on a very low base.

I want to quickly dispel this myth on wages that you keep raising. You keep raising ABS statistics. I quickly want to mention that the ABS, in some of its studies on relative wage levels, has found that the average weekly total cash earnings for full-time, non-managerial adult employees who had their pay set by award conditions only was $767.30. Mind you, it should be acknowledged that, for the vast majority of people on awards, wages are built upon by common-law contracts—that is, over-award payments and workplace agreements—so one should not assume that they constitute a majority of the workforce. But what the ABS went on to say is that this compares with average weekly total cash earnings of $1,103 for full-time, non-managerial adult employees who had their pay set by a collective agreement and $1,061 for full-time, non-managerial adult employees who had their pay set by individual arrangement. That is not just AWAs, that is a total of common law and AWAs, so again you have to disaggregate the figures in order to get what the AWA element was. But the ABS, in the statistics we have been using, clearly is saying that persons on collective agreements are better off than those on individual contracts. That is from the ABS report 6306.0 entitled ‘Employee earnings and hours’. You can find that at page 8, Ms James, if you are determined to go and have a look for it. That shows unambiguously that workers on collective agreements take home more money at the end of the week than do those on individual contracts.
There should be nothing remarkable about that, in terms of this debate, because we know from the data that the Employment Advocate, as he was then, when Work Choices first came into being, collected and actually analysed the first month and a half of data. He stopped analysing it after he saw the results, not because it was too difficult but because the results were too painful for those on the other side to have to deal with. We know that 45 per cent of all AWAs stripped away all protected award conditions. We know that this provision that you have put in place will not mean one iota of change for those 45 per cent of AWAs that have already stripped away the protected award conditions. We know that this provision that you have put in place will not mean one iota of change for those 45 per cent of AWAs that have already stripped away the protected award conditions, because you are not going to go back and apply the fairness test retrospectively. You are not going to say, ‘That wasn’t a very fair arrangement; we think you ought to make those past agreements that have been registered meet the current test.’ You know you are not going to do that, so those agreements will run for two, three, four, five years with those conditions unprotected and those workers having already had those conditions cut out of their overall terms and conditions of employment.

I have grave doubts that 500 people, half of whom have been recruited from labour hire firms, who are now doing the assessment of the new agreements—who, as I understand it, have had two weeks training at the maximum—are going to be able to apply the rigour of scrutiny necessary in those new agreements to ensure that the Employment Advocate, workplace director, or whatever his new title is, will be able to stand up, put his hand on his chest and swear at estimates that every one of those new agreements in fact has met the fairness test. (Time expired)

Senator HURLEY (South Australia) (7.58 pm)—We in the Labor Party were told by the government that the old industrial relations system was too complex; various ministers waved thick award documents at us and railed about the difficulty of following the system. Never mind that many workplaces had moved to enterprise bargaining, and the system had become generally much more streamlined, the facts never got in the way of citing a good exception. The resulting Work Choices legislation is barely in place before we stand here looking at an amendment. A rushed change has been implemented, because of widespread rejection of the new industrial relations regime, and adds uncertainty and complexity to the legislation. Look at some of the superficial changes: the Office of the Employment Advocate becomes the Workplace Authority; the Office of Workplace Services becomes the Workplace Ombudsman; the term ‘Work Choices’ gets ditched as a term, and then maybe reinstated. This is before most employees or employers grasped what was going on with the original legislation. Despite the government’s massive spending on taxpayer funded advertising, most people did not understand even the broad parameters of the new system. Despite the government’s heavy-handed attempts to push workers into AWAs, including mandating them for some recipients of federal government funding, most employers and employees have avoided AWAs.

Some of the other changes that will cause confusion and possible legal challenges are that fair compensation appears to be based on a subjective assessment by the Workplace Authority, exceptional circumstances is not defined and the calculation of non-monetary compensation for significant value to an employee is not defined. The Workplace Authority is given wide-ranging, unspecified authority in these amendments. There is no requirement for the director to provide reasons for their decisions, assessments or interpretations. These changes could well result in an intrusive, authoritarian body being
able to delve into a company’s business and into the lives of employees.

The government harangued us about the time and cost of the award and enterprise bargaining system. Imagine how much time it might take to deal with, and the cost of, the new circumstances. Employees will have to cope with not only dealing with negotiation with their employer but also dealing with the unwieldy bureaucracy created by this new legislation. They will have to put together a case—small business in particular. Imagine having to put together a case for exceptional circumstances. Imagine having to prove whether or not something is contrary to the public interest. I suggest that that would take up a good deal of any business’s time.

In addition, the government will need another $370 million over four years for the implementation of these changes. So now we find the government not only moving to a more complex formula for workplace relations but having to spend considerable extra funds to pay for it. Why are the government doing this after they spent years arguing that Work Choices was such a good system? It is because the polls were starting to look really bad for the government. This is not about job conditions for ordinary Australian workers; this is about job conditions for government members. They want to be able to stay in power. They want to be able to continue to have their additional salary and perks of office. So when the ACTU mounts a campaign to protect the rights of workers, and the right of unions to represent workers, the government responds by attacking the ACTU and unions. The government feels entitled to spend many millions of dollars on taxpayer funded advertising but reacts with high alarm when anyone dares to mount a response. It tries to bully business groups into spending even more money to counteract the ACTU. It mounts an attack on the ACTU campaign, using a number of the usual members and ministers who are prepared to hector, distort and exaggerate.

Minister Abetz attempted to play his little part in the beat-up about the ACTU campaign manual by smearing me, my husband and my husband’s small business, Magenta Linas Software. He looked up the register of Senate interests and found that I had quite properly noted my interest in Magenta Superannuation Trust as a director, so he came into this chamber and made all sorts of snide insinuations and claimed that I must be linked with Magenta Linas Software, who he stated were involved in what he called ‘dirty tricks’. The truth of the matter is that my husband, like many small business people, has a private superannuation fund because there is no-one else to pay him superannuation. Unlike the minister, he does not have a generous superannuation scheme, so he started a superannuation fund and he called it Magenta Superannuation Trust as a director, so he came into this chamber and made all sorts of snide insinuations and claimed that I must be linked with Magenta Linas Software, who he stated were involved in what he called ‘dirty tricks’. The truth of the matter is that my husband, like many small business people, has a private superannuation fund because there is no-one else to pay him superannuation. Unlike the minister, he does not have a generous superannuation scheme, so he started a superannuation fund and he called it Magenta Superannuation. You would think, if someone were familiar with business practices, that it would be clear that something called Magenta Superannuation was a super fund. But, no, in his haste to spread dirt, the minister tripped over himself and made a stupid mistake. Magenta Linas Software is indeed connected with my husband, who is one-half of a partnership in that business, but I am not connected with it, or I would have declared it in my Senate interests. I have nothing to do with its operations. Incidentally, neither of the partners in that business has ever been employed by the ALP, as the minister also claimed.

This is the kind of small-minded, petty individual who is part of the team that drew up this Work Choices legislation and amend-
ment—and it shows. These government ministers and members believe that business is entitled to be advised by lawyers, human resources professionals or business groups like business chambers or chambers of commerce but that employees should do it on their own, that unions should be shut out of representing their members and that employees should be discouraged from joining unions. Then they are surprised when unions campaign on behalf of their members to throw out this flawed Work Choices legislation and the government that created it.

The government’s other response is to bleat about the number of Labor members in parliament or candidates for parliament who, at one stage in their lives, worked for a union. I have never worked for a union but I know I would rather be a union employee working for improved benefits and conditions for working people than a government member collaborating to try to push down the wages and conditions of ordinary workers and their families. Union employees are out in workplaces talking to everyday workers. They know the conditions in the workplace and they know the stresses that workers and their families cope with from day to day.

The latest example that came to my office was that of a printing shop employee who wanted to start and finish work 15 minutes earlier to assist in his family life. The employer said no. The employer said no to a quarter of an hour variation in work hours. So the employee said that, in that case, he would finish up his job. The next time any government member thinks about standing up and talking about how under Work Choices an employer and employee will sit down together to draw up an AWA that incorporates family-friendly conditions, they should give that example a little thought. This employer would not budge for a 15-minute variation. And it gets worse. Having accepted this employee’s resignation, the employer then went back to the conditions of employment and enforced a period of notice. He went back to the letter of the law of the contract to exact the last drop of this employee’s blood. So this man, who dared to ask for a variation of hours by 15 minutes, was not paid for his last week at work. This man has gone to everyone he can think of, including the Office of the Employment Advocate, and has got no substantial assistance—and this amendment will not help. This is indeed an unusual example, one would hope, but the government uses extreme examples to demonise unions.

There are indeed employers who want the best for their employees as well as their companies. I have worked for some very good employers in my varied career. I encountered fair and just employers in my career as a scientist. When I went to work in business I encountered encouragement and fulfilment in a range of areas from the Crafts Council of Australia to the Australian Mineral Development Laboratories Pty Ltd. But I have also known of some very unjust practices: employers who exploited migrants, young adults just out of school and low-income workers desperate for a job.

One case that comes to mind is a market gardener who sought to stop his process workers going for a toilet break at any time during their long working hours. Another did not pay his workers the compulsory superannuation guarantee. A mobile food van owner made his employees count and reconcile money and drive back the van outside of paid working hours—and I can assure you the pay was pitiful. In each case one of my first questions was whether the person was a member of a union. The answer was almost always no, because if they had been a member of a union, they would have had a place to go—someone to defend them earlier.
The government knows that neither the Work Choices legislation nor this amendment bill will help the majority of such employees. Now that the Liberal government has a Senate majority and can implement its agenda, that agenda is even more apparent. It is right that executives get appropriately remunerated at high salaries; it is right that companies make record profits; but the government is content for there to be an underclass of employees.

I will also tell the government that the reason Work Choices is doing badly in the polls is that it is bad legislation for a bad reason. Most workers recognise this, whether or not they are members of a union or will ever be members of a union. The government has been driven by extreme ideology to make legislative changes that are unfair to ordinary workers. It has been able to do this because it has a majority in both houses of parliament. I think you can be sure that the people of Australia will ensure at the next election that such a situation will not occur again. The arrogance of a government that has been in too long has led it to make a major error.

Last minute amendments will not change the inherent unfairness of the Work Choices legislation. The Labor Party is committed to getting rid of these laws and is committed to providing a real safety net for workers. Fairness has long underpinned the industrial relations platform in this country—fairness for employees, fairness between employees, and consideration of families and family circumstances. This Liberal government first came into power promising to govern for all. It was rewarded by successive re-elections. It has now assumed such arrogance, such comfort in its power, that it is prepared to destroy a history of all workers in society being given a share in Australia’s wealth—a fair go for everyone.

Senator BARTLETT (Queensland) (8.10 pm)—I am keen to join my Democrat colleague, Senator Murray, in speaking on this legislation. This is a crucial area of Australian law—a pivotal one to the economy, of course, but also a pivotal one to Australian families, to our society and to the way our society operates. It is an area that has had a lot of public and media attention, but a lot of that attention has, in my view, really been about sloganeering and throwing ideological statements backwards and forwards rather than looking at the reality of what is happening and the practical and accurate detail of what is in the existing law, what is being put forward here and, indeed, what was in the system was prior to Work Choices being brought into place.

One of the amazing ironies I find in reading and listening to some of the commentary about the current Work Choices and workplace relations debate is that you would think that prior to Work Choices coming down the system we had was some sort of neolithic, union-friendly, Neanderthal, knuckle-dragging piece of 19th-century clunkery that the government has only just updated. Any suggestion of moving even partly back towards just to where we were in 2004 is usually screamed at as being a massive kowtowing to the union movement and a complete collapse back to the Dark Ages. As far as I know, no-one from the coalition during the 2004 election campaign, including the Prime Minister, went around complaining about how bad the workplace relations laws were. I am fairly sure, if I remember correctly, they actually used to talk about how positive they were—how they were a key contributor to Australia’s economic prosperity; how they were a good balance and a fair mechanism. They were all statements that, broadly speaking, I would agree with and indeed did agree with at that time.
Whilst always having variations and modifications one would like, it is a simple fact that the balance with regard to the workplace relations regime prior to the last election was reasonably acceptable. It could always do with refinement, it could always do with improvement, but it was broadly in the area of where you want it to be to balance all the competing interests that are there. Yet, somehow or other, now that we have Work Choices in place, any suggestion of going back to anything like that is portrayed as a massive retrograde step back to an ancient, distant past where all productivity would collapse. It shows how hysterical and detached from reality a lot of the public debate is about this issue. To me it shows the importance of having a measured, reasoned, balanced and common-sense approach to the whole workplace area.

Even just listening to the debate to date in this chamber we have had a lot of the accusations from the opposition about greedy businesses and dastardly employers and from the government side we have had all the standard arguments and lines about thuggish union bosses and exploitative unions and all those sorts of rhetoric that we are well and truly used to. As always, there are elements of truth in the picture that both sides attempt to paint, but, as is also always the case, a lot of that obscures the reality.

I guess you have to get used to rhetoric in this place. Back when the Democrats agreed to a modified version of an initial, tentative attempt to establish the Building and Construction Commission, I recall sitting in this place at about one or two in the morning towards the end of a session around June—probably a similar time period three years ago—and former senator Peter Cook, now sadly deceased, was holding forth at great length about how the Democrats were fascists for supporting evil legislation that was allowing this commission to be put in place. I might say that that commission was an extremely constrained, minor version of what the government put in place once they had the total power in the Senate, when they went the whole box and dice and took away all of the protections and removed the sunset clause and all of those things the Democrats had put in place. Now we hear that the ALP is happy to leave this new version of the Building and Construction Commission—which I presume, if the earlier version was evil and fascist, is five times more evil and more fascist—in place for a few years. Those are the sorts of absurdities you get in this sort of debate.

Throughout the period of the Howard government, the Democrats took the consistent position that we did not believe that the evidence was there that removing protections against unfair dismissal would create the wave of jobs that were promised. We did not believe the evidence had been presented so we took that consistent position in the face of a lot of attack, quite possibly losing some votes as a consequence. But now, suddenly, the ALP thinks it is acceptable to accept half of those things. The secret ballot provisions, which I thought then and think now are completely absurd, were resisted by this Senate repeatedly at the risk of putting a double-dissolution trigger in place. At the risk of threatening our own seats we consistently held firm on that and, suddenly, that is all okay for the ALP. Yet we all know what would have been said if the Democrats had agreed to any of those things at any time through that 10-year period. ‘Evil’ and ‘fascist’ probably would not have been the half of it; we would have copped twice more than that. That is the reality of this debate. To me, it reinforces that you have to block out all of the extremist rhetoric you get from both sides and simply look at the facts.

The same thing applies with the government benches and the ridiculous excessive
attacks we have had on the union movement as a whole. Of course, in the same way as there are unscrupulous employers, there is the occasional union official who over-reaches their power, but this absurd portrayal of unionists, trade union leaders and unions in general as some sort of jackbooted force crunching their way through Australia’s economy is beyond a caricature. It makes rational debate basically impossible. All we would need to do is to go back to the debate that happened in this place less than two years ago when the Work Choices legislation was first put in place. It was guillotined through this place after a disgracefully short Senate committee inquiry, followed by a tidal wave of amendments that nobody even had the chance to read before they were guillotined through this place. Anyone who simply sought to point out the flaws in the legislation got all the vitriolic rhetoric in the world from government ministers and the like, who would say how we were getting in the way of jobs, how we were beholden to the union movement and all the sorts of attacks that you could imagine. Yet here we are now—less than two years later—trying to address some of the very flaws that the Democrats and plenty of others were pointing out at that time.

So why is it that what we are doing now is an essential piece of fairness that will strengthen the safety net, yet amendments that sought to do very similar things less than two years ago were dismissed as ridiculous, excessive, bureaucratic, getting in the way of business, employment and growth and all of those sorts of things? It is about time we had some accuracy and honesty from all sides in this debate. It is about time that we got some of the absurd hysteria in the media commentary out of the way and just looked at the facts—at the reality of how the system works now, how it worked before and what will be put in place subsequently.

I suppose in one sense all you have to do is to look at the title of the legislation: ‘A Stronger Safety Net’. I suppose it is somewhat closer to reality than some of the other titles for legislation we have had in the past—for example, the notorious ‘More Jobs Better Pay’ bill, which may or may not have led to more jobs but it certainly would not have led to better pay for many people, in the same way that Work Choices has not. In the past, we have had some from other areas of law—for example, the migration procedural fairness bill, which actually removed procedural fairness. By those standards, just calling it ‘A Stronger Safety Net’ is half true, but it neglects to note that it is putting in place a safety net to make up for the damage done when this government tore away completely the safety net that existed prior to Work Choices.

That strong safety net, the no disadvantage test, linked to the existing award system and, whilst not completely perfect—it still needed some refinement and tinkering in terms of how it was administered and enforced—clearly operated in a way that ensured that people’s basic wages and entitlements were not driven downwards and that there was a safety net there that would protect lower income earners in particular from being exploited in situations where they had less bargaining power. So to completely destroy the safety net—to almost gleefully light the bonfire and circle around it, chanting and praising its destruction—and then to put a pale shadow of that safety net back in place and try to praise it as strengthening the safety net is fairly misleading, I might say. But, again, it shows how much all this debate is about spin and rhetoric rather than about the reality. It also highlights the importance of the role of the Senate. The reason why we had Work Choices in the first place, and the reason why we are here now with this piece of legislation, was not that Mr Howard won
government at the last election—he has won government a number of times since 1996. Whilst we saw versions of workplace relations laws that were in the ballpark of Work Choices, none of them was ever passed because of the role the Democrats in particular played in finding a more balanced approach.

But the fact is we had Work Choices, and we have this legislation now, not because Mr Howard won government at the last election but because Mr Howard won control of the Senate as well at the last election. That is the reality and that is why, frankly, it continues to bemuse and amaze as well as frustrate me that there is so little attention paid in public commentary to the Senate contest and to the potential consequences of various Senate outcomes. Obviously it is in my interest, as someone seeking re-election, to want to get a focus on the Senate contests around the country, but it is also a simple fact that the very reality of Work Choices is a consequence of decisions made when people cast their Senate votes last time, not how they voted in the House of Representatives.

The same issues, clearly, will rise again at the upcoming elections. Work Choices and workplace relations will be a major election issue—it already is and will continue to be—and it has to be said that the choice people make when they vote for the Senate in the various states and territories will play a significant role in the future development of workplace relations laws whoever wins government. We already have what I think is quite a justifiable concern. However strong or otherwise this modified pale shadowy version of a safety net that is being put back in place is, there is a very understandable suspicion that, once the election is out of the way, if Mr Howard and the coalition win again this safety net will be out of the way and gone as well and we will be back to something akin to the original Work Choices, perhaps even with some of the extra things that needed to be done according to Senator Minchin. We all recall the speech that he gave when he suggested that further change, further movement, further reduction of whatever safety net or protections there were in place, still needed to occur. People have an understandable and justifiable right to be quite concerned about what might be done were the coalition to win government and retain control of the Senate. That, again, is the key issue: what sort of Senate will there be to oversee workplace relations laws and, of course, many other laws as well?

The legislation before us does put in place, or return, some protections to people and, inasmuch as it does that, it is of course welcome. Nonetheless, it does highlight just how much of an extra pile of red tape we have had put in place, and we are now having more put in place by the government. One of the great myths about Work Choices was that it removed red tape and regulation and freed up and opened up the whole system. It certainly removed a lot of things. It removed protections—there is no doubt about that—and it removed a range of other things in terms of some of the aspects of what employers needed to do. But it also put in place a huge regulatory regime to try to contain and constrain trade unions in particular and to constrain and prevent employers and employees from being able to reach agreement about particular things. Imagine putting forward legislation saying, ‘We are removing constraints about how people reach agreements in the workplace,’ and then putting in place in law all these things that you are not allowed to put into your agreement. What we have are a lot of ideologically driven barriers and walls and pieces of red tape—social engineering—from government contained within Work Choices. We actually get the double whammy of removal of protection but on top of that a pile of extra red tape. It is quite extraordinary and it is proba-
bly partly why we have had a reduction in productivity since Work Choices came into being.

These extra changes put in place in this legislation will reintroduce some protections but they will also most probably further increase regulatory controls and oversights. They will also increase the amount of resources that need to be put in place by government to monitor and oversee the system—that is assuming there is a genuine desire to ensure that such protections as are put back in place by this legislation are properly enforced. That is a very big question mark, and one that does need to be followed through. By putting in place this threadbare safety net you are putting in place much stronger requirements to oversee and monitor in order to enforce the protections, insufficient as they are, particularly because they have been uncoupled from the broader global no disadvantage test and the global floor of basic award protections. In many ways, then, you have a much more complicated job if you are trying to ensure and to monitor that these protections are properly enforced. In some ways we are actually getting the worst of both worlds with the approach that the government is taking, with a back-track here that should reintroduce some protections but at the cost of even further complications and even further red tape.

The point I want to emphasise in closing is the importance of getting a balanced, common-sense approach when it comes to workplace relations. If there is one area that the Democrats have been completely consistent in over more than two decades now, with both coalition and Labor governments, it is that we have sought to find the middle path between attempts to completely enforce the union line and attempts to completely enforce the line of at least some in the business sector. Whilst there is always room for nipping along the way, I believe that the Democrats have done an extremely successful job in finding that middle path, in balancing the competing interests and competing rights, the need for protections and for recognition of family life, of the work and family balance and the social contract, and of enhancing productivity. I think we can justly claim to have played a significant role in contributing to the economic prosperity that Australia has enjoyed for some period of time, opening up enough flexibility in the workplace to enable greater productivity and, indeed, enabling people to have greater flexibility in their own working environment, which I think is an important part of the modern workplace, but not at the expense of destroying the social contract or of removing protections.

This has to be an ongoing debate based on those principles. It is about time we had the debate based on principles and practical outcomes rather than grotesquely overstated rhetorical flourishes. I hope we can do that between now and the federal election, although I suspect it is probably a naive hope. To some extent a lot will depend upon how the media engages with it. If they focus on some facts and substance rather than just going for the most colourful, extreme beat-ups we might get somewhere. Let us see.

Senator BIRMINGHAM (South Australia) (8.30 pm)—It is a pleasure to speak tonight in favour of the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007. This legislation is an important step in the evolution of the workplace laws and reforms that the Howard government has introduced since 1996. I note Senator Bartlett’s comments about the need for balance and common-sense in workplace laws. I believe that this government has sought to achieve that balance and common-sense. I note that the Australian Democrats, especially 10 years ago, played a key role in helping to achieve some of the first waves of reforms. I
hope that in future years they will recognise the benefits of the waves of reforms that have been introduced in the time since.

This is an important step in our evolution because it is about providing flexibility that cuts both ways. This legislation will ensure that we provide fair compensation in lieu of protected award conditions. It was never the intention of the workplace relations laws that were passed in 2005 that such fair compensation not be provided. This legislation will guarantee it; it will ensure it and lock it away. It will ensure that the lies and smears about the industrial relations laws that we have heard flung around this place and in the media will not continue.

We have now 10.4 million Australians in work, 7.4 million of them in full-time work. This is a record number of people enjoying jobs and work and a record number of families enjoying greater opportunity in Australia today. It has happened following the successive waves of workplace relations laws and reforms that the Howard government has introduced. In my first speech in this place last week I said that I would return to debate the question of which party would be the best friend of Australian workers. Tonight I argue that the coalition parties and the Howard government are indeed the best friends of Australian workers. We are the best friends of Australian workers and Australian families.

We have kept unemployment down to 4.2 per cent. When I was at university not all that long ago—a good few years, but not all that long ago—economics lecturers told me that full employment was somewhere down around maybe six or seven per cent. If you had a really generous lecturer they may have even talked about five per cent. None talked about it dropping below five per cent, yet today we enjoy an unemployment rate of 4.2 per cent. It is a fantastic achievement. The best thing the government can do as a friend of Australian workers and families is to achieve unemployment at such a low level. Long-term unemployment is down by 23 per cent over the life of this government to the lowest ever rate since such records were kept. Once again, it is an outstanding achievement that demonstrates benefits to Australian workers and families. Since 1996, in driving this jobs growth, more than two million jobs have been created. Overwhelmingly, most of them have been full time.

There have been numerous waves of these reforms starting in 1996 when, as I acknowledged, the Australian Democrats helped the government. I hope that they will continue that constructive approach through the life of the government. Then there were the waterfront reforms in 1998 that did so much to drive productivity growth. Then there were the 2005 reforms, which have played an important role in driving productivity growth for Australia. Productivity growth is linked to wages because productivity gains ensure that Australians can enjoy growth in wages. That is how we get productivity growth—linking it to wages to ensure that we do not have inflation running out of control in this country. By keeping inflation under control, we have kept interest rates low and we have ensured that out-of-pocket expenses for Australian families have been kept low. We have done this by being the best friend of Australian workers and Australian families.

We have kept unemployment down to 4.2 per cent. When I was at university not all that long ago—a good few years, but not all that long ago—economics lecturers told me that full employment was somewhere down around maybe six or seven per cent. If you had a really generous lecturer they may have even talked about five per cent. None talked about it dropping below five per cent, yet today we enjoy an unemployment rate of 4.2 per cent. It is a fantastic achievement. The best thing the government can do as a friend of Australian workers and families is to achieve unemployment at such a low level. Long-term unemployment is down by 23 per cent over the life of this government to the lowest ever rate since such records were kept. Once again, it is an outstanding achievement that demonstrates benefits to Australian workers and families. Since 1996, in driving this jobs growth, more than two million jobs have been created. Overwhelmingly, most of them have been full time.
Since the 2005 reforms, 326,000 or more extra jobs have been created and 85 to 90 per cent of them—277,000 plus—have been full-time jobs.

It is not just more jobs, though. We often hear that the Howard government’s IR reforms have allegedly driven down wages. In contrast, real wages have gone up. Jobs have gone up and wages have gone up. Real wages have grown by 20.8 per cent since 1996. That is more money in the pockets of Australian workers and families. Contrast that with the life of the Hawke-Keating government, when real wages growth was a measly 1.8 per cent. So we have got more people in work earning more than ever before, and they are actually getting to work. Industrial disputes are at the lowest level since 1913. The Howard government’s reforms to workplace relations have put more people in work and more money in their pockets and have ensured that business does not suffer the disputes of the past.

This is a government that approaches workplace relations issues from the perspective of working in the best interests of workers and businesses alike by putting jobs on the table for more Australians and by ensuring that businesses can benefit from greater productivity. We have had it suggested tonight that the IR reforms have increased red tape for business. I ask: if that is the case, why do Australian businesses want these reforms? Why do they want them kept and are scared of a change of government? They are scared of a change of government because they know they will be burdened again by having unions bashing down their doors and by not being able to enjoy the type of flexibility and the type of conditions that have allowed them to prosper. Indeed, they will have far more red tape back on the table than would be the case under this government.

The bill before us tonight is about making a good system that has evolved over the life of this government even better. As I said at the outset, it was never the intention of the government for core conditions to be traded away under these laws. Initially, we introduced the Australian Fair Pay and Conditions Standard, the first step taken by a government to legislate a range of minimum conditions for Australian workers—to legislate the 38-hour week, to legislate parental leave, to legislate sick leave and carer leave, to legislate four weeks annual leave and to legislate for minimum or award rates of pay to be paid to workers. At that time we ensured that there would be a fair system for Australian workers. Since then, however, we have seen scare tactics from the other side and scare tactics from the union mates of those on the other side, and it has become necessary to ensure—so nobody can be under any doubt—that the system was not about seeing core award conditions traded away, so we introduced the new fairness test that will extend to some 7.5 million Australians. This is a fairness test that covers all those who could possibly need to be covered and ensures their wellbeing under these workplace relations laws.

So what are the protected award conditions under the fairness test that are added to those already protected conditions under the Australian Fair Pay and Conditions Standard? They are penalty rates, shift and overtime loadings, monetary allowances, annual leave loadings, public holidays, rest breaks and incentive based payments. These are the things that workers can choose to trade off in the flexibility of the workplace relations system we have developed, but only if they are receiving fair monetary returns that they believe are worthwhile to them. It is about the relationship between employer and employee and about giving them flexibility of choice.
On the other side of the chamber we have a party whose approach to workplace relations does not have that commitment to fairness. It does not have that commitment to doing what is in the best interests of Australian workers, of Australian businesses and of Australia’s economy as a whole. Instead, we have a party that is beholden to the interests of the trade union movement. We already have amongst us many union officials who have graduated to work in the parliament for the Australian Labor Party in this chamber and in the other place. We have former ACTU secretaries and presidents galore; we have quite a good range of trade unionists working here. But at the next election we are going to see the biggest influx of union heavyweights into Labor ranks in a long time. There may always be a large number of union officials coming on board, but this will be the biggest influx of union heavyweights.

We have Greg Combet, the ACTU Secretary, who has nudged out a Labor lower house member for preselection in her seat. She was nudged out very unceremoniously, might I say. We have Bill Shorten, the National Secretary of the AWU—the great media darling that he is—who is running in Victoria. We have Dougie Cameron of the AMWU seeking to join us in this place, and we have Richard Marles, another ACTU official, running in Victoria. Our good friends from the ETU have also got one on board. We hope that Kevin Harkins has better language and will not be as unparliamentary as some of his colleagues at the ETU. Then, in my home state, we have Mark Butler, State Secretary of the Liquor, Hospitality and Miscellaneous Union, running in Port Adelaide. He is to be joined by Don Farrell of the shopies union, who has managed to nudge out not just one colleague but two colleagues from the other side of this chamber—one is totally off the ticket—to take the No. 1 spot on the Labor ticket in South Australia. When you have the numbers in the Labor Party, you can trample all over anybody else, and that is certainly what Mr Farrell has done.

Why is it important? Why does it matter that all these union officials might be lining up on the other side of the fence? It is important because you have to question just who the boss is and who Australian voters should be listening to as we approach this Australian election. We have the official Labor Party policy, not always clearly enunciated and not always clearly spelt out. Nonetheless we have the Leader of the Opposition, Mr Rudd, and the Deputy Leader of the Opposition, Ms Gillard, of the other place out there promoting Labor policy, sometimes in agreement. They initially say they are going to ban AWAs, but then they say they will not ban them—they will ban them but they are going to throw a bone to the mining industry, particularly the mining industry in WA, and work out some type of phase-out arrangement. They say they will ban unfair dismissals—but not quite. They are going to throw a bone to small business and try to keep them there for some small businesses—but not many. Most of them who now enjoy the flexibility in the workplace that the abolition of unfair dismissal laws has brought them will have unfair dismissal laws imposed again. But the opposition are trying to pretend that there might be something for some of them.

When the Senate Standing Committee on Employment, Workplace Relations and Education heard from Mr Joe de Bruyn of the shopies union, I asked him what their opinion was on unfair dismissal laws. He said that they should apply to every Australian workplace. When I asked him what his opinion was on AWAs, he said that they should be abolished lock, stock and barrel, along with all individual contracts. And when I asked him what Mr Don Farrell, his state secretary in South Australia, should do as
Labor’s new Senate candidate, he said that he should adhere to SDA policy and reintroduce unfair dismissal laws across the board and abolish all individual agreements.

Ms Sharan Burrow from the ACTU came before us and was asked the same series of questions. Would she wipe out all individual agreements? Would she reintroduce unfair dismissal laws to all Australian workplaces? She said yes. When asked what she would expect of Mr Combet, her ACTU secretary, or the countless other affiliates to the ACTU who seek to join the Labor Party in forming a government, she said that she would expect them to uphold the union’s policy. So indeed we have a Labor Party that is expecting people on board who are about reintroducing the ultimate regulatory framework back into the Australian workplace relations system.

The Labor Party is from a union base with a depleting membership and a decreasing relevance to Australian society but, nonetheless, it is hoping to reintroduce the relevance of the unions. The Labor Party and the union movement are playing dirty tricks on workplace relations. They are running a scare campaign, spending millions and millions of dollars over the last couple of years to scare Australians over workplace relations. They have a war chest of tens of millions of dollars to outspend the coalition parties in the lead-up to the federal election. It is a Labor Party that wants to criticise government advertising that is informative but whose state parties go out and run full-page commercials featuring pictures of the Labor premiers. In fact, in my home state of South Australia it runs television advertisements where Labor Premier Mike Rann narrates the commercial. That blatant political advertising is something that should be stamped out; not the information campaigns carried out by this side of the House that do not feature such blatant political advertising. But, no, they have spent all this money trying to scare Australians.

Along the way they are happy to smear the odd business. We all know that Mr Rudd got upset at accusations levelled at a business in Queensland. We heard Senator Hurley tonight getting upset at any accusations or smearing against her family’s business interests. But they are quite happy to smear other small businesses around Australia whom they allege may have crossed the line in workplace relations laws without giving those small businesses the opportunity of recourse or the opportunity of not having their name dragged through the public mud before they have even heard the allegations.

Then of course we have the ACTU dirty tricks manual—the six-steps manual. Nowadays, we all like steps and they are going to the six-steps manual. It is what is unsaid in the six-steps manual that is important—the things that you are not meant to mention. Oddly enough, you are not meant to mention any of the things contained in the Australian Fair Pay and Conditions Standard. No, those things that are guaranteed by law you are not meant to mention—minimum wage, parental leave, 38-hour week et cetera.

This government is sincere about its attempts to grow jobs and to implement workplace relations laws that are in the best interests of Australians. We are committing funds as a result of this bill to ensure compliance with and enforcement of the new fairness test that is being applied. We have listened to some of the technical amendments proposed by the ACTU and others during the Senate committee inquiry and we are putting those forward to ensure that the bill does what we said it would do in the first place. We are doing this in the best interests of Australia. We face an opposition that do not necessarily know what they are or what they stand for—whether they are economic conservatives or
Christian socialists. They are not quite sure. We know we are building fairness and flexibility for Australian employers and employees alike. We know that we are growing jobs in the Australian workplace and we know that we are growing real wages. I commend the bill to the House.

Senator CAROL BROWN (Tasmania) (8.48 pm)—I listened very closely to Senator Birmingham’s speech and I also listened very closely to his first speech and I must say this is a pale imitation of his first speech. Senator Birmingham talked about which party is best suited to government and I have to say that I am on the side of his Labor relative. We will have that discussion later. Senator Birmingham also mentioned that the ALP is about reintroducing a regulatory framework. The ALP is about restoring fairness and balance into the workplace.

The Workplace Relations Amendment (A Stronger Safety Net) Bill 2007 is the bill tasked with introducing the government’s so-called fairness test. It seems ironic that, a little over a year since the Howard government introduced— and you must forgive me my use of apparently redundant terminology— Work Choices, the industrial relations package which stripped any concept of fairness from the Australian workplace, we should be debating a bill being marketed by the same government as one aimed at restoring fairness to the workplace. It begs the question: what has changed so dramatically in the past 12 months? Has the Howard government seen the error of its ways? Has it begun to realise that the Work Choices legislation in fact tipped the balance too far against Australian workers and their families by removing basic conditions like overtime and penalty rates, leave loadings, rostering protections and redundancy pay for many? Has it in fact begun to listen to the Australian public—the thousands of workers that have suffered as a direct result of the introduction of Work Choices?

I am afraid that in an election year the motivation for the government’s sudden change of heart is far more self-serving. This bill quite simply is aimed at wooing back the critical votes of Australian workers rather than restoring fairness to their workplaces. It is simply about creating an illusion of fairness rather than taking genuine steps to re-instate fairness and balance into the Australian industrial relations landscape. The fact that the Howard government has been so desperate to repackage and rebrand its tarnished Work Choices package is testament to this, as is the fact that the Howard government has recently spent a staggering $4.1 million of taxpayers’ money in one week on advertising aimed at convincing the Australian public that it has changed its ways. It is a desperate bid to claw back some industrial relations credibility.

The government’s blatant disregard for the committee process during the Senate inquiry into this bill is evidence of this. As the opposition senators’ report notes, the government announced the reference of the bill 18 days prior to its actual introduction, giving submitters only seven days to provide submissions and the committee only 10 days in which to consider such submissions, conduct a public hearing and produce a report. This level of arrogance does not reflect a government that is genuinely committed to getting it right and listening to the views of the Australian people; it reflects a government that has become complacent and out of touch with the people it is supposed to represent and a government that is willing to use its control in this Senate to railroad legislation through to suit its own political agenda.

The simple fact of the matter is: this bill, along with the rebranding of the government’s failed Work Choices package and the
government’s latest stint of industrial relations advertising, is all about appearances. The government wants the Australian public to believe that its approach to industrial relations in this country has changed. While appearances can sometimes be deceiving, I am quite sure that the Australian public is well aware that in the case of the Howard government a leopard can never, and will never, change its spots.

We were all witness to the Howard government’s tricky pre-election tactics in the lead-up to the last federal election. Back then they were happy to keep the Australian public in the dark about their planned Work Choices legislation until they regained power. The first the Australian public heard of Work Choices was after the votes had been cast. Why should this election be any different? While in the lead-up to this election the Howard government are more than happy to create a temporary illusion of the inclusion of fairness in their industrial relations plans, you can be quite sure that, if they happen to win government again, this front, this illusion, will swiftly disappear, as will any concept of fairness in the Australian workplace. Do not be fooled by the spin. If the government are re-elected at this year’s election, make no mistake, it is likely that they will make even harsher changes to the industrial relations laws and the rights of working Australians in this country.

The government’s track record since the last election proves that it simply cannot be trusted to keep its promises when it comes to industrial relations in this country. It told us all during the introduction to its failed and recently rebranded Work Choices changes last year that they were necessary to boost productivity and to support economic growth in Australia. It claimed that they would benefit Australian workers and their families, giving them greater flexibility, more room to bargain with their employers and, most importantly, a greater degree of choice. A year on, it appears that little of this was true. A year on, it is yet to produce a single scrap of evidence to suggest that Work Choices was necessary to boost productivity. In fact, figures show that Australian productivity actually went backwards in the six months following the commencement of Work Choices and is presently at just 1.5 per cent, compared to a historical average of 2.3 per cent. A year on, the government is also yet to produce any hard, credible evidence to suggest that the Work Choices changes have, as the government claims, greatly benefited Australian workers and their families by providing them with a greater degree of opportunity and choice in the workplace. Indeed, a year on, sadly, the exact opposite is true.

Australian workers have suffered since the introduction of Work Choices. They have been stripped of their basic rights and conditions and, along with them, any degree of leverage to bargain or to exercise choice when it comes to negotiating with their employers. We only have to look at the myriad examples that have received media attention in the short time that Work Choices has been in place. The case of Darrell Lea workers is a good example. They were stripped of basic conditions like penalty rates for not even a 1c per hour increase. Cases like this serve as an illustration of just how far the Work Choices laws have tilted the balance against Australian workers. There have no doubt been numerous other unreported cases across the country of Australian workers being sacked without recourse or being forced to give up their basic award conditions with no power to bargain for compensation and no chance at exercising any choice in the matter. A year on and Work Choices has ensured this type of situation has, sadly, become the norm.

Workers in regional areas like Tasmania who are members of smaller communities—
where unemployment rates are generally higher—that have suffered under Work Choices have generally been too scared to speak out about their experiences. The nature of these smaller communities ensures that workers do not want to risk victimisation in their workplace for speaking out against their employers. Likewise, if they are unfortunate enough to suffer the loss of their job because of a strategic company restructure, workers in regional areas are unlikely to speak out because of fear of being labelled a troublemaker and the risk of not being able to find another employer willing to take them on. This is just the way it is under Work Choices.

The government is continuing to deceive the Australian people about the real impact of Work Choices on workers and their families. A review conducted for the Victorian government on the impact of Work Choices highlighted in the inquiry into the bill the real impact the changes are having on workers and their families. The review ‘found that the wages share of national income was at a 35-year low, while the profit share was at an all-time high’. It ‘indicated that this was an extremely unusual occurrence in an economy experiencing low unemployment and labour market shortages’. It ‘also found that protected award conditions were being abolished and that the lowest paid employees were the most disadvantaged’. It found that workers in low-paying industries such as hospitality and retail have suffered wages declines, probably because of the withdrawal of overtime and penalty rates, and that women in particular have suffered under AWAs. The review found:

... WorkChoices, AWAs and, it appears, other non-union agreements have led to the loss of conditions of employment, particularly in areas like penalty rates, overtime rates and shift allowances. This has led to lower rates of pay than workers would otherwise have enjoyed, particularly by comparison with if they were employed under collective agreements.

It concluded:

Vulnerable groups, including women and workers in low wage industries, appear to have been particularly disadvantaged.

Only a year on and this is what Australian workers and their families have been forced to endure under the Howard government’s workplace relations changes. On Friday, 4 May, after a multitude of such evidence indicating that under Work Choices Australian workers are being stripped of their basic award conditions, the Prime Minister announced that the government would be introducing a so-called fairness test to apply to workplace agreements of all employees earning up to $75,000 per annum. The basic premise of this so-called fairness test, as I understand it, is that workers who are forced to give up any of their basic award conditions under the workplace agreement should receive fair compensation in return for that loss. To ensure that this compensation is in fact provided, each new workplace agreement for employees earning $75,000 or less will, as a consequence of this bill being passed, have to be lodged with the Office of the Employment Advocate—rebranded the Workplace Authority—and satisfy a so-called fairness test.

Based on its simplistic explanation the proposal sounds reasonable. However, one does not have to dig very far beneath the surface to discover that this bill is, once again, all about form and not substance. It is all about facilitating the illusion of fairness. There is nothing contained in this bill that will remove the imbalance caused by the Howard government’s industrial relations reforms and restore fairness in the Australian workplace.

Senator Parry—Carol, you don’t believe that!
Senator CAROL BROWN—Yes, I do believe that. And I do not think you believe what you are saying.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Senator, through the chair.

Senator CAROL BROWN—Through you, Acting Deputy President. As the shadow treasurer rightly stated, this bill is all about clever politics. It is not about good policy; it is simply about creating a perception. Indeed, a closer analysis of this bill proves that the so-called fairness test is a fake. It proves that nothing about the application of this test is in fact fair. It proves that while, in some limited cases, the test may produce a pro-worker result, overall the test is designed to keep the industrial relations balance strongly tilted in favour of the employer. The result? A hollow promise designed to attract votes but giving little in return. The devil is in the detail.

Under the proposed fairness test, if a workplace agreement excludes or modifies one of the limited protected award conditions, the same agreement must provide fair compensation for the loss of that so-called protected condition. The agreement, as stated earlier, must be submitted to the Workplace Authority, which is to determine whether it has in fact provided fair compensation for the loss. However, the government has provided no detail of exactly how the fairness of the compensation will be determined. It has given no indication of what type of criteria will be used to assess whether in fact the compensation is fair.

While the government has said that the Workplace Authority will consider the industry, location and economic circumstances of the business and the specific employment circumstances of the employee, it has not indicated how these matters will be taken into account and what weight will be given to the employers’ circumstances compared to the employees’ circumstances. Compounding this convenient lack of detail, which is basically demonstrated in nearly all federal government policy, is the fact that the test only provides for ‘fair’ compensation and not ‘equal’ compensation. As the government has not detailed exactly how the fairness or otherwise of the compensation will be determined, it appears that it has conveniently created somewhat of a black hole in which such decisions will be determined—surprise, surprise. With little guidance as to how the decision will be made, the workplace agreement will be handed into the Workplace Authority and a decision will be handed out—effectively with no transparency and no accountability, with little or no chance for review, no chance for reasons to be provided for their decisions and no reasonable appeal process. How fair is this?

Another major concern that the Labor Party has with this proposal is the fact that it may allow employers to effectively pay lip-service to the idea of compensation and provide hollow promises in exchange for the loss of protected award conditions. For example, it has been suggested that a mere offer of a job by an employer may be considered sufficient compensation for the loss of any protected award conditions by a prospective employee. It has also been suggested that it may be deemed sufficient if the employer offers an employee something that provides no subjective benefit to them. The example that has been used by my colleagues is that of a car-parking space being offered to an employee who does not own a car. While this may seem plain ridiculous, if the Workplace Authority takes an objective approach to assessing the fairness of compensation without making inquires with the employee as to whether the compensation is in fact subjectively fair, under the government’s
current proposal these sort of situations will likely end up occurring.

Hollow promises and the illusion of fairness—this is what we have come to with the government. The reality is that the proposed fairness test is not likely to provide any genuine or fair compensation to Australian workers forced to give up their basic award conditions. It was simply designed to act as a bargaining tool for this year’s up-and-coming federal election. In reality nothing about the test or the process involved in applying it is fair. Do you really think that all Australian workers will be in any place to negotiate what they consider fair and equal compensation for the loss of any one or all of their protected award conditions with their employer? Do you really think that the average Australian worker earning $75,000 per annum or less will be able to afford to mount an appeal to the High Court of Australia to review the determinations made by the Workplace Authority? Of course not. However, the Howard government are happy to create the illusion that they can.

In the current Australian workplace, which has been severely distorted by the introduction of Work Choices, the majority of Australian workers simply do not have the power to negotiate and, for what it is worth, do not have any choice. This is the reality of the Australian workplace, the reality that the Howard government have for far too long ignored. Indeed, it has arguably been primarily due to their ignorance of the fact that workers simply do not possess bargaining power equal to employers that they have created an industrial relations system that weighs heavily on the worker and their family.

The hollow promise contained in the bill can and will do nothing to shift this balance. It may provide some form of minor relief for a handful of employees but it does nothing to address the severe imbalance or inequality that has been created in the Australian workplace since the Howard government took power. You can be sure that this inequality will remain if the government should retain power. Why? Because its ignorance of the inherently unequal relationship between workers and employers blinds it to the fact that its system has failed and is in desperate need of a major overhaul.

Only Labor can be trusted with the task of restoring the balance to the Australian workplace. Indeed, recognition of the inherently unequal bargaining position of workers lies at the party’s very heart. It is on the basis of this recognition that Labor proposes to scrap Work Choices and return fairness to the Australian workplace. This simply is not going to happen under the Howard government. No tinkering around the edges of Work Choices, as this bill does, will lift the heavy burden currently being placed on Australian workers. You cannot, as the Howard government is attempting to do with this bill, make a system fair simply by creating an illusion and spending an extra $370.3 million doing it. What is needed is a rethink and a restructure from the core—recognition of the true nature of the relationship between workers and employers and the establishment of a system that accommodates the needs of both. That is exactly what Labor proposes to do. (Time expired)

Senator FIELDING (Victoria—Leader of the Family First Party) (9.08 pm)—The government made a mess of its Work Choices laws and it only has itself to blame. From day one, Family First had serious concerns about the changes, which undermined family life, and we said so. We voted against the legislation because, as we said from the beginning, the government went too far when it removed guarantees for basic conditions for Australian workers—conditions
such as overtime, penalty rates and compensation for working on public holidays.

It was no surprise that the Work Choices laws were so unpopular. Australians were rightly concerned about having to bargain for basic conditions that previously were guaranteed. Australian workers and their families did not vote for the Howard government so that they would be forced to bargain for a meal break or extra pay for working after midnight. The economy might be going well at the moment, but families are understandably concerned about what might happen when there is a downturn and jobs are at risk. They are also concerned about what sort of workforce their children will be entering. My wife, Sue, and I share these concerns for our three teenage children.

It was obvious that Work Choices had major flaws and that Australians wanted change, yet despite this the government stubbornly refused to budge. Meanwhile, the Labor opposition revealed that it would rip up the laws, which is reckless and not a satisfactory solution. Australians want to know that problems are being fixed, which is why Family First introduced legislation to improve Work Choices and get a much better deal for Australian families and small businesses. Family First’s bill would have ensured that workers who have to work on public holidays would be guaranteed a minimum of another day off paid at time and a half, that workers would be guaranteed an unpaid meal break of at least 30 minutes after five hours, that workers would be guaranteed overtime at a minimum rate of time and a half, that workers who work anti-family hours would be guaranteed penalty rates at a minimum of time and a half, and that workers would be guaranteed their full redundancy entitlements. Family First’s legislation struck the right balance between the needs of workers and the needs of small businesses, most of which are family businesses.

Finally, just weeks after Family First introduced its bill, the government admitted that it had gone too far and that changes would be made. The government admitted that Australian workers were not adequately protected and it announced its fairness test, which in some ways is similar to the old no disadvantage test. The Senate is in the unusual position of considering legislation that seeks to fix Work Choices and the problems caused by abolishing the no disadvantage test and slashing the number of guaranteed conditions from 20 to five. The government has backtracked and introduced a fairness test to protect workers, but surely what it should have done to fix its mess is reinstate guarantees for the key basic conditions it removed. That would have been much easier and simpler.

Family First welcomes the government’s changes, but we have several concerns with the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007 and fears that some workers and their families could still be worse off because of inadequate protections. Firstly, Family First is concerned that the government’s new fairness test applies only to Australian workers earning up to $75,000. Why not to all workers? Surely the principle of fairness applies to everyone, not just to those who earn a particular income. The government says the issue is one of cost, but Family First believes the primary focus should be on ensuring fairness.

It is important to stress that most employers do the right thing, and that most workers do the right thing as well. But we need to be mindful of those employers and workers who do not do the right thing. We need to ensure that the rights of workers and employers are protected when there are people trying to abuse the system. Every Australian worker deserves protection, as it gives them and their families peace of mind. Sadly, under Work Choices some workers are protected.
Family First is concerned about reports that, over time, fewer Australian workers will be protected by the fairness test due to bracket creep and the fact that the $75,000 threshold is not indexed. Family First is also alarmed by reports that workers could be forced to challenge rulings of the government’s Workplace Authority through the High Court.

Another concern is that the fairness test does not address the inadequacy of current protections for workers’ redundancy entitlements. In a bid to avoid another Tristar debacle, Family First will be moving amendments to this bill to double the protection period for workers’ redundancy benefits from 12 months to two years. The Family First Workplace Relations (Restoring Family Work Balance) Amendment Bill 2007 proposed that the period be extended to five years but the government would not support this. We must tighten Work Choices to deter employers from trying to avoid paying workers their full redundancy entitlements, which are vital to families if workers lose their jobs. Currently, redundancy payments are protected by law for up to 12 months after workplace agreements are terminated, but 12 months is not adequate protection, as the Tristar example clearly shows. Tristar is trying to slash its redundancy bill by keeping its 29 staff at its Sydney plant without providing any work for them. Under its workplace agreement which expired in February, the workers would be entitled to a total of about $4.5 million if they were made redundant now, but they will only get a quarter of that, or just over $1 million, if they are made redundant more than a year after the employment contract expires. Family First commends the amendments to senators.

Finally, Family First is concerned that Work Choices gives employers the green light to sack workers under the guise of restructuring. Two recent cases in Victoria have highlighted the need for the Work Choices laws to be tightened. In the first case the Industrial Relations Commission decided that under Work Choices a company can sack a worker and readvertise the same job on a much lower salary; as happened to Melbourne father of two Andrew Cruickshank, who worked for Priceline. The commission revealed that under Work Choices it does not have to consider whether a valid reason existed as long as the sacking was for operational reasons. These are much broader than the operational requirements that used to apply. Workplace Relations Minister Joe Hockey admitted that this was not the intention of the legislation, but the government has not done anything about it. The question is, why not? In the second case before the Industrial Relations Commission, the Weekend Australian reported:

Businesses have been given the green light to sack workers under Work Choices laws even if they breached employee contracts, and regardless of how badly a worker is treated when being fired, the nation’s industrial tribunal has ruled. A company only needed to prove it had restructured a business and did not have to prove financial difficulty.

This second case is even more disturbing because the company was not arguing that it has restructured its business due to financial problems. Family First is concerned by these cases where livelihoods have been destroyed because Work Choices has allowed employers to treat workers in such a shameful way. Fairness and genuine protection for workers and their families must always underpin Australia’s workplace relations system, not the survival of the fittest.

Senator WEBBER (Western Australia) (9.17 pm)—I commence my remarks on the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007 by congratulating the Labor members on the Employment Workplace Relations and Education
Committee on their minority report on this bill. All of them come with extensive experience of not only actually having a real job—as opposed to what people claim we do in this place—but also representing the needs of workers: something that, according to those opposite, we should all be ashamed of. So I commend to the Senate their report and a number of the submissions that the inquiry received, although, as has been outlined by my good friend Senator Carol Brown, the inquiry was, as it often is in this place, unnecessarily hasty.

Those of us that were involved in the original debate for an industrial relations system that dare not speak its name anymore—Work Choices—will recall in particular Senator Abetz, when he had carriage of this legislation, assuring us that we did not need to discuss fairness because it was implied. We did not need a safety net, we did not need fairness and we did not need pay equity because no-one would behave in an unethical manner. No employer would try and exploit an employee—none of the examples that workers’ representatives brought to the committee and brought to members of this place would ever take place, and those of us on this side of the chamber and from the trade union movement and other worker representative organisations were being unnecessarily alarmist. Well, it would seem that perhaps we do need fairness—or perhaps we just need a political fix. Perhaps people do not see the original legislation—the system that dare not speak its name—as being fair and balanced, and therefore there is a political problem. Though those opposite try and make much of the booming economy and the resources sector in my home state, there is a political problem there when it comes to fairness and the treatment of workers in occupations where they are not as well equipped in representing their own interests—the bargaining is not that even. So this is a political fix to a political problem. It is not a real fix, nor is it a practical fix to a real problem—that was the removal in the first place of the no disadvantage test. To see that, you only have to compare the words of the Prime Minister with what is going on in the workplace. On 4 May 2007, when the Prime Minister made the announcement of this political fix, he said at his press conference:

But where the penalty rates et cetera are taken out or are modified in any way there’ll be a fairness test and the fairness test will inquire whether adequate compensation has been provided in return. Now in the great bulk of cases that compensation will take the form probably of an increase in the hourly rate to take account of the non-payment of penalty rates but the compensation can take a non-monetary form and in examining whether adequate compensation’s been paid the authority will have to look at all aspects of the agreement. In some cases extremely flexible working arrangements can be given in return for the non-payment of penalty rates.

What does that mean to the average person who is trying to get a job as a childcare worker, who wants to work as a part-time or casual shop assistant or who is working in the hospitality industry? How do they negotiate their way through that? We then learn that, if they do not think the authority has examined their individual agreement properly in ensuring they get adequate compensation, their remedy is to take it to the High Court. Well, that is fair, isn’t it! Talk about out of touch and talk about desperation.

The reality is that this piece of legislation will simply keep a weak or nearly non-existent safety net in operation and the bill does absolutely nothing to provide for a genuinely stronger safety net. That is the fairness that Senator Abetz said we did not need to have in the original Work Choices legislation.

Then we come to the effectiveness of the government advertising. You can always tell
it is a political fix when it is advertised before we see the legislation. You absolutely know it is a political fix to a political problem when the ads are on television before the committee can even see the draft legislation.

Senator Parry interjecting—

Senator WEBBER—You absolutely know that it is a political fix. But I have news for some of the people opposite, particularly those who like to talk about my home state and about the resources sector. There is much made of the need for productivity in that sector. Your advertising does not seem to have connected with the mining sector. They do not seem to have got this idea that there is actually going to be a fairness test. We were told by the Prime Minister on 4 May that this new fairness test would come into effect on 7 May. After 7 May I was contacted by a family from the northern suburbs of Perth. The main breadwinner in that family is a fly-in, fly-out worker in the resources sector. We all know that people who do that work receive a handsome monetary reward. That is in large part to compensate them for being removed from their families, for the extended hours and for the danger associated with the work they do. The main breadwinner in this family works at a mine site in the north-west. It is a long-established mine site, not one of the new fly-by-night mine sites that may have been established. It did have some employees still on collective agreements, but it offered an AWA to the last of their workers on collective agreements. The main highlight of the AWA that these workers were offered—and I have a copy of it—is $8,000 a year less than they were originally getting. This is after 7 May. This worker has been offered $8,000 a year less, for more days on and fewer days off than his original collective agreement, and a change to his on-call allowance. This is ‘fairness’. This is an ‘increase in productivity’. We know the resources sector and we know how those opposite want to achieve their increase in productivity. What they actually want the hardworking people in Australia to do is to work longer hours for less money. That, techni
cally I guess, does increase productivity. That is how they want to increase productivity. They do not want an increase in productivity to rely on the use of new technology or on the development of managerial expertise and flexibility—no, what they want is hardworking tradespeople to work longer hours for less money, and that is the way they will get their productivity increase. If that is the way you are going to run the Australian economy, it is little wonder fewer people want to vote for you than last time.

So it was with the AWA that this family was offered: you are offered it, you are given five minutes to look at it and it is ‘sign or resign’ and you are not allowed to take it with you. The agreement that was to be signed in late May states that ‘the agreement shall apply for a period of five years from the date of the agreement’. So this worker, who was to cop an $8,000 a year pay cut, was going to be locked into that pay schedule for five years. As I said, they receive a handsome monetary reward. It is perhaps not as handsome as those of us in this place, but it is handsome. So the agreement was to go to five years from the date of signing it. The workers were to work in a roster system ‘as determined appropriate for the operation of the mine’—there was no consultation with them about the flexibility they may need for their families; it was about the flexibility of the operation. If you wanted to terminate your agreement as a worker you were required to provide four weeks notice in writing. However, if the company wanted to terminate your agreement, they only had to give you one week’s notice. One week for the employer; four weeks for the worker. That is increased productivity. That is an increased fairness test.
This fairness test is not even working at the top end of the labour market. This was an individual contract that only applied to the tradesmen working at that particular mine site. People talk long and hard about the difficulties in attracting skilled labour. I can tell you it is little wonder with the way this mining company treats its staff. It was only offered to tradesmen and the base salary was $87,500 per annum. As I said, a handsome reward—no doubt about that, although not as handsome as the reward we get in this place. But in exchange for that they only give you one week’s notice if they want to terminate the agreement but you have to give four. And you work the roster that suits the flexibility of the operation. It lists the salaries. I have quoted the lowest one. The top one is $99,500. That is the top of the range for the most senior tradesmen. I bet this mob will be asking to bring in 457 visa workers next, because no-one will want to sign this agreement. But, anyway, in addition to getting paid the above salaries, if you are placed on an on-call roster and required to attend to jobs outside the normal working hours—and that is your 12-hour shift, because all of this is a certain number of days on, a certain number of days off—

Senator Parry—How many days? You’re quoting so many hours, but how many days?

Senator WEBBER—How many days? A minimum of eight days on, 12 hours a day. Senator Parry—for $87,500!

Senator Parry interjecting—

The ACTING DEPUTY PRESIDENT (Senator Moore)—Order! Through the chair, Senators.

Senator WEBBER—So, in addition to your $87,500 for your eight days on, if you are placed on an on-call roster and required to attend to jobs outside of normal working hours, you will be paid an additional $1,500 per annum whilst you are on this on-call roster. So you do your 12-hour shift, then you are on the on-call roster and you can get called out whenever they want, and you get the princely sum of $1,500 per annum to compensate you for that. This is on top of the eight grand pay cut, the increased number of days on and the fewer number of days off that they have. And the agreement says, ‘This payment is in recognition of the requirement for you to be fit and available to be called out and that you attend the call-outs as required.’ So the maximum a tradesman at that level is going to get is $87,500 plus the $1,500 call out for a 12-hour shift—

Senator Parry—That’s pretty good.

Senator WEBBER—Senator Parry, you think that is pretty good, do you? You want to sign up to that, do you?

Senator Parry—Do you get days off?

Senator WEBBER—Yes, you do get days off. You get to work eight days in a row for a minimum of 12 hours a day on a mine site and then, goodness me, they give you a few days off! Gee, isn’t that fantastic? I do not know why more people are not—

Senator Parry interjecting—

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! Senator Webber and Senator Parry, any comments will be passed through the chair.

Senator WEBBER—I apologise. That is the way this company and this government want to increase productivity and apply fairness in the workplace. As I said, the workers who were offered this AWA were on a collective agreement. They were on it until mid-May and then they were offered a cut in pay, they had to work increased hours and they had their on-call allowances cut as well, and that supposedly meets the fairness test.

Even the Financial Review when it was discussing the government’s changes to this legislation reported that the mere offer of a
job may be considered sufficient compensation to offset any loss of protected award conditions. How ridiculous is that? As was highlighted by the SDA and others who submitted to the inquiry—and Senator Birmingham mentioned them—how on earth is a shop assistant who has had their compensation cut and is then offered a job going to challenge the Workplace Authority if it determines that that is fair and reasonable compensation for a cut? A tradesman who works in the north-west of Western Australia struggles with the concept that this is a fair way of approaching things, and he earns $87,500. That is a healthy sum of money. There is no doubt about that. I can tell you that, to work on a mine site, I would want a healthy sum of money too. We all know that it is one of the most dangerous places to work. You should be paid a healthy sum of money if you have to be flown away from your family and support to do that work. You certainly should not, in a time of record profits and record economic growth, have your salary cut by an employer and then told that is fair.

These workers were given about five minutes to look at their AWA. If they did not want to sign it, they were told they could not work there any more. They were given the AWA on the mine site, so they could not consult with family and support to do that work. You certainly should not, in a time of record profits and record economic growth, have your salary cut by an employer and then told that is fair.

The Prime Minister’s announcement states that the Workplace Authority—although, as Senator Carol Brown has reminded us, it has just been through a bit of rebadging and renaming, a bit like the system of WorkChoices that dare not speak its name—will consider industry location and the economic circumstances of the business and the specific employment circumstances or opportunities of the employee when making its determination. It will take into account all relevant working arrangements and entitlements, including family-friendly conditions. I do not know how the AWA I have been talking about fits into the concept of family-friendly conditions. A cut in pay, increased hours at work, a decrease in the number of days off between shifts—how are they family friendly? A cut in pay to work in one of the most dangerous occupations we have in Australia is not family friendly.

It is not clear to any of us here how the Workplace Authority will actually take any of those measures into account. For example, it is not clear whether the forms accompanying the lodgement of an agreement will require the employer to detail their financial position or provide detailed personal information about the circumstances of the employee. Now perhaps we will be told by Senator Abetz that we do not need to worry about that either, just like the first time we looked at WorkChoices and we were told we did not have to worry about fairness because no-one would behave badly and we were just being hysterical. No-one would cut penalty rates, he told us, and it was just completely silly to want to insert the concept of fairness into the legislation. But, lo and behold, look at what we have here. This is perhaps another issue that the government will have to come back and fix because no-one knows whether the detail is right and no-one knows how it is going to work. When you advertise a concept before you have actually got the detail it is no wonder people are a bit sceptical and cynical.

It is not clear to us whether the Workplace Authority will make inquiries with the employee as to whether the supposedly fair
compensation provided to the employee under the workplace agreement is considered by the employee to be of genuine benefit. Senator Carol Brown mentioned the example of providing a car park to someone who does not have a car. How is that fair and reasonable compensation? That is providing someone with a completely meaningless entitlement for their circumstances.

It is not clear whether an employee will have the opportunity to appeal a decision by the Workplace Authority, although we were told that perhaps they could take it to the High Court. That is just completely ridiculous. Last time we were told that, if someone did not like their AWA, they could go to the Federal Court. That is a completely nonsensical arrangement for low-paid workers anyway. How could someone earning the princely sum of $12 an hour afford to take their employer to the Federal Court because they have concerns about the legality of their AWA? It is even more ludicrous to say: ‘If you do not like the determination that the authority has made on the fairness or otherwise of your compensation with the new AWA, you can appeal that decision in the High Court.’ That is completely ridiculous.

It is also not clear to us how the $75,000 threshold will be determined. In the example that I have given, that threshold cuts in and the government’s proposal does not do anything to address this family’s concerns. This family is suffering from the rough end of the supposed Work Choices. It still really is Work Choices, much as those opposite do not want to call it that. (Time expired)

**Senator HOGG** (Queensland) (9.37 pm)—I rise to make some comments on this piece of legislation before the chamber this evening. The first thing I must address, of course, is the title of the legislation itself: the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007. If ever there has been a misnomer, that is it—‘A Stronger Safety Net’—because that implies that there was a safety net there in the first place. Of course, if one knows anything about the Work Choices legislation, one knows that there was not even a skerrick of protection for the low paid—those people most vulnerable in their employment situations in the community out there in the real world.

*Senator Parry interjecting—*

**Senator HOGG**—That is the truth of the matter, Senator Parry. You should come down and see what the real world is about, not live up there in your lofty tower. Find out that in the real world the people who are most vulnerable have been attacked by the Work Choices legislation and have had their basic and fundamental conditions undermined. For the government to talk about ‘A Stronger Safety Net’ is a complete untruth at best. There has never been a safety net with the current Work Choices legislation. The government rejected any concept of a safety net when the Work Choices legislation passed through this chamber over 18 months ago. There was no thought ever taken by this government of giving proper protection for those people who are the weak and vulnerable in the workforce.

I have heard the arguments over a long period of time, because I have a history as a long-practising trade union person, whether it be in a full-time or part-time capacity. I have seen governments of all persuasions go through the issue of industrial relations over a long period of time and come up with many schemes. There was Sir Joh Bjelke-Petersen, who came up with the much vaunted voluntary employment agreements back in the 1980s. What were voluntary employment agreements? Nothing more than AWAs. What were voluntary employment agreements designed to do? Attack the most vulnerable. They were nothing more and
nothing less than AWAs. There was no concept of a safety net in the Bjelke-Petersen era; there is no concept of protection for people in the Howard government era either. That has never been part of the mantra of the coalition forces, whether they be in places like Queensland or in federal government. The fact of life is that if you were skilled, if you were well educated and if you were well placed you could defend yourself most admirably and most adequately in negotiating the terms and conditions of employment that you might seek. However, if you were weak, vulnerable, unskilled or semiskilled then you were exposed. That is what this government cannot come to grips with. You have never been out there. You have never met the unskilled or the semiskilled. You have never met the vulnerable. You have never met those people who are in precarious employment.

Senator Parry interjecting—

Senator HOGG—You do not understand what precarious employment is about. Senator Parry, I will come back to you outside the chamber and tell you how precarious your employment is. But that is for another time. It is not because of me; it is because of you. The driving force in the Bjelke-Petersen era and in the era of this government is supposedly in the name of lifting productivity and profits. But, of course, the people who have been asked to sacrifice the wherewithal to generate that so-called productivity lift have been those who are in vulnerable employment.

Of course, the award over a long period of time was a safety net. It was always available to employers to go beyond the safety net—to pay in excess of the safety net and to give conditions of employment they were far superior to and far better than those that may have prevailed in the award. That was the case back in the eighties when VEAs were around.

Senator Bernardi interjecting—

Senator HOGG—Senator Bernardi, you had probably not even been born.

Senator Bernardi—I had!

Senator HOGG—I am being kind to you. That is also the case in the current situation. The safety net has been withdrawn by the withdrawal of very basic and very simple award conditions. Obviously, if you destroy the safety net then you can go below. So to come here now and feign that one is putting in a stronger safety net is just a nonsense—absolute nonsense—when there was no safety net there in the first place. It is always good for people such as Senator Parry and others to feign that they are the protectors of the workers. Of course, they have never done anything like that themselves. As a matter of fact, the first worker they meet will be the first. You would not even recognise one, Senator Parry. Anyway, that is for another time and another day. The simple fact of life is that those people who are in vulnerable industries, such as those who work in the retail industry, are in real trouble indeed when you hear about the likes of the Darrell Lea episode.

Senator Bernardi interjecting—

Senator HOGG—Anyone with a sense of justice, equity and fair-mindedness, Senator Bernardi, would realise what that agreement was about. It was not about delivering fairness, equity and justice to people. The sooner you wake up to it, the better, because you should understand, as much as anyone else. You have got an intellect. Come to grips with the facts. Even Senator Mason here knows that these people, under the Darrell Lea or even under the Spotlight agreement, were not in receipt of fairness, justice or any equity whatsoever. They were simply the subject of a rip-off by their employers. Fortunately
some of those matters have been redressed. This legislation has been portrayed by some as a backflip. That is complete nonsense. This maintains the harsh, unfair, unjust and extreme IR laws—the Work Choices laws—that this government put in place back in November 2005.

That the government have gone down this path is a hypocritical act. It is of course welcomed that they think there might be a need for a sense of fairness, equity and justice, but this is too little too late. The government have let a wash of AWAs go past already, and those AWAs are not subject to any fairness test that this legislation might pretend to put in place. Purely and simply, the legislation will take effect from a prospective date. That is, of itself, insufficient—if there was unfairness in the legislation, that unfairness should have been redressed in the original legislation, not some 15 to 18 months after the legislation was originally passed. This is purely and simply a political stunt by the government to try to crawl back in the polls. That is all it is about—it is a political move on the part of the government, and I can understand why the government is making this cynical political move.

This does not restore anything to those who have already signed away conditions of employment through an AWA. To believe that these people entered into it necessarily in a willing and helpful fashion is quite nonsensical when one knows that many of these people are in a vulnerable position and would have to enter into an agreement of their employer’s making and choice rather than to sacrifice any income. It does not save anyone who comes on as a new employee and is forced onto an AWA, and it does nothing at all for those people on NAPSAs—notional agreements preserving state awards. Why? Because these cease to exist from 27 March 2009.

Senator Bernardi—Like the union bosses, they will cease to exist.

Senator HOGG—I am glad you are enjoying this, Senator Bernardi, because you need a little bit of education. The fact is that NAPSAs will not be affected by this legislation. From 27 March 2009 there will be a minimum of five conditions under the Work Choices act, and they will apply. Therefore, those people who are on NAPSAs—and there are a large number of people on them—will suffer a fate which is worse than death in a sense because this so-called legislation which is meant to be a stronger safety net will not apply to them at all. The so-called fairness test will be seen as nothing more than a cynical move on the part of this government, as it should be.

If equity, fairness and good conscience had prevailed in the first instance, this measure would not be up for determination now. But equity, fairness and good conscience did not apply and so the government have brought this legislation before this chamber in a very cynical way to try to claw back in the polls, where I understand they are not travelling too well. A no disadvantage test was deliberately and consciously left out of Work Choices. It was not left out by mistake; it was left out deliberately. The government had the opportunity when the original legislation was put forward of doing that very thing, as Senator Bartlett reminded the chamber. There is no doubt that the abuses that people have suffered as a result of the Work Choices legislation will never be undone with this new legislation. This legislation will not redress any of the problems that people have faced as a result of signing up to AWAs since the inception of this legislation.

It is only a politically expedient move on the part of this government to see that this legislation is passed before the Senate gets up this week. There is no real value in the
legislation in the longer term because this
government has no heart in seeing that those
who are vulnerable, who are unskilled and
who are in precarious employment are pro-
tected.

Senator Bernardi—Such as a few Labor
senators.

Senator HOGG—I am glad that you have
interjected. At least it shows someone has a
bit of sense around here, Senator Bernardi.
The old saying is very true in this instance:
you can fool some of the people some of the
time but not all of the people all of the time.
The absolute proof of the pudding will be
that most of the people who were fooled in
the first instance by the language of this gov-
ernment in the sale of Work Choices will
know that there is absolute hollowness in
that language.

Senator GEORGE CAMPBELL (New
South Wales) (9.50 pm)—Mr Acting Deputy
President, before you move the adjournment,
I seek leave to incorporate two speeches in
this debate—those of Senator Wortley and
Senator Hutchins.

Leave granted.

Senator WORTLEY (South Australia)
(9.50 pm)—The incorporated speech read as
follows—

I rise to add my voice to those already heard in
this place on the Workplace Relations Amend-

Labors Shadow Minister for Industrial Relations,
the member for Lalor, Julia Gillard couldn’t have
said it more clearly when she said of this bill:

“The bill is not about the government providing
fair compensation to employees; it is about the
government hiding the unfairness of its legislation
until after the next election”.

How can a ‘stronger’ safety net be provided in a
situation where there is under the Governments
WorkChoices... no existing safety net? In a situ-
ation where no such safety net was ever in place,
or indeed was envisaged?

This bill provides us yet another episode in the
saga of an increasingly tired... increasingly poll-
driven Government... desperately casting around
for a way to make its WorkChoices... (and even
that loaded term has recently been jettisoned... ),
its WorkChoices legislation more palatable...to a
community which has woken up to the Govern-
ment’s real intentions with regard to industrial
relations...

Australian workers recognise the fact that Work
Choices... that great misnomer... is unfair in its
application and takes away from their job secu-
rit... Far from providing opportunities for work-
ers...choice for workers... flexibility for workers...
The introduction of WorkChoices has seen the
removal of pay and condition standards of tens of
thousands of Australian workers including pen-
alty rates, holiday loading, redundancy pay, 38
hours per week of ordinary time, and unfair dis-
missal protection for workers employed by an
organisation with 100 or fewer employees.

It’s now widely acknowledged that WorkChoices
has facilitated...paved the way for... industrial
relations changes which actively disadvantage
Australian workers...not only does it disadvantage
Australian workers, but it disadvantages also,
their families...

Thousands of Australian workers recognise the
reality of this and they overwhelmingly reject the
scheme...they understood at its introduction, as
they understand today, that equality in the bar-
gaining power of an employee and employer does
not exist...

And now, the Minister for Employment and
Workplace Relations has had to admit that there
were ‘mistakes’ in the legislation—mistakes for
which he of course takes no responsibility, having
taken on the job of selling this abysmal scheme ...

A scheme which saw the government spending
millions of dollars of tax payers money to imple-
ment... and then promote through major advertis-
ing campaigns...

It doesn’t matter how the Minister dresses it up...
or dresses himself up for that matter, Shreck ears
or a donkeys tail... WorkChoices and its impact
on workers is indisputably bad...
In putting forward the Governments ‘fairness test’, Minister Hockey would have us swallow the line that the amendments before us today were not brought about by the results of pre-election polls...

I call on my colleagues in this place to consider whether we would not be having this debate today, if this were not an election year.

Does anyone really imagine that should the Government be returned to office at the forthcoming election, it would not enact even more draconian IR laws...

Senator Minchin told the HR Nicholls Society that Workchoices was only the instalment in the governments IR plans... Indeed, the Treasurer has indicated that he could not guarantee that there would be no further changes if the government were re-elected and he was Prime Minister. He declined to speculate on what might happen after the election...

I turn now to the detail of the bill. What does the bill achieve? It proposes that agreements for employees earning up to $75,000 per annum be lodged with the Office of the Employment Advocate, which will now be renamed the Workplace Authority, and that these agreements be exposed to a ‘fairness test’ conducted by that Authority.

But I ask Government Senators, what of those workers whose agreements were lodged before 7 May 2007? They are not subject to the ‘fairness test’...

So this in fact means that more than tens of thousands of employees will be party to agreements that have not passed a ‘fairness test’. Senators will more than comprehend the implications for those employees...in reality they have nowhere to go with their concerns...

The Authority will administer the ‘fairness test’ for those workers who had their agreements lodged after 7 May 2007... by considering the financial and non-financial recompense offered relative to that which would have been payable under the applicable award... Then that agreement must provide ‘fair compensation’ for the loss of those protected conditions (which, I note, are far from broad in scope and which exclude, for example, redundancy entitlements).

This then is the question: what is ‘fair compensation’? How is it defined?

Well, non-monetary compensation will suffice whether the employee wants the non-monetary compensation or not...

The draft legislation states this at new subsection 346M(2), conferring powers on the Authority when administering the test to have regard to such non-monetary considerations as

-the industry, location and economic circumstances of the employer;
-the specific employment circumstances of the employee, and
-relevant working arrangements and entitlements, including family friendly conditions.

The determination of the value of such non-monetary compensation could be very subjective indeed. What is the dollar value to be attached to car parking when an employee uses public transport or indeed already has car parking available to them...There is no requirement that an employee or employer be given the opportunity to give their view, or to give an opposing view, about the value of entitlements or the overall fairness of their workplace agreement...The process allows an employer to give a unilateral undertaking to make an agreement fair, without giving the employee a chance to agree or not to agree on the terms...

How exactly are the industry, location and economic circumstances of the employer weighted in this equation?

How much is the worker to bear?

Is it fair that a worker’s personal circumstances should be confided to his or her employer and then conveyed to the Workplace Authority for its consideration in applying the test?

Only a moment’s contemplation is needed for the potential for misuse of such knowledge to be realised... Such a proposal is typical of this Government’s approach.

The Workplace Authority is to determine whether or not an agreement is fair... But it is not required by these proposals to give reasons as to how it arrives at the monetary benefit provided to a worker as compensation for the loss of a protected condition or conditions...
It is not required to give reasons as to what weight a worker’s personal circumstances was given in its deliberations, or even whether such considerations were relevant. It is not even required to give reasons about how a determination was arrived at. Is this the Government’s idea of a ‘fair go’?

This is not Labor’s idea of a fair go... The WorkChoices scheme... epitomises the arrogant disregard with which this Government perceives the men and women who keep the wheels of industry and commerce turning in this country—and their families.

The arrogant disregard with which this Government views vulnerable employees... including those just starting out in their working lives, single parents, the unskilled and those workers from non-English speaking backgrounds – and their families, too. WorkChoices represents the worst excesses of implementing this Government’s ideological agenda at any expense... its deep cynicism...and its preparedness to play fast and loose with the livelihoods of Australian workers. The Government’s ‘fairness test’, drafted at speed and... as has become the usual in this place... allowed little time for scrutiny or debate... is as devoid of real integrity as those who have proposed it. Yet, despite the Government’s motivation for the establishment of this so called ‘fairness test’, a motivation all too clearly discerned through the usual smoke and mirrors... Labor will support this bill... Why?

Labor will support this bill - despite its flaws and inconsistencies, despite the fact that the goal posts have yet again been moved to the confusion of all Involved...despite the fact that it’s projected that an additional $370 million over the forward estimates will be required to implement the proposed changes - because it is committed to a fair go for Australian workers and their families... and while this does not provide the fair go that is Labor's vision for Australian workers and their families...Labor will not stand in the way...
I have had significant numbers of people come to my office regarding the ways in which WorkChoices has hobbled their earning power. These are ordinary people from working families, predominantly on the Central Coast and in western Sydney, who want nothing more than to receive a fair day's pay for a fair day's work. Yet, they have been the targets of an ideological crusade. I have heard from men and women who have been sacked inexplicably; who have worked for companies run down to less than 15 employees so they receive no redundancy payments; who have signed AWAs because, in reality, that is the only choice they had.

The economic statistics and the economic reality, particularly in some of my duty electorates, are disparate concepts.

The official figures show we are enjoying record-low unemployment. But the reality is that there are literally millions of Australians who are only working a small number of hours a week and struggling to get by, but they are counted among the employed. They want more work but either cannot find it or are coming up against barriers to further employment. These include fewer training opportunities because of the Government's chronic disinvestment in this country's education sector, or particularly in the case of women, the high and often prohibitive costs of childcare, where working mothers would have to pay more out of their pocket for childcare than they could earn in a day.

Thrown into the mix is an industrial relations framework that is prejudiced against those with the least amount of bargaining power. They are typically those employed in retail and hospitality, and again, women make up a large number of both of these sectors. There are also large numbers of these workers in my duty electorates, in some areas making up a quarter of the workforce.

This Bill seeks to remedy the inherent unfairness of the WorkChoices legislation, and Labor will support the Bill because we welcome any relief for working families in the interim, but I and my colleagues, like many other fellow Australians, maintain the only way to ensure a consistent fair go in the workplace is to get rid of this Government and its extreme IR laws with it.

I would like to highlight, in particular, the Catholic position on WorkChoices. Of course, I recognise that the policies of the Government are not dictated by any particular religious philosophy, but it is important to note it has been falsely stated by the Prime Minister that there is no Catholic position on industrial relations. I think it is clear that the tradition of Catholic social justice speaks out against the ideology underpinning the Coalition's workplace regime.

The Catholic Church's thinking on industrial relations is pointedly referred to in Pope Leo XIII's Encyclical, Rerum Novarum, in which it is written:

Now, for the provision of such commodities, the labor of the working class- the exercise of their skill, and the employment of their strength, in the cultivation of the land, and in the workshops of trade- is especially responsible and quite indispensable. Indeed, their co-operation is in this respect so important that it may be truly said that it is only by the labor of working men that States grow rich. Justice, therefore, demands that the interests of the working classes should be carefully watched over by the administration, so that they who contribute so largely to the advantage of the community may themselves share in the benefits which they create- that being housed, clothed, and bodily fit, they may find their life less hard and more endurable. It follows that whatever shall appear to prove conducive to the well-being of those who work should obtain favourable consideration. There is no fear that solicitude of this kind will be harmful to any interest; on the contrary, it will be to the advantage of all, for it cannot but be good for the commonwealth to shield from misery those on whom it so largely depends for the things that it needs.

This is the position that has remained consistent throughout the Catholic Church's teachings, and is particularly applicable to the situation Australian workers find themselves in.

The assertion by the Prime Minister that there is no Catholic position is an attempt to avoid the criticism of his industrial relations policy by a significant member of the Australian community, one that has intimate daily contact with the most disadvantaged.
The Catholic Bishop of Parramatta, Kevin Manning, has been an outspoken critic of the unfairness of the Coalition’s IR policies. Bishop Manning’s criticism is based upon the Catholic principle that the most vulnerable members of our community are protected from conditions that would make their lives even more difficult.

This is a principle that does appear in our tradition of providing for those without employment, for those with disabilities and for those who must care for another on a full-time basis. This is also extended to the concept of universal health care.

These are all traditions that are being assailed by the Coalition. It is bringing to bear the sharper end of its ideology on the most vulnerable in our society. We on this side believe in giving people the opportunity to improve their own situations, but we do not agree with the methods used by this Government. The idea that a person can be denied access to any Commonwealth assistance for up to two months is inconsistent with the responsibility of the Government in caring for those who are least able to care for themselves.

In the same way, WorkChoices is counter to this concept. WorkChoices tips the scales too far in the favour of one group in society, at the expense of another. Working families are faced with stark choices: do they risk their jobs by protesting against an unfair workplace agreement, or do they lose their overtime and shift loadings because a poor-paying job is better than none at all?

This is the reality people are facing. With no training opportunities and expensive childcare, they are being herded away from Commonwealth assistance and towards cutthroat, American-style workplaces where the share of profits is going up but the share of wages are heading south, and where a refusal of a job could lead to them being without the means to buy food and pay for utilities for months on end.

Is this the fruit of the national prosperity we keep hearing about? Is this what we do for our countrymen and women who are being left behind?

There has been talk recently of the human dividend being derived from the wealth of the national economy. What indeed is that human dividend? The Prime Minister will point to a set of numbers to try and quantify the human dividend of the economy, insisting it is the best it will ever be, but anyone who has their ear a bit closer to the ground will know there are rumblings of dissatisfaction among the shareholders. Australians are putting in their hard work, their knowledge, and their passion— but are they receiving back in kind all they should be?

In particular, when we see the share of profits of companies and the tax take of the Commonwealth increasing at the same time as the share of wages decreasing, what does that say about the distribution of the human dividend in the era of WorkChoices?

Bishop Manning told the Conference of Leaders of Religious Institutes of NSW on 16 April this year:

I suggest that you attend to the number of times the vocabulary of economic prosperity is used by the supporters of WorkChoices without reference to the human dimension of economic growth. Authentic human development can never be equated with economic growth alone.

When the economy takes precedence over the authentic development of the human community certain concepts gain an unwarranted pre-eminence.

Those concepts include a free market at the expense of all considerations of the human condition, and profit as the key characteristic of the health of an economy.

These are the concepts that drive WorkChoices. These are the ideological underpinnings that the Prime Minister has set for his workplace laws.

Despite the cracks opening up in the system with the introduction of this Bill, there is nothing that genuinely provides for the concept of fairness in the workplace or of a sincere attempt to protect the most vulnerable.

Debate interrupted.
Drugs in Sport

Senator BERNARDI (South Australia) (9.50 pm)—Last year I raised an important issue in adjournment. It was an issue that has gone on to cause some discussion in the elite sporting arena in this country, particularly where Australian Rules football is concerned. The issue I am referring to is drugs in sport, particularly illicit drugs and the need for a tougher and more uniform approach towards the penalty and rehabilitation regime.

It should be the common goal of sporting administrators in this country to stamp out the dangerous use of drugs in sport and to ensure a clean playing field. Illicit drugs and all that they entail are diametrically opposed to the virtues and benefits of participating in sport whether at a local club level or at an elite national level. Taking illegal drugs is inconsistent with living a healthy lifestyle. With the explosion of mental health issues in our community, which many link and directly attribute to smoking marijuana and the ice epidemic, it is fast becoming clear that our societal role models need to step up and be an example to our young people. Indeed, the AFL’s illicit drug policy explicitly states that illegal drugs are dangerous and that the players have the opportunity to set an example to the wider community by asserting that they do not condone or use any illicit substances.

And this is right. It is the right policy for the AFL to have adopted. The fact is that illicit drugs are bad for you, end of story, and there have to be consequences for those who indulge in them—illegally, I might add—and are caught. This applies in the general community and is widely accepted. Therefore consequences for elite athletes taking illegal drugs also need to be consistent with community standards and expectations. People who aspire to represent our country, their state or their club at the highest levels of their sport should be prepared to take this issue seriously. Our taxpayers, through the federal government, have invested many hundreds of millions of dollars over many years in our elite athletes. We invest in their training; we invest in their competition; we invest in their equipment. We are backing Australia’s sporting ability. Is it too much for us to ask for them not to use illicit drugs not just on match day but at any time?

If that request is too onerous then perhaps we should stop investing in those sports that are not prepared to encourage a drug-free lifestyle. Condoning any level of drug taking by athletes sets a bad example in our community. Australia’s elite athletes, regardless of their chosen sport, are in a position of profound influence, often being looked up to and admired by children and adults alike. While it sounds simplistic to say, it is the case that drug taking by these people sets a bad example, particularly to children. Simply, illegal drugs and sport do not go together. And as a parent I feel confident in saying that any sporting code which takes a soft line towards drugs of any sort would find most parents discouraging their children from participating in that particular sport.

The time is now right for a bold new step to enhance Australia’s reputation as the cleanest sporting nation in the world. The Australia government is standing shoulder to shoulder with every parent who wants their child, their child’s environment and their child’s sport to be drug free. I believe the government should encourage and support each and every sport to take the lead in the war on illicit drug use by athletes.

That is why I believe every sporting organisation in receipt of federal government funding for the operation of their sport should be prepared to adopt an out-of-competition illegal drug testing policy for
their elite athletes. It is not too much to ask
sports that are in receipt of, in some cases,
millions of dollars of taxpayers’ money and
those athletes who seek to represent our great
nation and do battle on the sporting arena to
do so in a clean, drug-free environment. In
fact we demand it of them in competition. So
why should it be okay to pop pills, or snort
or smoke illegal drugs on the other days of
the week?

Swimming Australia has indicated that
they are prepared to consider just this step.
And I say to Swimming Australia tonight:
don’t consider it; just do it. The Australian
swimming team has been inspirational to
millions of Australians with their vitality,
their camaraderie, their discipline and their
representation of our nation. They have made
all Australians proud, and by taking this bold
step and leading the war on drugs our na-
ton’s parents will be prouder still for their
children to dream of representing their coun-
try.

But swimming should not have to do this
alone. Let me make it clear: I believe the
federal government should fully fund the
costs associated with implementing a
strengthened illegal drug testing regime. The
government should stand strong with our
sporting bodies and shoulder the burden of
the additional costs associated with imple-
menting the strongest drug testing regime
anywhere in the world. But more than that,
the other sports that receive many millions of
dollars in taxpayer funds should be expected
to adhere to the same standards. If the pro-
fessional sports whose athletes are highly
paid are not prepared to pick up the same
testing regime, not only should the federal
government withhold any financial support
but I know that eventually the parents of
Australia will register and render their
judgement.

However, an enhanced testing process is
just one piece of the puzzle. It needs to be
backed up with penalties consistent with
community standards, and the current penal-
ties simply are not. Where out-of-
competition illegal drug testing is adopted
the penalties are simply substandard. Take
the AFL, for example. With nearly seven
million spectators annually and four million
television viewers every week it is by far the
biggest and most popular sporting competi-
tion in Australia, and they do have one of the
most stringent drug-testing regimes in Aus-
tralia. But its penalty system is simply a
joke. The AFL has been roundly criticised
for its three-strike policy, which is com-
pletely out of step with the legislative and
policy framework under which illegal drugs
are considered in this country. The AFL
agrees that illegal drugs are dangerous and
yet its recent actions demonstrate that it
knows its three-strike policy is absolutely
pathetic. How else can we explain the deci-
sion to make Ben Cousins subject to a zero-
tolerance policy should he play again for the
West Coast Eagles? Now he can only take
the field in the knowledge that his first posi-
tive test will mean a suspension. According
to the AFL, Ben Cousins is special, but it
seems to me that the AFL, by identifying
Ben Cousins as special, is admitting failure
of its three-strike penalty system.

It is now time for the AFL and other major
sporting organisations to back their rhetoric
with action. We need to encourage sporting
codes across Australia to adopt and enforce a
zero-tolerance policy towards the use of il-
llicit drugs. There must be definite conse-
quences for athletes engaging in illegal drug
use. As the Minister for the Arts and Sport,
Senator Brandis, recently stated, they do not
necessarily have to be career-ending conse-
quences, but the few elite athletes who do
indulge in illicit drugs need to be held ac-
countable for their actions. Whilst the with-

holding of funds or even the offer of additional funds or incentives could not force professional sports to adopt a zero-tolerance policy, Mr Glenn Tasker from Swimming Australia speaks for parents and sporting administrators across this country when he says:

We send very, very clear and strong messages to our athletes about performance-enhancing substances. Why not send the same message about illegal substances?

Parenting by Grandparents

Senator STEPHENS (New South Wales—Parliamentary Secretary to the Leader of the Opposition) (9.59 pm)—In May I received the support of the Senate for a resolution that acknowledged the growing number of grandparents who are taking on the role of full-time carers for their grandchildren. Last week, one of the most important terms of reference adopted for the Senate inquiry into cost of living pressures on Australian seniors was the one that examines the pressure that comes from taking grandparenting responsibilities. And I might just say my comments have nothing to do with the fact that I have just become a grandmother of the most gorgeous little boy on this earth!

Earlier this year a new study into the growing phenomenon of full-time-caring grandparents lifted the lid on what is an important factor in the work-family balance juggling act that many working parents are confronting. ABS statistics show that 22,500 grandparents in Australia had full primary care of their grandchildren in 2003. This means that nationally 31,100 children under 17 lived with their grandparents on a full-time basis. Thirty per cent of those grandparents are in New South Wales. The number of children in the care of grandparents and foster parents escalated by 45 per cent between 1996 and 2003. As the number of foster carers diminishes, it is grandparents and other relatives who are being increasingly called on to care for children. Grandparents take on the primary carer role for their grandchildren when the parents are no longer able to do so. There are lots of reasons for that, of course, including the death of a parent, substance abuse, disability or mental illness, imprisonment, family violence, child abuse, neglect or abandonment. In those kinds of circumstances they take on that role out of love and concern for the two generations involved. They often do it at great personal cost and, as such, are making a valuable contribution to society by providing family continuity, most importantly, and also a stable, secure environment for the children, who may be traumatised by the circumstances that brought them there. Certainly they are preventing the children from going into state funded care. If children who cannot be cared for by their parents are taken into the out-of-home care system, the financial burden falls onto the welfare system. It is an additional and often unrecognised cost of, for example, illicit drug use.

It was of great interest to me to hear first-hand from grandparents about the inequities that exist in the system. Grandparents routinely take on major caring responsibilities in Indigenous families and among several cultural groups. However, for most grandparent carers, 60 per cent of whom receive a Centrelink payment as their main source of income, becoming parents for a second time is quite unexpected and creates a number of financial pressures. It was only when I visited a grandparents support group recently that I learnt the extent to which they are carrying a financial burden that is not recognised by the social support system. I am quite sure that my colleagues here can begin to imagine how this might impact on their own life circumstances. Grandparents as carers: we have all been there and done that. I
think having to care for children again would be quite physically exhausting.

What happens to retirement plans, which are often turned upside down? Grandparent carers discover that their social lives are suddenly reshaped by their caring responsibilities. Not everyone is sympathetic to that, especially if the care of the grandchildren has come as a result of parental drug misuse. Many grandparent carers would benefit from additional financial, social and emotional help and from better targeted information about how to access that help. Despite the increase in the number of grandparents who are caring for their grandchildren, and the many issues that they have, there are few services in Australia directed to assisting them. Their situation is certainly not widely understood.

There has been some progress on this front. In 2005, Centrelink in Perth set up a grandparent liaison office as a result of the Grandcare program that was begun by Wanslea Family Services in 2002. Grandcare won recognition at the 2004 community service industry awards in the ‘being innovative’ category for large organisations. The Western Australian Department for Community Development provided funding to pilot the program and then to expand it to now include at least 10 support groups around Western Australia. And from the feedback Wanslea received, it was able to recommend to Centrelink that it have a central number that grandparents could call for specialist help. The outcome is that Centrelink has established a grandparent liaison officer in Perth who can provide a specialised service.

Another pleasing initiative happened in South Australia last month. The government officially recognised grandparent carers, giving them better access to services and benefits. In a national first, grandparents will benefit from a statutory declaration that recognises their full-time care of children. This will allow them to enrol children in school, to give consent for medical and dental services, to authorise school excursions and to obtain birth certificates. These are all the kinds of rights that parents take for granted, and the lack of them causes so much unnecessary frustration for grandparent carers in other states. Without legal custody, grandparents have difficulty obtaining documents such as birth certificates and Medicare cards, they cannot authorise medical treatment and they cannot give consent to participation in school activities.

All of this is a move in the right direction, but many government, non-government and federal government agencies, such as Medicare, are not included in the South Australian scheme. They have resisted requests in order to keep in line with agency policy. Until these agencies accept the statutory declaration at a national level, the initiative will be limited. It would be good to see these admirable developments adopted all around the country. At the moment there is no consistency across and within jurisdictions in relation to the recognition of and support for grandparent carers. There is a strong case for it on equity grounds alone.

Think what good sense it would make to establish a national 24-hour information service, or to allow grandparent primary carers to have greater access to foster care payments, family tax benefits and the childcare rebate scheme. The assumption that nanna and pop are always available for free child care is a mistake. If grandparents are taking a weight off the public purse, their contribution to the economy should be recognised. A report in February this year by Families Australia, the nation’s peak independent not-for-profit organisation, found that one in five young children is now cared for by grandparents, 98 per cent of whom are doing it for free.
This is the experience of some grandparents who are involved in a support network here in the ACT that is organised by Marymead. The report of the Australian National Council on Drugs entitled \textit{Drug use in the family: impacts and implications for children} was released last month. Recommendation 15 of this report states:

Grandparents are increasingly taking on full-time caring responsibilities in response to concerns for the welfare of their grandchildren due to their own children’s substance misuse. The support needs of these grandparent carers are many and at present are only erratically addressed. Australian research is urgently needed to determine best practice models for supporting grandparent carers.

Another program I heard about once I started looking at this issue is the Mirabel Foundation, established in 1998 to help children who have been orphaned or abandoned because of this specific illicit drug use issue and who are now in the care of extended family, usually grandparents. Mirabel believe that every child deserves a childhood, and their mission is to break the destructive cycle of addiction. They have helped over 800 children and 500 grandparents across New South Wales and Victoria since they were established. Can you imagine working with grandparents who are well into their eighties? As you can imagine, the stress of raising young children can be particularly profound for them.

The legal challenges are the biggest and toughest issue. Many grandparents hope they will be carers only temporarily, until the parents are again able to care for their children. If grandparents seek legal custody, they bring legal proceedings against their own relative, which you can imagine places extraordinary pressures on family relationships. They are seldom eligible for legal aid and they often face high legal bills. What we need to do is to celebrate the contribution that grandparent carers make. Our children need protection and care, and our caring grandparents need official recognition. We owe it to both of these groups to do something about this.

\textbf{State Governments}

\textbf{Senator RONALDSON} (Victoria) (10.08 pm)—I want to talk about a publication by the Menzies Research Centre called \textit{State of the states}. It tells of a fairly dramatic situation about the state governments and also makes quite remarkable reference to the amount of money the states have received post GST and what they have done with it. I can see that Senator Moore is on the edge of her seat waiting for this information. In 2005-06 the states and territories collected \$47.4\ billion more revenue than they did in 1999-2000—the last year of the pre-GST era—and the figures are quite remarkable. In New South Wales, the percentage increase has been 38 per cent and, in my home state of Victoria, there has been a 43 per cent increase, some \$9.665\ billion extra per annum than they received in 1999-2000. I will quote from the report. It says:

To put this into perspective, the revenue windfall that State and Territory governments received in 2005-06 was equivalent to five percent of the value of Australia’s Gross Domestic Product in that year. It exceeded the total revenue received by the New South Wales Government in 2005-06. GST revenues account for most of the revenue windfall. Current grants and subsidies, which include GST revenue, have been steadily rising and in 2005-06 accounted for almost half of total State and Territory government revenues.

\ldots \ldots \ldots \ldots

In 2005-06 States and Territories collected \$6.4\ billion more in state taxes, \$3.5\ billion more in sales of goods and services and \$2.6\ billion more in interest income, than they did in 1999-00 in nominal terms.

That is the increase in the revenue, but what we need to look at is where that expenditure has gone. The real issue here is that, despite
these quite dramatically increased revenues, you need to look at the expenditure, the wisdom of that expenditure and where it has gone. A large proportion of the increased revenue expended has been in the government sector, as you would expect, and the great bulk of that expenditure has been in increased employee costs. Some $14 billion of that increased revenue was in increased salaries, and some $5 billion was in extra government employees.

The issue here is not whether government employees have received a pay rise; their pay rises are about equivalent to those in the private sector. I quote from the report again:

... average weekly earnings among private sector full time workers in each State and Territory grew by at least 29 percent (up to a maximum of 39 percent in the ACT).

In comparison, average weekly earnings among public sector full time workers in each State and Territory grew by at least 28 percent (up to a maximum of 34 percent in the ACT) over the same period.

In the case of those private sector average weekly earnings increases, you can be confident—and the report refers to this—that they reflect the growth in labour productivity for the simple reason that, if that were not the case, you would expect, as the report says, profits to be squeezed or a steady increase in the general level of prices as measured by the CPI, and we did not see either of those situations.

I quote again from the report. It says:

... in the case of the public sector, though output per employee is difficult to measure, what measures there are generally do not suggest that productivity is increasing at anywhere near the rates that are being achieved by the private sector. This is despite the fact that growth in average weekly earnings among public sector full time workers has broadly kept pace with the private sector. I will continue the quote:

On balance, the increased remuneration per public sector employee observed in recent years appears less related to the achievement of productivity improvements in government service provision than to difficulties faced by State and Territory governments in containing wage pressures.

As the report says, you would expect that education, health and public order and safety receive the greatest bulk of this increase in revenue. But look at the figures for hospitals and waiting lists—and the report details a large number of these over that period. For example, in Victoria there has actually been a decline in the percentage of total public hospital emergency visits seen on time. In Victoria, we have had dramatically increased GST revenue. The great bulk of that is going to health, education and policing but we have actually seen a decrease in the number of patients that are seen on time. Surely it is incumbent upon state governments, who have massively increased resources, to start returning that windfall, in the case of Victoria, to the people of Victoria. This stuff is not rocket science.

Senator Conroy—New South Wales.

Senator RONALDSON—We are not going to put Victorian money into New South Wales, Senator Conroy. I find that quite extraordinary coming from Victoria. New South Wales has enough problems of its own; I do not think we need to do anything to assist them. When you look at the increased revenue and then at the service provision that has flowed from it, it is quite clear that this has been wasteful use of dramatically increased GST revenue.

What happened was that the states demanded, after decades of the farce that we all remember—the farcical Premiers Conference—that they have a revenue formula. While they were running around playing politics in relation to the GST when it was first suggested, when push came to shove they jumped on it. I think it was Paul...
Keating who said that you never stand between a state Premier and a bucket of money. They grabbed it and they have seen quite dramatic increases in their revenue. We are in buoyant times. This government, through good economic management, has given the states the ability, particularly through property taxes, to dramatically increase their revenue over and above the GST. As this Menzies Research Centre paper says, they have not returned the dividend back to their populations. And Victoria is probably the worst of them. If you had listened to the state budget you would think they were doing a marvellous job, according to them. The realities are that in those basic services they are failing; they are failing in education, health, transport and policing. It is about time, as this report says, that they started spending that money appropriately and wisely.

Climate Change

Senator BARTLETT (Queensland) (10.19 pm)—I would like to speak tonight about an issue that everyone in this chamber is familiar with, and that is the issue of air travel, and I want to do so in the context of the climate change debate. We are, thankfully, finally getting to a stage in Australia where climate change is being recognised pretty much universally across the political spectrum as a serious and genuine issue. Some of that recognition might be less than sincere but most are acknowledging it and recognising that we need to act. That is the very first step.

The next step is building the political will and developing mechanisms to enable sufficient action to occur to address the problem that we are finally now acknowledging exists. This tends to mean that you will get focus on a few key areas. That is the nature of the way political and public debate works—people focus on a couple of areas and say they are the big problems and we must do a lot about those areas. In terms of climate change and carbon emissions, power consumption and coal fired power stations in particular are seen as one of those big areas. Another is the area of transport. They are both significant areas. When people think of transport they tend to think of trucks, cars, trains and the like. But the area of air travel has not had a lot of attention and I believe it merits more attention than it gets. That is important because any response to climate change that is going to work has to be a holistic one.

Whatever we might like to think about what is feasible and what is not regarding the necessary changes to address and minimise climate change, it is going to mean significant changes to the way we live in future compared with the way we live now. My view is that the reality of how we address climate change is somewhere between the extremes that are often presented. We have the extreme that is put regularly by people like the Treasurer, Mr Costello, that if we make significant shifts to our resource sector, or pretty much anything away from business as usual, then the economy is going to collapse, there will be mass unemployment and ‘We’ll all be rooned.’ That clearly is quite farcical, particularly when you look at the consequences of doing nothing, which will really allow dangerous climate change to become rampant and then we will ‘all be rooned’. There will be enormous economic damage. Just putting the environmental issues to one side, the whole way our economy functions is underpinned by many factors—the natural ecosystem would be severely harmed and the cost would be enormous. We are starting to see that already, of course, in terms of issues like drought, severe weather events and the like.

The alternative view that is often put is that we need to just wipe out the coal industry straight away—close down that whole
area—and it will all be fine because all these new jobs will just pop up overnight in renewable energy, people can just shift across, it will be easy and we should just go with it. Certainly there are enormous opportunities in the renewable energy industries, carbon markets and all sorts of other areas. But we should not kid ourselves that it is going to be easy to make those transitions or that people who are affected by declining employment in a particular sector can easily flip across to another one. We know from the significant shifts that have happened, for example, in the manufacturing sector and in some of the resource sector industries that it does not always work as neatly as that.

The other point that I want to make is that it will require significant individual personal change. This is something we are all in together. We need more action, leadership and political will from government and we need more genuine commitment and leadership from business, but we need more individual commitment as well. We will not be able to get to where we need to in reducing greenhouse emissions purely through technological fixes and pricing mechanisms. Behavioural shifts will be required on top of those.

I believe one of the areas we need to start thinking about and acclimatising our attitudes to is air travel. Air travel at the moment accounts for around two per cent of our total CO₂ emissions in Australia. Certain people might say, ‘It’s not very significant then.’ It is scheduled, if it keeps growing at its current rate, to double by 2020. On top of that, a lot of scientific opinion suggests that you cannot just measure carbon emissions—there is what is usually called an ‘uplift factor’ in calculating the climate impacts of aircraft travel emissions because of other greenhouse gases apart from carbon, like nitrogen oxides and water vapour, and also the areas in the atmosphere where they are released. The science in this area is less precise and therefore you get a lot of debate about whether the impact of emissions from aeroplanes should just be counted as straight carbon emissions or whether you should have an uplift factor of 1.7 to 2.7—that is the sort of range that is put there. The fact there is no agreement on precisely what that uplift factor should be should not be used as an excuse to just not measure it at all, but that is basically the approach we have taken to date.

I draw the Senate’s attention to a paper that was recently put out by the Australia Institute looking into the topic of air travel and emissions. It is one that I would recommend to policy makers across the board because it focuses on an area that is not often focused on. Even the debate at the moment about developing a carbon-trading program of some sort or a carbon-pricing mechanism in some way through a straight carbon tax will not necessarily take into account all of the climate change or greenhouse emission impacts—the full impacts of air travel.

This is particularly crucial to Australia’s economy. Of course, we rely very heavily on tourism. We are a long way away from other parts of the world, so there are a lot more emissions created through people catching planes to get here. Even travelling within Australia, as we all know—in this place more than most—if it is not by air travel, is quite difficult. We need to acknowledge this and accept the reality that if we address some of the other areas and reduce emissions in electricity consumption, car transport and other sorts of things whilst not doing anything about air travel because it is too hard or too inconvenient then we will wipe out a lot of the gains that we have made. And let us not forget that, whatever target or aspirational goal we set for 2050 or 2020, it is going to require significant cuts, and you cannot have a continuing increase in air travel and expect to get cuts in emissions.
In the latest edition of the Economist this week, an article called 'Time to land' details a few different ways in which we might be able to make air travel more efficient and chew up less fuel along the way. There is no doubt that there are savings there, fuel efficiencies and all sorts of things, but I do not think anyone should kid themselves—certainly the Economist's article did not convince me by any means—that there are enough savings to be made by changing air travel patterns and routes and those sorts of things to make up for the continuing increase in air traffic around the globe, and that includes Australia.

We have to start thinking ahead about this. As an example, in my own town of Brisbane we are now going through the process of planning for a second runway to take the extra traffic that is likely to be coming into Brisbane. I accept that that is needed under current projections, but by putting in place that infrastructure we are facilitating further air travel. We need to be looking at ways to change that. Pricing mechanisms might play a part, perhaps with a direct charge or fee per flight, with the money going towards mitigation or other measures, or a charge at a much earlier stage for the weight of the luggage and things people take on board, because that certainly has its impact. But on top of that we simply need to recognise that we need to reduce air travel in certain circumstances.

I think we in the parliament could make a start on some of those things. Something as fundamental and basic as having really top-quality videoconferencing facilities in Parliament House and in all of the Commonwealth parliamentary offices around the country so that we do not need to travel so often to have run-of-the-mill committee meetings that could be done through high-quality videoconferencing would save a lot in terms of emissions. It would also save the taxpayer a lot of money pretty quickly and it might mean all of us being able to stay home in our electorates a little bit more often, which would probably not hurt either. There are simple things we can do, but we need to think about them now. (Time expired)

Senate adjourned at 10.29 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]


Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/A109/57—Cargo Hook Installation—2 [F2007L01749]*.

AD/A119/9—Cargo Hook Installation [F2007L01748]*.

AD/ATR 42/1—State of Design Airworthiness Directives [F2007L01729]*.

AD/B727/205 Amdt 1—Fuel Boost Pump Wiring [F2007L01728]*.

Class Ruling 2007/49.

Corporations Act—

Accounting Standard AASB 2007-4—Amendments to Australian Accounting Standards arising from ED 151 and Other Amendments [F2007L01669]*.

ASIC Class Order [CO 07/386] [F2007L01697]*.
Customs Act—
Tariff Concession Orders—
0703294 [F2007L01645]*.
0703305 [F2007L01642]*.
0703430 [F2007L01651]*.
0703432 [F2007L01707]*.
0703438 [F2007L01650]*.
0703439 [F2007L01708]*.
0703447 [F2007L01640]*.
0703448 [F2007L01639]*.
0703463 [F2007L01628]*.
0703465 [F2007L01627]*.
0703466 [F2007L01641]*.
0703464 [F2007L01649]*.
0703487 [F2007L01629]*.
0703474 [F2007L01647]*.
0703474 [F2007L01648]*.
0703475 [F2007L01656]*.
0703479 [F2007L01657]*.
0703930 [F2007L01659]*.
0703951 [F2007L01663]*.
0703990 [F2007L01660]*.
0704052 [F2007L01661]*.
0704153 [F2007L01740]*.
0704155 [F2007L01741]*.

Defence Act—Determinations under section 58H—Defence Force Remuneration Tribunal Determinations Nos—
1 of 2007—Navy Electronic Warfare Category.
4 of 2007—Interim Pay Grade Placements Engineers.

Disability Services Act—Disability Services (Rehabilitation Services) Guidelines 2007 [F2007L01683]*.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—
40.
125.

Migration Act—Migration Regulations—Instrument IMMI 07/023—Addresses for Applications for the Subclass 420 (Entertainment) Visa [F2007L01737]*.


Sydney Airport Curfew Act—Dispensation Report 06/07.

Veterans’ Entitlements Act—Determination of Hazardous Service—Afghanistan [F2007L01654]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Airservices Australia: Solomon Islands
(Question Nos 2806 to 2809)

Senator O’Brien asked various ministers, upon notice, on 17 November 2006:

(1) Can the Minister confirm that in June 2001 the Minister and/or the Minister’s department received a cablegram briefing from the Australian High Commission in Honiara concerning allegations published in the Solomon Star about the misuse of air navigation fees collected by Airservices Australia on behalf of the Solomon Islands Government.

(2) Can the following details be provided: (a) a list of the cablegram recipients, including the Minister and/or departmental officers; and (b) the date the cablegram briefing was received.

(3) Can a copy of the cablegram briefing be provided; if not, why not.

(4) What action has been taken in response to the briefing.

(5) Having received the briefing, why did the Minister not intervene to prevent the continuing payment of air navigation revenue to third parties in contravention of the contract between Airservices Australia and the Solomon Islands Government.

Senator Johnston—the Minister for Transport and Regional Services has provided the following answer on behalf of all ministers:

(1) to (5) All documents and information relevant to this issue, including the cablegram, were made available to the ANAO in the course of its audit of the administration of the Solomon Islands upper airspace contracts. The ANAO has reported to the Parliament and the report is publicly available at www.anao.gov.au

Tourism Australia
(Question No. 3078)

Senator Stephens asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 27 March 2007:

With reference to section 3.2 of the 2006-07 Agency Budget Statements for Tourism Australia (TA) (Industry, Tourism and Resources Portfolio Budget Statements 2006-07, p. 196) that states that TA’s appropriations have decreased since the 2005-06 financial year and that this is primarily due to the expiry of promotional funding introduced in the 2002-03 financial year to counteract the fall in tourism since 11 September 2001:

(1) How much of the funding allocation has been spent on establishing TA as the new tourism agency.

(2) What were the costings associated with establishing: (a) Tourism Events Australia; (b) the Australian Experiences Unit; (c) the Industry Implementation Advisory Group; and (d) the rolling out of the domestic tourism campaign.

(3) What was the expenditure for: (a) launching the international campaign; (b) the conceptual work for the campaign; (c) strategic planning; and (d) the revitalised Brand Australia campaign in the 14 key overseas markets referred to in the department’s Tourism White Paper Fact Sheet.

(4) What costs have been incurred for actioning the first two rounds of the: (a) Australian Tourism Development Program; and (b) Tourism and Conservation Partnerships Initiative.

(5) What costs have been associated with the Business Ready Program for Indigenous Tourism.
Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) Senator Stephens has previously asked this question, during the 2006-07 Additional Budget Estimates Hearing. Please refer to Hansard 16/02/07, Page E48 E49, Question AI-49 for the answer.

(2) (a) and (b) Senator Stephens has previously asked these questions, during the 2006-07 Additional Budget Estimates Hearing. Please refer to Hansard 16/02/07, Page E49, Question AI-50 for the answers.

(c) The Industry Implementation Advisory Group, which was the Minister’s advisory panel on the implementation of the Tourism White Paper, has been replaced by the Tourism Minister’s Advisory Council (TMAC). TMAC is chaired by the Minister for Small Business and Tourism. TMAC has met three times (up until April 2007). Members pay their own expenses (travel, accommodation) to attend meetings for which they do not receive a sitting fee.

The Department provides secretariat support. The cost of the first TMAC meeting was $5,464. The cost of the second meeting was $4,898. The cost of the third meeting was $7,007.

(d) Tourism Australia has developed a Domestic Content Strategy to create national media platforms to lift the profile and awareness of what an Australian holiday has to offer, whilst also allowing the Australian industry to speak directly to these consumers.

The strategy aims to showcase domestic tourism experiences which appeal to the target group in a way that will compel them to choose to take their next holiday in Australia. The activities are focussed on delivering opportunities that would otherwise not have happened without Tourism Australia’s involvement.

The Domestic Content Strategy includes partnerships with Publishing Broadcasting Limited (PBL), Fairfax, News Limited, the Australia Broadcasting Corporation (ABC), Channel 7, and the Federal Publishing Company (FPC) to feature Australian holiday content.

Tourism Australia has been working closely with each STO on contributions for each of the domestic content initiatives. The activities have included a wide range of industry participation through editorial and advertising contributions.

The budget allocation for Tourism Australia’s domestic marketing initiatives in 2006/07 is approximately $8 million.

(3) (a) Senator Stephens has previously asked this question, during the 2006-07 Additional Budget Estimates Hearing. Please refer to Hansard 16/02/07, Page E49, Question AI-53 for the answer.

(b) Senator Stephens has previously asked this question, during the 2006-07 Additional Budget Estimates Hearing. Please refer to Hansard 16/02/07, Page E49, Question AI-51 for the answer.

(c) Strategic planning was undertaken as part of the research process as outlined in part (3b).

(d) The Brand Australia refresh project was completed in the 2003/04 financial year with the development of a new brand marketing approach aimed to extend beyond conventional tourism communication. In early 2004, the Australian Tourist Commission received $12 million in additional funding to launch the new revitalised brand and increase consumer reach in key markets.

(4) (a) and (b), (5) Senator Stephens has previously asked these questions, during the 2006-07 Additional Budget Estimates Hearing. Please refer to Hansard 16/02/07, Page E49, Question AI-53 for the answers.
Senator STEPHENS asked:—What proportion of your funding allocation has actually been spent on establishing Tourism Australia as a new tourism agency? Because you have re-branded, have you not?

Mr Hopwood—Yes. Do you mean the technical costs of stationery and legal costs of establishment or our marketing?

Senator STEPHENS—I would be interested in the broader picture, not just those administrative costs but some marketing. What has gone into the marketing campaign of your re-branding? That would be helpful.

ANSWER

On 1 July 2004, Tourism Australia was established, bringing together the functions of international marketing (the Australian Tourist Commission), domestic tourism marketing (See Australia) and tourism research (the Bureau of Tourism Research and Tourism Forecasting Council). The following administrative costs were incurred by Tourism Australia in the formation of this new entity in 2004.

- Legal fees for the purchase and registration of the corporate name and the performance of due diligence: $367,000.
- Trade mark registrations: $135,000.
- Recruitment: $122,000.
- Stationery: $107,000.
- Consultancy for the establishment of systems, processes and related documentation: $208,000.
- Other miscellaneous costs: $83,000.

The initial development costs for the new Tourism Australia identity and Brand Australia identity, which included all corporate and consumer facing materials was $312,000.
QUESTIONS ON NOTICE

(Hansard 16/2/07, Page E49)

Senator STEPHENS asked: — In terms of establishing Tourism Events Australia, can you provide some
details to the committee about what that exercise has cost. Also, in terms of the Australian Experience
Unit, can you tell how many people it has and how that is resourced?

Mr Hopwood—Yes, certainly.

Senator STEPHENS—That would be helpful too.

ANSWER

Tourism Events Australia (TEA) was launched on 2 September 2005 by the Minister for Small Business
and Tourism, the Hon Fran Bailey at Federation Square in Melbourne. The main objective of TEA is to
promote Australia as a destination for corporate meetings and incentives as well as major events.

TEA works to brand and promote Australia as a high value international business and major events des-
tination, to help us capture an even larger proportion of this lucrative market.

As part of TEA’s activities, a new $2.6 million campaign to attract more international conventions and
business tourists, was launched by the Tourism Minister Fran Bailey at the 15th Asia Pacific Incentives
and Meetings Expo in Melbourne on Monday 12 February.

The Australian Experiences Unit is involved in developing and communicating tourism experiences that
maximise high yield tourism and regional dispersal. The Unit has a budget of approximately $1.75 mil-

lion for 2006/07. The Unit currently has five staff members, consisting of three full time positions and
two part time positions.

Senate Economics Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Industry, Tourism and Resources Portfolio
2006-07 Additional Budget Estimates Hearing
15 & 16 February 2007

AGENCY/DEPARTMENT: INDUSTRY, TOURISM AND RESOURCES

TOPIC: International Campaign – Tender Process

REFERENCE: Hansard 16/2/07, Page E49

QUESTION No. A1-51

Senator STEPHENS asked: — You may not be able to quantify this but perhaps you might be able to tell
me what resources have gone into, for want of a better word, the conceptualisation around the interna-
tional campaign? Did you engage consultants to do that?

Mr Buckley—It was part of a tender process to actually—

Senator STEPHENS—If you could provide some details of that tender process that would be useful.

Mr Buckley—Yes, we can.

ANSWER

The value of research used by Tourism Australia to inform Tourism Australia’s international campaign
development, including overall strategy formulation (eg identifying the intention challenge), branding
issues, campaign strategy, target market identification and profiling, creative development and several
rounds of creative testing was $6.2 million. Tourism Australia engaged the following companies to con-
duct specific and related research- AC Nielson, Taylor Nelson Sofres, Acacia Avenue, Harris Interac-
Senator STEPHENS asked: —And also perhaps some information around the establishment of the Industry Implementation Advisory Group; are you able to tell me—

Mr Buckley—The industry advisory—

Senator STEPHENS—Implementation, yes, advisory group. The costs of establishing—

Mr Buckley—Can I be clear about which group you might be referring to?

Senator STEPHENS—You mean you have more than one?

Mr Noonan—Tourism Australia has industry advisory panels in a number of areas. It is perhaps that area that you are looking at, which advise the board on various matters.

Senator STEPHENS—I have it here as the industry implementation advisory group.

Mr Noonan—No, that sounds more like the minister’s advisory panel on the implementation of the white paper, which is nowadays known as the Tourism Minister’s Advisory Council. We can certainly give you some detail about the cost of running that council.

ANSWER

Tourism Minister’s Advisory Council

The Tourism Minister’s Advisory Council (TMAC) is chaired by the Minister for Small Business and Tourism. It has met three (up until April 2007).

Members pay their own expenses (travel, accommodation) to attend meetings for which they do not receive a sitting fee. The Department provides secretariat support.

The cost of the first TMAC meeting was $5,464, the cost of the second TMAC meeting was $4,898, and the cost of the third meeting was $7,007.
Senator STEPHENS asked:—Perhaps you could provide some detail, too, on how much is being spent on rolling out the revitalised Brand Australia campaign and also the costs that have been incurred for the first two rounds of the Australian Tourism Development Program, the first two rounds of the Tourism and Conservation Partnerships Initiative and the Business Ready Program for Indigenous Tourism. If you could take all of that on notice that would be helpful.

Mr Noonan—Yes. I will provide you with the allocations to each of those programs.

Senator STEPHENS—Thank you.

ANSWER

Brand Australia campaign
An initial $40 million was allocated to the international campaign in 2006 and a further $140 million has been allocated to international activities, including campaign activities over the 2006-07 and 2007-08 financial years.

Australian Tourism Development Program
Up to the end of 2005-06, the expenditure in the first 2 rounds of the Australian Tourism Development Program was $13.4 million.

Tourism and Conservation Partnerships Initiative
Up to the end of 2005-06, the expenditure for the first 2 rounds of the Tourism and Conservation Initiative was $2.0 million.

Business Ready Program for Indigenous Tourism.
There has been one round of the Business Ready Program for Indigenous Tourism with expenditure of $1.4 million up to 2005-06.

Tourism Australia
(Question No. 3080)

Senator Stephens asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 27 March 2007:

With reference to table 2.3 in the Agency Budget Statements for Tourism Australia (TA) contained in the department’s Portfolio Budget Statements 2006-07 (p.192) that demonstrates that TA, in each of the financial years 2005-06 and 2006-07, acquired approximately $0.3 million through cost recovery arrangements:

(1) (a) Can a list be provided of programs that include some cost recovery; and (b) for each of these programs, the amount that it acquired through cost recovery measures.

(2) How are cost recovery charges set for these programs.

(3) What methodology is used to determine what is subject to a cost recovery charge.

(4) If charging was increased across the range of Tourism Australia programs, what would be the impact to revenue.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) (a) Cost recovery in Tourism Australia is focused on Tourism Australia managed trade events; and the provision tourism statistics and analysis from Tourism Research Australia (TRA). (b) Information on how the amount acquired through cost recovery measures is available in the Tourism Australia section of the Portfolio Budget Statements 2007/08 for the Industry, Tourism and Resources Portfolio. A copy of this statement is at:

http://www.tourism.australia.com/AboutUs.asp?sub=0302
(2) Information on how the cost recovery charges are set for these programs is available in the Tourism Australia section of the Portfolio Budget Statements 2007/08 for the Industry, Tourism and Resources Portfolio.

(3) Information on the methodology used to determine what is subject to a cost recovery charge is available in the Tourism Australia section of the Portfolio Budget Statements 2007/08 for the Industry, Tourism and Resources Portfolio.

(4) As Tourism Australia only imposes charges on a small number of programmes, a rise in charges would only have a minor impact on revenue.

Parliament House: Security
(Question No. 3204)

Senator Stott Despoja asked the Minister for Finance and Administration, upon notice, on 17 May 2007:

(1) Under what legislation or regulations is the specific legislative authority to conduct background police checks on journalists, lobbyists and employees who work or visit Parliament House.

(2) If a person receives a negative outcome as a result of a background police check performed on behalf of the Department of Parliamentary Services (DPS) what might the consequences be for that person.

(3) Would a right of access for a member of parliament or a senator to a journalist in the parliamentary precinct be restricted at all, if that journalist received a negative outcome following a police record check; if so, on what grounds.

(4) In developing the policy to check the criminal history of journalists, lobbyists and employees at Parliament House, did the Secretary of DPS consult the committee that represents the press gallery; if not, why not.

(5) On what grounds have members of parliament and senators been exempted from background checks.

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

(1) to (5) As this matter does not fall within the responsibilities of the Finance and Administration portfolio please refer to the answer provided by the President of the Senate to QON 3205.