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://parlinfo@web.aph.gov.au

SITTING DAYS—2008

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>12, 13, 14</td>
</tr>
<tr>
<td>March</td>
<td>11, 12, 13, 17, 18, 19, 20</td>
</tr>
<tr>
<td>May</td>
<td>13, 14, 15</td>
</tr>
<tr>
<td>June</td>
<td>16, 17, 18, 18, 23, 24, 25, 26</td>
</tr>
<tr>
<td>August</td>
<td>26, 27, 28</td>
</tr>
<tr>
<td>September</td>
<td>1, 2, 3, 4, 15, 16, 17, 18, 22, 23, 24, 25</td>
</tr>
<tr>
<td>October</td>
<td>13, 14, 15, 16</td>
</tr>
<tr>
<td>November</td>
<td>10, 11, 12, 13, 24, 25, 26, 27</td>
</tr>
<tr>
<td>December</td>
<td>1, 2, 3, 4</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-SECOND PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

Senate Officeholders
President—Senator Hon. Alan Baird Ferguson
Deputy President and Chair of Committees—Senator John Joseph Hogg
Temporary Chairs of Committees—Senators Guy Barnett, Andrew John Julian Bartlett,
Thomas Mark Bishop, Carol Louise Brown, Hedley Grant Pearson Chapman,
Michael George Forshaw, Stephen Patrick Hutchins, Linda Jean Kirk, Philip Ross Lightfoot,
Hon. John Alexander Lindsay (Sandy) Macdonald, Anne McEwen, Gavin Mark Marshall,
Claire Mary Moore, Andrew James Marshall Murray, Hon. Judith Mary Troeth and
John Odin Wentworth Watson
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Nicholas Hugh Minchin
Deputy Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Hon. Christopher Martin Ellison

Senate Party Leaders and Whips
Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Leader of the Liberal Party of Australia—Senator Hon. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz
Leader of the Nationals—Senator Hon. Nigel Gregory Scullion
Deputy Leader of the Nationals—Senator Hon. Ronald Leslie Doyle Boswell
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

Government Whips—Senators Kerry O’Brien, Ruth Stephanie Webber and Dana Wortley
Liberal Party of Australia Whips—Senators Stephen Parry and Judith Adams
The Nationals Whip—Senator Fiona Joy Nash
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>Bushby, David Christopher (9)</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, Hon. 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>Cormann, Mathias Hubert Paul (8)</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Conroy, Hon. 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, Hon. 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, Hon. 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>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, Hon. 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>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>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>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 Williams Kelso</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2008</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Ray, Hon. Robert Francis</td>
<td>VIC</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory (3)</td>
<td>NT</td>
<td></td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2008</td>
<td>ALP</td>
</tr>
<tr>
<td>Sievert, Rachel</td>
<td>WA</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Stephens, Hon. 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, Hon. 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.
(8) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Hon. Ian Gordon Campbell, resigned.
(9) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Hon. Paul Henry Calvert, resigned.

PARTY ABBREVIATIONS
AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal 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—D Kenny (Acting)
<table>
<thead>
<tr>
<th>Minister Position</th>
<th>Minister Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>Hon. Kevin Rudd MP</td>
</tr>
<tr>
<td>Deputy Prime Minister, Minister for Education,</td>
<td></td>
</tr>
<tr>
<td>Minister for Employment and Workplace Relations and</td>
<td></td>
</tr>
<tr>
<td>Minister for Social Inclusion</td>
<td>Hon. Julia Gillard MP</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Hon. Wayne Swan MP</td>
</tr>
<tr>
<td>Minister for Immigration and Citizenship and</td>
<td></td>
</tr>
<tr>
<td>Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
</tr>
<tr>
<td>Special Minister of State, Cabinet Secretary and</td>
<td></td>
</tr>
<tr>
<td>Vice President of the Executive Council</td>
<td>Senator Hon. John Faulkner</td>
</tr>
<tr>
<td>Minister for Trade</td>
<td>Hon. Simon Crean MP</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon. Stephen Smith MP</td>
</tr>
<tr>
<td>Minister for Defence</td>
<td>Hon. Joel Fitzgibbon MP</td>
</tr>
<tr>
<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
</tr>
<tr>
<td>Minister for Families, Housing, Community Services and</td>
<td></td>
</tr>
<tr>
<td>Indigenous Affairs</td>
<td></td>
</tr>
<tr>
<td>Minister for Finance and Deregulation</td>
<td>Hon. Jenny Macklin MP</td>
</tr>
<tr>
<td>Minister for Infrastructure, Transport, Regional Development and Local Government and</td>
<td>Hon. Lindsay Tanner MP</td>
</tr>
<tr>
<td>Leader of the House</td>
<td></td>
</tr>
<tr>
<td>Minister for Broadband, Communications and the Digital Economy and</td>
<td></td>
</tr>
<tr>
<td>Deputy Leader of the Government in the Senate</td>
<td>Senator Hon. Stephen Conroy</td>
</tr>
<tr>
<td>Minister for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Kim Carr</td>
</tr>
<tr>
<td>Minister for Climate Change and Water</td>
<td>Senator Hon. Penny Wong</td>
</tr>
<tr>
<td>Minister for the Environment, Heritage and the Arts</td>
<td>Hon. Peter Garrett MP</td>
</tr>
<tr>
<td>Attorney-General</td>
<td>Hon. Robert McClelland MP</td>
</tr>
<tr>
<td>Minister for Human Services and</td>
<td></td>
</tr>
<tr>
<td>Manager of Government Business in the Senate</td>
<td>Senator Hon. Joe Ludwig</td>
</tr>
<tr>
<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>Hon. Tony Burke MP</td>
</tr>
<tr>
<td>Minister for Resources and Energy and</td>
<td>Hon. Martin Ferguson MP</td>
</tr>
<tr>
<td>Minister for Tourism</td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td>Member</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Minister for Home Affairs</td>
<td>Hon. Bob Debus MP</td>
</tr>
<tr>
<td>Assistant Treasurer and</td>
<td></td>
</tr>
<tr>
<td>Minister for Competition Policy and Consumer Affairs</td>
<td>Hon. Chris Bowen MP</td>
</tr>
<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Hon. Alan Griffin MP</td>
</tr>
<tr>
<td>Minister for Housing and</td>
<td></td>
</tr>
<tr>
<td>Minister for the Status of Women</td>
<td>Hon. Tanya Plibersek MP</td>
</tr>
<tr>
<td>Minister for Employment Participation</td>
<td>Hon. Brendan O’Connor MP</td>
</tr>
<tr>
<td>Minister for Defence Science and Personnel</td>
<td>Hon. Warren Snowdon MP</td>
</tr>
<tr>
<td>Minister for Small Business, Independent Contractors and the Service</td>
<td></td>
</tr>
<tr>
<td>Economy and</td>
<td></td>
</tr>
<tr>
<td>Minister Assisting the Finance Minister on Deregulation</td>
<td>Hon. Craig Emerson MP</td>
</tr>
<tr>
<td>Minister for Superannuation and Corporate Law</td>
<td>Senator Hon. Nick Sherry</td>
</tr>
<tr>
<td>Minister for Ageing</td>
<td>Hon. Justine Elliot MP</td>
</tr>
<tr>
<td>Minister for Youth and</td>
<td></td>
</tr>
<tr>
<td>Minister for Sport</td>
<td>Hon. Kate Ellis MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Early Childhood Education and Childcare</td>
<td>Hon. Maxine McKew MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence Procurement</td>
<td>Hon. Greg Combet MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Defence Support</td>
<td>Hon. Mike Kelly MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Regional Development and Northern Australia</td>
<td>Hon. Gary Gray MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Disabilities and Children’s Services</td>
<td>Hon. Bill Shorten MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for International Development Assistance</td>
<td>Hon. Bob McMullan MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>Hon. Duncan Kerr MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Hon. Anthony Byrne MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Social Inclusion and the Voluntary Sector</td>
<td></td>
</tr>
<tr>
<td>and</td>
<td></td>
</tr>
<tr>
<td>and</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary Assisting the Prime Minister for Social Inclusion</td>
<td>Senator Hon. Ursula Stephens</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Trade</td>
<td>Hon. John Murphy MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
<td>Senator Hon. Jan McLucas</td>
</tr>
<tr>
<td>Parliamentary Secretary for Multicultural Affairs and Settlement</td>
<td>Hon. Laurie Ferguson MP</td>
</tr>
<tr>
<td>Services</td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td>Member</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Leader of the Opposition</td>
<td>Hon. Brendan Nelson MP</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition and Shadow Minister for Employment,</td>
<td>Hon. Julie Bishop MP</td>
</tr>
<tr>
<td>Business and Workplace Relations</td>
<td></td>
</tr>
<tr>
<td>Leader of the Nationals and Shadow Minister for Infrastructure and</td>
<td>Hon. Warren Truss MP</td>
</tr>
<tr>
<td>Transport and Local Government</td>
<td></td>
</tr>
<tr>
<td>Leader of the Opposition in the Senate and Shadow Minister for Defence</td>
<td>Senator Hon. Nick Minchin</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition in the Senate and Shadow Minister for</td>
<td></td>
</tr>
<tr>
<td>Innovation, Industry, Science and Research</td>
<td>Senator Hon. Eric Abetz</td>
</tr>
<tr>
<td>Shadow Treasurer</td>
<td>Hon. Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Shadow Minister for Health and Ageing and</td>
<td>Hon. Joe Hockey MP</td>
</tr>
<tr>
<td>Leader of Opposition Business in the House</td>
<td>Hon. Andrew Robb MP</td>
</tr>
<tr>
<td>Shadow Minister for Trade</td>
<td>Hon. Ian MacFarlane MP</td>
</tr>
<tr>
<td>Shadow Minister for Families, Community Services, Indigenous Affairs</td>
<td>Hon. Tony Abbott MP</td>
</tr>
<tr>
<td>and the Voluntary Sector</td>
<td>Senator Hon. Nigel Scullion</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture, Fisheries and Forestry</td>
<td>Senator Hon. Helen Coonan</td>
</tr>
<tr>
<td>Shadow Minister for Human Services</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Education, Apprenticeships and Training</td>
<td>Hon. Tony Smith MP</td>
</tr>
<tr>
<td>Shadow Minister for Climate Change, Environment and Urban Water</td>
<td>Hon. Greg Hunt MP</td>
</tr>
<tr>
<td>Shadow Minister for Finance, Competition Policy and Deregulation</td>
<td>Hon. Peter Dutton MP</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Citizenship and</td>
<td>Senator Hon. Chris Ellison</td>
</tr>
<tr>
<td>Manager of Opposition Business in the Senate</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Broadband, Communications and the Digital Economy</td>
<td>Hon. Bruce Billson MP</td>
</tr>
<tr>
<td>Shadow Attorney-General</td>
<td>Senator Hon. George Brandis</td>
</tr>
<tr>
<td>Shadow Minister for Resources and Energy and</td>
<td>Senator Hon. David Johnston</td>
</tr>
<tr>
<td>Shadow Minister for Tourism</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Regional Development and</td>
<td>Hon. John Cobb MP</td>
</tr>
<tr>
<td>Shadow Minister for Water Security</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Justice</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Border Protection and</td>
<td>Hon. Chris Pyne MP</td>
</tr>
<tr>
<td>Assisting Shadow Minister for Immigration and Citizenship</td>
<td>Senator Hon. Michael Ronaldson</td>
</tr>
<tr>
<td>Shadow Special Minister of State</td>
<td>Steven Ciobo MP</td>
</tr>
<tr>
<td>Shadow Minister for Small Business, the Service Economy and</td>
<td>Hon. Sharman Stone MP</td>
</tr>
<tr>
<td>Tourism</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Environment, Heritage, the Arts and Indigenous</td>
<td></td>
</tr>
<tr>
<td>Affairs</td>
<td>Michael Keenan MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer and</td>
<td>Margaret May MP</td>
</tr>
<tr>
<td>Shadow Minister for Superannuation and Corporate Governance</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Ageing</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence</td>
<td>Hon. Bob Baldwin MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans’ Affairs</td>
<td>Hon. Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for Employment Participation and Apprenticeships and Training</td>
<td>Andrew Southcott MP</td>
</tr>
<tr>
<td>Shadow Minister for Housing and</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for the Status of Women</td>
<td>Hon. Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for Youth and</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Sport</td>
<td>Hon. Pat Farmer MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Cabinet Secretary</td>
<td>Don Randall MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition and</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern Australia</td>
<td>Senator Hon. Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Health</td>
<td>Senator Hon. Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Education</td>
<td>Senator Hon. Brett Mason</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence</td>
<td>Hon. Peter Lindsay MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Infrastructure, Roads and Transport</td>
<td>Barry Haase MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Trade</td>
<td>John Forrest MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration and Citizenship</td>
<td>Louise Markus MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Sophie Mirabella MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Tourism</td>
<td>Jo Gash MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Ageing and the Voluntary Sector</td>
<td>Mark Coulton MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Foreign Affairs</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Families and Community Services</td>
<td>Senator Cory Bernardi</td>
</tr>
</tbody>
</table>
## CONTENTS

### Chamber
**Business**—
  Consideration of Legislation............................................................................................ 911
**Condolences**—
  Hon. Clyde Robert Cameron AO...................................................................................... 914
**Business**—
  Rearrangement.................................................................................................................. 921
Communications Legislation Amendment (Miscellaneous Measures) Bill 2008—
  Second Reading................................................................................................................ 921
  In Committee................................................................................................................... . 922
  Third Reading.................................................................................................................. . 922
**Business**—
  Rearrangement.................................................................................................................. 922
Superannuation Legislation Amendment (Trustee Board and Other Measures)
(Consequential Amendments) Bill 2008—
  Second Reading................................................................................................................ 922
Governor-General’s Speech—
  Address-in-Reply.............................................................................................................. 927
**Questions Without Notice**—
  Tibet.......................................................................................................................... ........ 931
  HMAS Sydney .................................................................................................................. 933
  Prime Minister................................................................................................................. . 933
  Climate Change ................................................................................................................ 934
  Donations to Political Parties ........................................................................................... 936
  Climate Change ................................................................................................................ 936
  Donations to Political Parties ........................................................................................... 938
  Economy........................................................................................................................... 939
  Plastic Bag Levy ................................................................................................................ 939
  Climate Change ................................................................................................................ 940
  Fuel Prices ...................................................................................................................... 942
  Housing Affordability ...................................................................................................... 943
  Community Services ........................................................................................................ 944
**Questions Without Notice: Take Note of Answers**—
  Donations to Political Parties ........................................................................................... 945
**Notices**—
  Presentation ....................................................................................................................... 951
**Questions Without Notice: Take Note of Answers**—
  Climate Change ................................................................................................................ 954
**Condolences**—
  Hon. Clyde Robert Cameron AO...................................................................................... 955
**Notices**—
  Postponement .................................................................................................................. 960
  Health Research .............................................................................................................. 960
  Asia Pacific Defence and Security exhibition..................................................................... 961
  crown casino ...................................................................................................................... 961
  Matters of Urgency—
  Tibet.......................................................................................................................... ........ 961
**Ministerial Statements**—
  Best Practice Regulation Requirements ......................................................................... 973
CONTENTS — continued

Committees—
   Senators’ Interests Committee—Report ................................................................. 975
   Education, Employment and Workplace Relations Committee—Report ............. 975
   Membership ............................................................................................................. 975
Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008—
   First Reading ........................................................................................................ 975
   Second Reading ..................................................................................................... 975
Committees—
   Membership .......................................................................................................... 1044
Adjournment—
   Ireland .................................................................................................................. 1045
   Australian Defence Force Parliamentary Program .............................................. 1047
   Federalism ............................................................................................................. 1049
Documents—
   Tabling ................................................................................................................... 1051
Questions On Notice
   Coal—(Question No. 91) ......................................................................................... 1054
   Centrelink—(Question No. 108) ........................................................................... 1055
   Climate Change—(Question No. 111) .................................................................. 1056
   Jetstar Airways—(Question No. 273) ................................................................... 1057
   Proposed Pulp Mill—(Question No. 274) ............................................................... 1057
   Proposed Pulp Mill—(Question No. 275) ............................................................... 1058
   Proposed Pulp Mill—(Question No. 276) ............................................................... 1058
   Proposed Pulp Mill—(Question No. 277) ............................................................... 1059
   Ex-Military Aircraft—(Question No. 278) .............................................................. 1059
The President (Senator the Hon. Alan Ferguson) took the chair at 12.30 pm and read prayers.

BUSINESS

Consideration of Legislation

Senator WONG (South Australia—Minister for Climate Change and Water)(12.30 pm)—by leave—I move:

That:

(1) The provisions of paragraphs (5) to (8) of standing order 111 not apply to the Communications Legislation Amendment (Miscellaneous Measures) Bill 2008 and the Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2008, allowing them to be considered during this period of sittings.

(2) That, upon its introduction in the Senate, the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 have precedence over all other business till determined.

I also table statements of reasons justifying the need for these bills mentioned in paragraph (1) to be considered during these sittings and seek leave to have the statements incorporated in Hansard.

Leave granted.

The reasons read as follows—

COMMUNICATIONS LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008

Purpose of the Bill

The bill amends the Broadcasting Services Act 1992 (the BSA) to give the Australian Communications and Media Authority (the ACMA) a discretion to consider late applications for renewals of community broadcasting licences that are made up until the expiry date of the licence.

Reasons for Urgency

Currently the ACMA has no discretion to accept an application for renewal of a community broadcasting licence after twenty six weeks prior to the licence expiry date, regardless of the circumstances giving rise to the late application.

There are in excess of 250 Community Broadcasting Licences currently issued by ACMA. Despite the ACMA monitoring of renewal applications there is a real possibility of late renewal applications being received in the near future.

There is a moderate to high risk that ACMA could be prevented through legal action from renewing a licence following a late application, even one lodged only a short period outside the 26 week limit. Such action could be taken by someone wishing to take over the licence from the current holder in order to provide an alternative service, particularly if they had been an applicant in the original licence allocation process.

If the proposed amendment is not made urgently there is a real possibility of good community broadcasting stations which provide a valuable public service unreasonably losing their licences.

It is the primary purpose of these amendments to avoid a situation where a community broadcaster, providing a valuable public service, could lose its licence as a result of a late application where the broadcaster can show good reasons why that application is late.

SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE BOARD AND OTHER MEASURES) (CONSEQUENTIAL AMENDMENTS) BILL 2008

Purpose of the Bill

The proposed bill:

• makes minor amendments to the Superannuation Act 1976 and the Superannuation (Productivity Benefit) Act 1988 in relation to changes to the earnings base for superannuation contributions to comply with the Superannuation Guarantee (Administration) Act 1992 from 1 July 2008;

• makes consequential amendments to a range of legislation following the introduction on 1 July 2006 of a single superannuation board to administer the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) and the Pub-
lic Sector Superannuation Accumulation Plan (PSSAP);

- makes consequential amendments to the invalidity retirement provisions for employees and office holders contained in a range of legislation following the introduction of the PSSAP;
- makes technical amendments to the Parliamentary Contributory Superannuation Act 1948, the Superannuation Act 1922, the Superannuation Act 1976, the Superannuation Act 1990 and the Superannuation (Productivity Benefit) Act 1988 as a consequence of a new regime for managing legislative instruments provided for under the Legislative Instruments Act 2003; and
- repeals the Schedule to the Superannuation Act 1990 which has been obsolete for many years.

Reasons for Urgency

The bill includes provisions which ensure that the Superannuation Act 1976 and the Superannuation (Productivity Benefit) Act 1988 comply with changes to the Superannuation Guarantee (Administration) Act 1992 that come into effect on 1 July 2008. These provisions must therefore be in place before 1 July 2008 or the benefits provided under those Acts will not comply with the requirements of the Superannuation Guarantee framework.

Senator WONG—I want to make some brief comments about the importance of the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 taking precedence. As the Deputy Prime Minister has indicated, the government regards this bill as key to delivering on aspects of our election commitments. We set out in detail prior to the previous election our approach on industrial relations. It was a matter well litigated. Despite the fact that some on the other side appear not to have understood this, the Australian people made their views in relation to this legislation and the government’s policy abundantly clear.

The government will proceed with this legislation. We expect this legislation to be passed prior to the Easter break. The Deputy Prime Minister has made it clear that this is a priority for us. It is a matter for the opposition. Is the opposition still slavishly tied to its failed Work Choices agenda or will it accept that the Australian people at the last election voted to abolish Work Choices, voted to remove this legislation and voted for Labor’s policy, which was set out in detail prior to the election? I want to emphasise that this was an issue that was well litigated and well traversed prior to the last election. There is a lot of talk in various quarters about mandates. Even the most cynical political observer would say that the government has a mandate on this issue. This was an issue which formed a key and central aspect of the previous election campaign and the months leading up to it.

I would like to also remind the chamber that prior to the last election the Labor Party released two very detailed policies. One was our Forward with Fairness policy and the second was the implementation plan. The bill that is being introduced into the chamber delivers on the commitments that this government made to the Australian people at the last election, and we look forward to its prompt passage through this chamber.

Senator ELLISON (Western Australia—Manager of Opposition Business in the Senate) (12.34 pm)—by leave—At the outset, I indicate to the Senate that the coalition will not be opposing this motion. In fact, we have been working with the government to progress the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008. But two things need to be made clear here. Firstly, in the draft legislative program for the Senate, it was envisaged that the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 would be in the Senate by now. I appreciate the
minister’s comment that there is a degree of urgency in relation to this bill—that is why we are not opposing the motion. But what I would say is that the minister could use her good offices to impress upon her colleagues in the other place that some speed is needed there. When you look at the speakers on this bill in that other place, the majority were government speakers. It was the time taken in the other place by the government that has caused the delay in the bill coming to the Senate. That should be made abundantly clear for the record. We, the coalition opposition in the Senate, stand ready to cooperate as much as we can. But the government has to get its act together in the other place in order to get the bill before us here in the Senate.

The other thing is that as a result of this other legislation has been brought on. The manager of government business and I have been working on the issue to get an appropriate order. I acknowledge that there has been a reordering of business because the Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2008 was one which we have not yet had a chance to take to our party room for consideration. We requested that that be put down the list to give us that opportunity. It is a principle—and this is the second issue I raise today—that we normally allow legislation to pass through the respective processes of all sides of the chamber in order for their respective positions to be determined. We do not oppose the motion that the exemption from the cut-off be applied. But I simply restate the principle that, when bills are brought on, normally an allowance is made so that the respective parties can put them through their processes. In this case, the reason why we have to bring these bills on is because the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 is not yet in the Senate, and I have outlined the reasons for that. We do not oppose the motion. The government can be assured that we will continue to cooperate with them in any reasonable way that we can.

Senator BARTLETT (Queensland) (12.37 pm)—by leave—The Democrats also will not oppose this proposal to allow the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 to be exempted from the cut-off. Nonetheless, the reason for the cut-off should be emphasised, and that is to prevent legislation from being rushed through without proper scrutiny. Workplace relations are, of course, immensely important politically. They were pivotal, I think we would all agree, in the last federal election. They are also immensely important in terms of the law and the impact it has on Australians—including the ubiquitous working families. That is a reminder to us all about the dangers of actually rushing through legislation without ensuring proper consideration of it.

I appreciate the new government wants to press home its political advantage and its political win in regard to this issue, but we do need to be careful that in pushing through legislation as quickly as possible and trying to force through the political gain we do not end up with legislation that is not as effective as it would otherwise be—even taking into account whether people agree with the policy aims of the government. I do get nervous when I hear the new government and the new minister, Ms Gillard, making noises very similar to the previous government about how they have got a mandate and they have to push this legislation through, they are not going to agree to any changes except, possibly, for technical amendments and the Senate should just get out of the way and let the legislation through—it does not sound terribly dissimilar.
I understand the political reason for that but let’s not forget that this is not just about politics; it is about what laws the people of Australia end up with. This legislation does not scrap Work Choices; it modifies some of it—it does not even scrap individual statutory agreements. I will not get into debating the legislation, but we will have a lot of spin and a lot of posturing over the next week. I am not naive enough to suggest that should not happen but I think that we do need to at least leave some part of our consciousness cognisant of the need to ensure the legislation is actually effective in a real-world sense in terms of what it achieves, rather than just effective in terms of the immediate political needs of the government.

Senator WONG (South Australia—Minister for Climate Change and Water) (12.39 pm)—by leave—I note Senator Elliotson’s comments about the procedure and I thank the opposition for their decision to support this motion and their cooperation in relation to this bill. We look forward to their support and its speedy passage through the chamber.

One comment in response to Senator Bartlett: I appreciate the position which he is putting which, to be fair to him, is consistent with the position he has put regardless of who was in government. I would make the point in relation to mandate that I do not believe anyone in this chamber argues seriously that the former Prime Minister had a mandate to do what he chose to do with Work Choices. I do not believe the Australian people were told the detail of what that legislation would encompass. I suggest, by contrast, that the details of this legislation were included in significant part in Labor’s two election policies on this issue.

Question agreed to.

CONDOLENCES

Hon. Clyde Robert Cameron AO

The ACTING DEPUTY PRESIDENT (Senator Marshall) (12.40 pm)—It is with deep regret that I inform the Senate of the death, on 14 March 2008, of the Hon. Clyde Robert Cameron AO, a former minister and member of the House of Representatives for the division of Hindmarsh, South Australia, from 1949 to 1980. I call the Leader of the Government in the Senate.

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (12.41 pm)—by leave—I move:

That the Senate records its deep regret at the death, on 14 March 2008, of the Honourable Clyde Robert Cameron AO, former federal minister and member for Hindmarsh, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

It was said on the occasion of his retirement from federal politics that Clyde Cameron was not only a giant of the Labor Party and the labour movement but also a giant of the Commonwealth parliament. Today we pay tribute to the life of one of this nation’s great political figures: a shearer who worked his way up to the front bench of the Whitlam government. The ALP and the labour movement were a major part of Clyde Cameron’s life, and over the past 70 years he played an important role in their history and controversies and, in turn, he played a significant role in the history of the nation.

The eldest of four boys, Clyde Robert Cameron was born into a poor family in South Australia in 1913. His father was a shearer, and one of the foundation members of the original Australian Shearers Union, while his mother was the daughter of a wealthy land-owning family. Clyde left school at 15 to work as a rouseabout and a shearer. He travelled with shearing teams
around Australia and New Zealand. However, it was the time of the Great Depression, and Clyde spent much of this period unemployed. When he was working he faced low pay and very tough conditions.

The experience of that struggle affected Clyde Cameron deeply and instilled in him a real class-consciousness and a deep commitment to the labour movement and the ALP as a vehicle for change. He was a true Fabian socialist and, while Australian society and politics changed dramatically over his long lifetime, he always remained committed and resolute in his political philosophy.

Unsurprisingly, Clyde quickly became active in his own union, the AWU, and was a regular stump speaker in Adelaide’s Botanical Park. He got his first full-time union job at the age of 25 when he was elected to the position of an AWU organiser. He was a successful organiser, and only two years later he found himself serving as secretary of the South Australian branch and as federal vice-president of the AWU. In 1946, at the age of 33, he became president of the South Australian branch—then the youngest president in its history.

Under Clyde Cameron, the AWU began a huge recruitment and organising drive that saw its membership more than double, and working conditions in its industry improved considerably by the time he was elected to parliament. A man of very committed democratic values, Clyde was well known for his fight for proper process in the AWU.

At the same time, Clyde was working his way up through the ranks of the Labor Party. From 1946 he served in three separate periods as president of the South Australian branch of the ALP. He was its representative on the ALP federal executive from 1970 to 1972 and was a South Australian delegate to the ALP federal conference from 1948 to 1977. In 1949 Clyde was elected to the House of Representatives as the member for Hindmarsh, in the same election that the Chifley Labor government lost power. He served the people of Hindmarsh for the next 31 years, the vast majority in opposition.

Clyde once recalled how, when he was a young rousteabout, he would dream about making speeches in parliament denouncing man’s inhumanity to man. ‘I was so disappointed when I woke up,’ he said, ‘I wished I could go back to sleep again to carry on the dream.’ But when he finally made it into parliament he soon developed a reputation as one of the finest and funniest orators there, as well as being an aggressive political opponent. Clyde Cameron, with all due respect, hated the conservatives and made no attempt to hide it. As I said, unfortunately he spent 28 of his 31 years in parliament in opposition. But he was a leading figure in the federal ALP caucus, he played a major role in many of the political events that shaped the party’s history and he was regarded by many as a controversial figure but certainly one who made a contribution in every way.

Along with being an excellent parliamentarian, Clyde Cameron was a pragmatist. While he never swerved from his political beliefs, he also understood that in order for the ALP to win government it needed to modernise and to broaden its appeal. Clyde’s support for organisational reform was critical in paving the way to Labor’s 1972 election win and he was thereafter known in the party as one of the principal architects of victory.

At the age of 58, Clyde Cameron was appointed minister for labour in the new Whitlam government, a role he had spent his lifetime preparing for. He later, for a period, was also minister for immigration—one of my predecessors. The legacy from his 2½ years as minister for labour is impressive. He was responsible for pushing through the equal pay cases that brought an end to discrimina-
tion against women in terms of their pay. Significantly, it was Clyde who appointed Mary Gaudron to prosecute the cases before the arbitration commission. As senators would be aware, Mary Gaudron later went on to become Australia’s first female High Court justice.

Clyde also oversaw the improvement of pay and conditions for the Public Service, which, given some of his stances on the role of public servants, might be surprising. But he did do an awful lot to improve Public Service conditions, including increasing annual leave from three weeks to four, as well as the introduction of paid maternity leave and of flexitime, although he later claimed to have regretted that particular initiative. His other achievements as labour minister included wage indexation and, of course, trade union training. The Trade Union Training College at Albury-Wodonga was named after him, and he made an enormous contribution to the labour cause in that role.

His time as minister, like that of the Whitlam government he served, was marked by controversy. In 1975 he was transferred—I think that is the polite word—to the portfolio of Science and Consumer Affairs, after strongly resisting Whitlam’s attempts to move him out of the Labour and Immigration portfolio. Following the loss of the Whitlam government, he retired to the backbench. He stayed there until he left federal politics in 1980.

In 1982 he was awarded the Order of Australia and in 2006 he was awarded life membership of the Australian Labor Party. Unsurprisingly, Clyde Cameron remained active and outspoken well into his later years. He became an important political historian. He was particularly passionate about the history of the ALP and the period around the 1975 dismissal of the Whitlam government. He wrote several books on Australian political history but he also, importantly, recorded more than 600 hours of conversations with his contemporaries from both sides of politics that are currently stored in the National Library. Clyde Cameron once said, ‘I feel confident that the things that I write will be more important to history than anything that I said in the 31 years I was in parliament.’ Perhaps that is a lesson for us all.

I think history will show that Australian politics lost a rare character the day that Clyde Cameron retired from parliament—the sort of character we do not tend to see in Australian politics these days. He was from the old school of Labor politicians who had worked themselves up from the—in his case, shearing—floors. He became involved in politics at a time when there was a fierce and palpable class divide in this country. He had a very deep passion and empathy for working people. Throughout his work as a shearer, a unionist, a politician and, finally, as a federal minister, Clyde Cameron was always a committed fighter for workers’ rights. Australia’s working class has indeed lost one of its true champions.

Clyde Cameron passed away on 14 March 2008. Aged 95, he was Australia’s oldest former parliamentarian. On behalf of the government, I offer my sincerest condolences to his wife, Doris, his children, Warren, Tania and Noel, and all the grandchildren. Clyde Cameron had a remarkable life. He made an enormous contribution to Australian politics. He will be sorely missed by his family and friends.

Senator MINCHIN (South Australia—Leader of the Opposition in the Senate) (12.50 pm)—I rise on behalf of the coalition to support the motion moved by Senator Evans and to extend our sincere sympathies to the family of Clyde Cameron upon his very sad passing on 14 March, last Friday, at the great age of 95. It is particular poignant for
me to be doing this, as a fellow South Australian and someone who knew Clyde and greatly admired him and all that he had done for his state, for Australia and for his party. I think it can properly be said that my state of South Australia has indeed lost one of its greatest sons. As Kim Beazley Sr might have said, there is no doubt that Clyde Cameron represented the cream of the working class and certainly not the dregs of the middle class. It was quite a remarkable political career: for someone like Clyde to spend nearly 31 years in parliament representing the one seat, of Hindmarsh, and to spend nearly 28 of those in opposition is extraordinary. To have only three years in government, and a very turbulent three years at that, showed an extraordinary tenacity and commitment to his cause.

I was here at the Australian National University doing economics and law when Clyde and Gough and the rest were in government and it was quite fascinating almost every day to follow the saga of the then Whitlam government in which Clyde Cameron featured so significantly. Many of us thought that many of the things that he was trying to do in the labour portfolio, which might have been good for workers, would end up destroying the economy. Having spent so long in opposition, the government was desperate to try to do everything it could as quickly as possible.

But, as a human being, it was very sad, frankly, that someone like Clyde Cameron could have only three years in government. As I said, he was the member for Hindmarsh for nearly 31 years and we in the Liberal Party in South Australia regarded Hindmarsh as a great Labor stronghold. I must say that one of my proudest achievements as state director of the Liberal Party was the day we won Hindmarsh from Labor in 1993. In an election that was otherwise a disaster for the Liberal Party, we actually managed to take from the Labor Party the seat of Hindmarsh, that great bastion of the Cameron Labor Party.

My connection to the Camerons was formed through not only knowing Clyde but also becoming a good friend of Terry Cameron, who was my counterpart when he was state secretary of the Labor Party while I was state director of the Liberal Party. Terry and I were of course combatants but we actually got on very well behind the scenes, and there are some stories to tell there. As is the way sometimes with the Labor Party, Terry, Clyde’s nephew, fell out with the Labor Party and then sat as an Independent, having been elected to the Legislative Council as a Labor member.

Clyde had the remarkable capacity to have strong friendships across the political divide, and as I say, there was his nephew Terry. One of my most vivid memories was being up at Alexander Downer’s home and seeing Lady Mary Downer, Alexander’s mother, sitting on the sofa with Clyde, having a whale of a time. There was quite an extraordinary bond between Clyde Cameron and Lady Mary Downer. They were the deepest of friends, yet they came from quite different political and other spectrums. It was a measure of the man that that sort of divide meant nothing to him and he formed very strong friendships right across the divide.

I look forward to representing the federal opposition at Clyde Cameron’s funeral on Thursday and also in my role as the senior South Australian Liberal federal member. It will be a time to celebrate a great life, albeit of someone on the opposite side of politics from me. He was someone who made an extraordinary contribution to public life. He had great dedication to his party and his cause and he was a person to be admired by everybody. To his wife, Doris, and to Clyde’s children, I place on record the opposition’s
appreciation of Clyde’s long and meritorious public service and we tender our profound sympathy to the family in their bereavement.

Senator BARTLETT (Queensland) (12.55 pm)—I would like to support this condolence motion on behalf of the Democrats and make some personal comments of my own. This condolence debate does indeed relate to what is literally the passing of an era. Clyde Cameron was the last surviving member of the parliament that was elected in 1949. He had the misfortune to enter the parliament at the very outset of 23 years of unbroken opposition. For those in the ALP who have felt it was fairly tiring being in opposition over the last 11 or so years, Clyde Cameron had it literally twice as bad over a 23-year period before he finally spent just a few years in government as a minister. He did play an important role as minister for labour from 1972 and it is apt in some respects that this week we will be having further significant debates around labour laws, now called workplace relations laws. He also took over the equally important role of minister for immigration. This was an era when the immigration ministry and law were still very much developing. He took over that role after the 1974 election.

In other ways also Clyde Cameron represents the passing of an era. He had many experiences that few of us in this parliament, or indeed few of us in the wider community, have had. Fewer and fewer people have had such direct and visceral experiences of the Great Depression. It is just a phrase that is mentioned with a wave of the hand almost these days and it is easy today not to fully appreciate just how extraordinary the Depression era was, just how incredibly destructive it was for many families and just how enormous the depths of poverty and difficulty were that many people went through. There is no doubt that that experience through the Depression era was a strongly formative experience for Clyde Cameron. I often wonder when I read a little bit about what the Depression era was like—the enormous queues for the unemployed, the more limited support that people received when they were unemployed, the meagre support that families received and the huge areas where unemployed men lived in quarters on their own, travelling from place to place looking for work—how our society would cope if we did experience such depths of economic difficulty again. Of course we all hope that that will never occur. But it was a formative experience for many people including of course Clyde Cameron, and it led, at least in part, to the very strong political feelings he had.

Another historic era in which Clyde Cameron was heavily involved was the split of the Labor Party in the mid-1950s. A couple of people have already mentioned his ability to have friendships across the political divide, despite the fact that he was known as and commented on as being a very strong ‘hater’. Of these friendships that developed over time, the most remarkable, perhaps even more so than the example of Lady Downer, was the one he ended up having with Bob Santamaria, who was very much a pivotal figure on the opposite side of the extremely bitter split in the Labor Party in the mid-1950s.

It is interesting to read some of the things that Clyde Cameron wrote in his eulogy on Bob Santamaria, particularly since he very strongly and stridently disagreed with the views of not just Santamaria but also others on the side of the Catholic Social Movement, or the Movement, as it was known, in the 1950s. Clyde Cameron stated that, whilst he strongly disagreed with Santamaria, he believed that he was ‘honestly wrong’ in the views he held, and that he preferred a person who honestly held their views, even if they were wrong, over somebody who held views
that he agreed with but who held them ‘dishonestly’ because they felt it would favour their advancement. From what I have read in the past and over the last few days, the part of his character that sticks out most strongly is that commitment to intellectual honesty, to what he believed was right rather than just how the political winds were blowing.

It is an interesting exercise, obviously completely hypothetical, to ponder how things might have panned out if that huge split had not happened in the 1950s. It is a reminder that political and ideological fault lines can shift over time—so much so that, in the final decade or so of Clyde Cameron’s life, many of the concerns that he expressed were very similar to those expressed by those on the opposite side of the split in the 1950s. I particularly note a letter he wrote to the newsletter of the National Civic Council in 2001 praising them for publishing a special edition ‘against economic rationalists who favoured the globalisation of corporate capitalism’ and who were supportive of foreign multinationals shifting Australian industries to other areas with cheap labour costs. He also had strong concerns about the ‘globalisation of corporate power’, to use his words, which aligned with the views of Bob Santamaria, who voiced similar concerns for a long period of time. Indeed, he went so far as to describe Santamaria upon his death as an idol to those who held on to their belief in the traditional principles of the Labor Party.

As someone outside of the Labor Party I am not passing comment on all the different battles and perspectives going back over so many fascinating decades, although I do have some insight from the outside of that split in the fifties; I simply want to highlight the enormous spectrum of events that Clyde Cameron’s life encompassed and the strength of his views over such a long period of time. It is, I think, worth while noting these things, not just as a way of describing milestones in certain people’s lives or various things they said at various times but also as a way of learning from their lives. For me that is part and parcel of the importance of condolence motions. The benefit of looking back at a person’s life is seeing what lessons we can learn from it, what things we can apply to the modern era.

Whilst many things have changed dramatically since Clyde Cameron’s era, many of the lessons are still the same—such as the strong concern he had, as he wrote:

… over the way politics have deteriorated to a position that is now a contest between the rich and the poor; the privileged and the underprivileged; the exploiters and the exploited; the tax avoiders and the taxpayers; the greedy and the needy; the buyers of labour and the sellers of labour, with the odds always stacked up in favour of the first party …

It is fairly clear from his words that Clyde Cameron’s sympathies lay very much with the second party in each of those examples: the underprivileged, the exploited, the needy, those who are in most need of support. That was a constant strand throughout Clyde Cameron’s life, and I think is important to look at that consistency. Political currents shift over time, but maintaining that consistency of principle and intellectual honesty is an important lesson for all of us when we look back on what was an extraordinary life, including but not limited to a very significant period of 31 years in the federal parliament.

Senator SCULLION (Northern Territory—Leader of the Nationals in the Senate) (1.05 pm)—I rise on behalf of the National Party to acknowledge the extraordinary contribution to public life made by Clyde Cameron. Mr Cameron, a cabinet minister in the Whitlam government and a member of parliament from 1949 to 1980, died at his Adelaide home at the age of 95. That was 31 years in parliament, 23 or so of which were in opposition—I do not think anyone would
envy that. Obviously, this was a man of incredible capacity, passion and commitment. He was the son of a Scottish shearer and a shearer himself before entering the union movement, where he was the most influential South Australian Labor powerbroker. During his time in politics, he achieved the position of Minister for Labour and Immigration. Mr Cameron won the West Adelaide seat of Hindmarsh in 1949 and retained it through 13 consecutive elections before retiring. During his 31 years in parliament, Clyde Cameron, as I said, spent 23 years or so in opposition. To continue to make an impact on politics throughout that time is, I think, the envy of the people who find themselves on this side of the chamber.

Clyde Cameron was a legend amongst the true believers of Labor politics. He left school at the age of 14, on the eve of the Great Depression. He found work in the shearing sheds across south-east Australia and in New Zealand. Someone leaving school at the age of 14 and later becoming a federal minister is, I think, just an absolutely extraordinary achievement. He lived through two world wars and deployments in Korea, what was then Malaya and Vietnam. These were of course the subject of significant discussions in parliament and public life, and history records that he made an incredible contribution to those debates.

He worked as a shearer and in the shearing industry through the Great Depression. That time was obviously fundamental in cementing Clyde Cameron’s beliefs in the deficiencies of capitalism and his path towards a leading role within the Australian Workers Union. This prominence led to Clyde Cameron being acknowledged as the most influential figure in the South Australian Labor Party and ultimately being elected to the House of Representatives in 1949.

He achieved striking advances in the areas of wage justice and trade union reform during his 2½ years in charge of industrial relations in the Whitlam cabinet. He pushed through equal pay for women in 1973 followed by an increase in the female minimum wage a year later, and he won better pay and conditions for Commonwealth public servants, knowing their gains would flow on to the private sector.

Clyde Cameron was also known to be a hard man, and he fell out with many ALP figures, including Gough Whitlam. I read a description that said the softest part of Clyde Cameron was, in fact, his teeth. I can understand that a man who had come through so much, and because of his upbringing, would have some absolutely fundamental beliefs and that whether he was arguing with the Prime Minister of the time or anybody he would stick to those beliefs. That character of a man has to be admired by the wider Australian community.

He was also a very compassionate man and believed passionately in building the social fabric of Australia. Clearly Clyde Cameron was a man who brought to this place a series of priorities—as many of us like to do—and those priorities were for those in the most need. It was the most needy in the community that he spent his time focusing on.

Clyde Cameron was most likely not the best friend of many of the Nationals or Country Party members and voters, certainly at that time. But he will be remembered as either a loyal friend or a formidable enemy, depending upon which side of the argument you found yourself. On behalf of the National Party I extend my condolences to the family of Clyde Cameron and acknowledge the extraordinary contribution he made to Australian public life.
The ACTING DEPUTY PRESIDENT (Senator Marshall)—I understand that other senators wish to make contributions to this condolence motion at a later hour of the day. With the concurrence of the Senate I propose to call for further speakers after motions to take note of answers.

BUSINESS
Rearrangement
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.09 pm)—I move:

That intervening business be postponed till after consideration of the government business order of the day relating to the Communications Legislation Amendment (Miscellaneous Measures) Bill 2008.

Question agreed to.

COMMUNICATIONS LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008
Second Reading

Debate resumed from 12 March, on motion by Senator Evans:

That this bill be now read a second time.

Senator RONALDSON (Victoria) (1.10 pm)—I rise to speak very briefly on the Communications Legislation Amendment (Miscellaneous Measures) Bill 2008. My colleague Senator Coonan is going to make some comments—

Senator Coonan—No, I’m on super.

Senator RONALDSON—This bill amends the Broadcasting Services Act 1992 to provide the Australian Communications and Media Authority, ACMA, the discretion to consider late applications for renewals of community broadcasting licences up to the expiry date of the licence. Currently ACMA has no discretion to consider late applications for the renewal of community broadcasting licences, regardless of the circumstances that have given rise to the late application. This is a measured and valuable amendment. Having personally campaigned for the continued operation of Goldfields 99.1 FM community radio station in Maryborough I am fully aware of the importance of the community radio sector. Indeed, the former government greatly valued the community radio sector, overseeing its expansion around Australia. As this bill was originally produced by the previous Howard government, the opposition has no objection to it.

I will speak briefly in relation to community radio, which is one of those great successes Australia wide. They are invariably run by people who are doing it without any remuneration—working long hours and providing a fantastic service, particularly in country areas such as Maryborough where there can be a localised radio service that is talking the talk that the locals talk. The opposition does not oppose the bill.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.12 pm)—I thank members for their contributions to the debate on the Communications Legislation Amendment (Miscellaneous Measures) Bill 2008, a valuable piece of legislation. It may even be referred to as the ‘Ronaldson memorial amendment’. I know that Senator Ronaldson has championed this case over a number of years. Previously, the coalition has been a good advocate of community broadcasting and opposition to this bill would have been a surprise. We welcome your contribution and support. I thank all my colleagues for their contributions.

Question agreed to.

Bill read a second time.
In Committee
Bill—by leave—taken as a whole.

The TEMPORARY CHAIRMAN (Senator Marshall)—The question is that the bill stand as printed.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading
Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy) (1.14 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS
Rearrangement
Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (1.14 pm)—I move:

That intervening business be postponed till after consideration of government business order of the day relating to the Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2008.

Question agreed to.

SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE BOARD AND OTHER MEASURES) (CONSEQUENTIAL AMENDMENTS) BILL 2008

Second Reading
Debate resumed from 13 March, on motion by Senator Ludwig:

That this bill be now read a second time.

Senator MURRAY (Western Australia) (1.15 pm)—We are dealing with the Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2008 and this is the second reading debate for that bill. The purpose of the bill is make amendments to a raft of legislation as a consequence of legislative changes introduced by the Superannuation Legislation Amendment (Trustee Board and Other Measures) Act 2006. These measures are largely technical, and updating changes are overdue. There are a number of schedules to the act. In brief, the changes consolidate the government’s arrangements for civilian public sector employees, including funds managed through the Commonwealth Superannuation Scheme and controlled by its board, funds managed through the Public Sector Superannuation Scheme and controlled by its board and funds managed through the Public Sector Superannuation Scheme accumulation plan and controlled by the Public Sector Superannuation Scheme board. I note that the Bills Digest has said that these changes are long overdue. They replicate in large part the changes announced in a previous bill of this name but which did not get through parliament before the election. The 2006 act abolished the CSS board and incorporated the trusteeship of the CSS into the PSS board, which also governs the PSSap. Additionally, the act increased the number of directors on the PSS board from two to seven. The new single board was renamed the Australian Reward Investment Alliance.

Schedule 1 of this bill contains the main amendments, with proposed legislative changes for 30 acts. It ensures that ARIA—the Australian Reward Investment Alliance—is the appropriate body to issue an invalidity certificate for members of various Commonwealth bodies when employees are to be retired on grounds of mental or physical incapacity. Schedule 2 contains technical amendments relating to legislative instruments that apply to five acts. Schedule 3 re-
peals subsections 4(1) and 4(2) in schedule 3 of the Superannuation Act 1990 concerning the original trust deed. Schedule 4 proposes amendments governing the CSS and the payment of the productivity benefit to Commonwealth public servants to conform with the requirements to the Superannuation (Guarantee) Administration Act 1992. These amendments will commence upon royal assent.

The ComSuper action committee has highlighted the persisting inequity in preventing Public Service superannuants on defined benefit superannuation schemes from accessing superannuation death benefits. I have circulated an amendment to this bill which deals with that issue and I will continue to pursue the matter that has been of some concern in every superannuation bill for some years.

With the concept of streamlining and harmonisation in mind, I wonder how ARIA, as a new single board structure, is going to manage the legal discrepancies and inconsistencies that currently exist between each fund. One such inconsistency is the varied treatment of interdependency and de facto partnership rights for each fund. Are board members able to put their PSSap hats on and say, ‘That is discrimination,’ and then put their CSS or PSS hats on and say, ‘This fund member is homosexual; he must not receive the same superannuation rights as his heterosexual counterpart’? The fact is that, under the PSSap provisions, there is no or limited discrimination, whereas under the PSS and CSS funds there is blatant discrimination.

Discrepancies such as these do exist between each fund. By way of example, consider the ridiculous state of affairs that exists for public sector employees who are members of the PSSap, which is the new fund. According to correspondence received from then Minister Minchin last year, all new employees who commenced employment on or after 1 July 2005 who were members of the scheme and in a same-sex partnership would be entitled to death benefits. But no retrospective application exists for the PSSap, so those rules do not apply to CSS and PSS members. To withhold retrospective and comprehensive application of interdependency and de facto relationship rights to all public sector employees is by definition discriminatory. What is more, the very extensive *Same-sex: same entitlements* report from the national inquiry into discrimination against people in same-sex relationships regarding financial and work related entitlements and benefits issued by the Human Rights and Equal Opportunity Commission last year outlines in great detail where that discrimination applies. In effect, the then minister was asserting that the only legitimate interdependent relationships that exist in law at present are those of new members who began employment on or after 1 July 2005. For other individuals in same-sex interdependency relationship, under these three schemes their partnership arrangements are still illegitimate with respect to death benefits.

There is no ethical, legal or financial reason for one group of public sector employees to be treated differently to another on the basis of differing partnership arrangements under superannuation law. There is no policy reason and there is certainly no ethical or moral grounds for it, so what remains is for the political will to change the situation.

So this is the stimulus for my amendment to this bill—to yet again seek to rectify a gross inequality that the previous government and this government committed themselves to address. For many years now the Democrats have sought in vain to amend superannuation legislation to harmonise the treatment of the variety of partnerships that exist in Australia. On this point, then Prime Minister...
Minister Howard apparently agreed with us when he stated on radio:
… I am strongly in favour – as my Government has demonstrated – strongly in favour of removing any property and other discrimination that exists against people who have same-sex relationships.

Unfortunately, those turned out to be hollow words. I will remind you of the coalition Attorney-General’s correspondence to the coalition Prime Minister which was released. These words reinforced this position. The coalition Attorney-General said:

The Australian Government is committed to the elimination of discrimination and condemns discrimination in all its forms … The Government’s commitment to the elimination of discrimination includes discrimination on the basis of an interdependent relationship. Such a relationship is considered to exist where there is a close personal relationship between two people who live together, where one or both provides for the financial, domestic and personal support of the other, and would include a same-sex relationship—because, quite properly, he recognises that there are many relationships apart from same-sex relationships where interdependency justifies the removal of discrimination.

The coalition Prime Minister agreed with us, therefore, in terms of our broad thrust as Democrats, and so did the coalition Attorney-General. The Labor Prime Minister agrees with us. The Labor Prime Minister issued a letter, which I have a copy of, as federal Labor leader and member for Griffith, in which he said ‘The Labor Party is committed to equality for gay men, lesbians and same-sex couples and, if elected, will remove provisions which discriminate on the basis of sexuality.’ That is Labor Party policy, stated again and again in different forums in different circumstances. That is Labor Party policy. So it is coalition policy and they did nothing material about it, and it is Labor Party policy and they are doing nothing about it.

If historically the coalition employed varied excuses such as technical difficulty and cost to revenue in an attempt to sidestep what was supposed to be a coalition government priority, if the coalition historically argued that the expense of extending interdependent and same-sex relationship death benefits to defined benefit superannuation was the overriding issue—if they really did that, because there is a conflict within their own ranks on this matter—we then have to look at the issue of cost. I actually accept that the majority of coalition members want to see this situation ended. I accept that the majority of coalition members want to see unjust discrimination against same-sex couples done away with. I think that is accurate, and I accept the same applies to the Labor Party.

So why is it complex, or what are the reasons for there still being a delay? Government actuarial assessments estimated—and this was information we got from Senate estimates last year—the annual budget cash cost of extending death benefits to interdependent relationships and same-sex couples in defined benefit schemes to be $10 million. That is all—$10 million annually. So as a matter of removing unjustified discrimination it is obviously an affordable measure. The projected forward costing has been assessed at $2 billion. This represents a two per cent actuarially estimated increase in the total public sector unfunded superannuation liability stretching forward for decades. The costing assumes extending death benefits to interdependency relationships—those are not same-sex relationships—would cost $1 billion, with the residual $1 billion applying to same-sex couples. But the annual budget cash cost would be about $10 million, so extending superannuation death benefits to
Commonwealth defined benefit superannuation schemes is affordable.

I assure the minister that we will continue to press this issue with this government, as we did with the previous government. The question to the minister is: is the Labor government going to adopt a go-slow on this matter, or is it going to give this Senate, this parliament and the people of Australia a deadline by which it will introduce the changes that it has forecast? Bear in mind the coalition have stated publicly and continually that they support ending the discrimination, so there is no argument on the policy. What is in question here is when and how. I think it is a reasonable proposition for this Senate to ask the Labor government to come clean. You will present your proposals by when—the May budget, next sitting? But so far the question has been dodged and I think what the government is going to do needs to be on the table: what it can afford to do, what it believes it can do and the time line over which that will happen.

Given their previous commitment, what the coalition must not do, of course, is continue to look as if they are an accomplice to a go-slow. The coalition have stated publicly and continually that they support ending the discrimination, so there is no argument on the policy. What is in question here is when and how. I think it is a reasonable proposition for this Senate to ask the Labor government to come clean. You will present your proposals by when—the May budget, next sitting? But so far the question has been dodged and I think what the government is going to do needs to be on the table: what it can afford to do, what it believes it can do and the time line over which that will happen.

Given their previous commitment, what the coalition must not do, of course, is continue to look as if they are an accomplice to a go-slow. The coalition have stated publicly and continually that they support ending the discrimination, so there is no argument on the policy. What is in question here is when and how. I think it is a reasonable proposition for this Senate to ask the Labor government to come clean. You will present your proposals by when—the May budget, next sitting? But so far the question has been dodged and I think what the government is going to do needs to be on the table: what it can afford to do, what it believes it can do and the time line over which that will happen.

Given their previous commitment, what the coalition must not do, of course, is continue to look as if they are an accomplice to a go-slow. The coalition have stated publicly and continually that they support ending the discrimination, so there is no argument on the policy. What is in question here is when and how. I think it is a reasonable proposition for this Senate to ask the Labor government to come clean. You will present your proposals by when—the May budget, next sitting? But so far the question has been dodged and I think what the government is going to do needs to be on the table: what it can afford to do, what it believes it can do and the time line over which that will happen.

Of course, it is perfectly reasonable for some senators to smile when I say it is a very well crafted amendment, but I actually took highly respected professional advice from people who would normally give advice in these matters, and the amendment is well crafted and is, in my view, very suitable for the purposes for which it has been designed. This is not something that I and a novice have knocked together; this is something that I and some very serious people have constructed.

Senator Brandis—You’re not a novice, Senator Murray!

Senator MURRAY—I said, ‘I and a novice’! I take the interjection. But I am serious about this matter because it is a matter, I think, of shame that we continue with this discrimination. So, with those remarks, I will conclude that the Australian Democrats do support the bill but seek to have it amended.

Senator BRANDIS (Queensland) (1.30 pm)—I simply indicate that the opposition also supports the Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2008. This bill is, with the exception of some minor technical matters, identical with the Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2007, which had been passed by the House of Representatives and introduced into the Senate prior to the last federal election.

The bill makes amendments to a range of legislation as a consequence of the introduction on 1 July 2005 of the Public Sector Superannuation accumulation plan; the establishment on 1 July 2006 of a single superannuation board named the Australian Reward Investment Alliance to administer the Commonwealth Superannuation Scheme, the Public Sector Superannuation Scheme and the Public Sector Superannuation accumulation plan; the introduction of the new regime for managing legislative instruments pro-
vided for under the Legislative Instruments Act 2003; and the requirement to use ordinary time earnings to calculate employer superannuation guarantee obligations from 1 July 2008.

Although I am sure Senator Sherry would not concede it, the former government was the great reform government in Australian history when it came to superannuation policy. This legislation is not one of the headline reform bills, but it is essentially a technical and consequential piece of legislation which complemented and helped to bring to completion the suite of superannuation reforms pioneered by the former government. For that reason the opposition regard this as uncontroversial and it will have our support.

Senator SHERRY (Tasmania—Minister for Superannuation and Corporate Law) (1.32 pm)—Thank you to the speakers who participated in the debate. The main purpose of the Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2008 is to update a range of legislation as a consequence of other legislative changes. From 1 July 2008, employers will be required to use what are known as ‘ordinary time earnings’ when calculating their superannuation guarantee obligations in respect of an employee in all cases.

The bill will amend the Superannuation Act 1976 and the Superannuation (Productivity Benefit) Act 1988 to enable minimum benefits paid under these acts to comply with this new requirement. The bill amends a number of Commonwealth acts as a consequence of the establishment of the Public Sector Superannuation accumulation plan, commonly known as the PSSap. It was established on 1 July 2005 and replaced the Public Sector Superannuation Scheme, or the PSS, which was a defined benefit fund, as the main superannuation scheme for new Australian government employees. The PSSap is an accumulation fund.

In addition, the bill amends a number of Commonwealth acts to reflect the consolidation of governance arrangements for the three major superannuation schemes for Australian government employees: the Commonwealth Superannuation Scheme, the PSS and the PSSap. Since 1 July 2006, the Australian Reward Investment Alliance, commonly known as ARIA, has been the trustee of these three schemes. The bill also includes a number of other consequential and technical amendments. We do not regard the bill as controversial. It was a bill from the previous government which I understand passed the House of Representatives but did not pass the Senate, and we had indicated our support at the time.

I will give a quick response to Senator Brandis’s claim about the Liberal Party being the great party of reform in superannuation—although he did acknowledge that I would not accept it, and obviously I will not. I will not use this opportunity to go into an extensive—

Senator Abetz—Because you can’t.

Senator SHERRY—Well, Senator Abetz, if you want me to take up the challenge! I will not be, except to indicate this: in 1987 it was the far-sighted Hawke-Keating Labor government that moved to introduce compulsory superannuation for all of those Australian employees who did not have it, subject to a minimum of about $450 per month in earnings. At that time, that covered approximately the low mid-80s percentage of the workforce, which was up from the low mid-40s prior to the introduction of three per cent compulsory superannuation. It was a great landmark achievement of the former Labor government, and it was done essentially to confer fairness on those employees—overwhelmingly casual, part-time and female

CHAMBER
employees in industries such as construction, retail, transport and hospitality—who had no superannuation. That was vehemently opposed by the Liberal opposition at the time.

Then, of course, the next great reform was the extension of the contribution from three per cent to nine per cent, phased in by 1 July 2002. Again, I note the previous Liberal government, when in opposition at that time, vehemently opposed the contribution extension of three per cent to nine per cent over time. So we are proud of our record in superannuation, and we would argue to be the party of great reform.

Coming to the amendments that will moved by Senator Murray on behalf of the Australian Democrats, I am not sure whether Senator Murray has had any contact or communication with the various organisations who have been lobbying to make amendment to public sector superannuation funds in respect of same-sex couples recently. I had a meeting with one group approximately four or five weeks ago. What I can say about same-sex couple amendments to public sector superannuation is this, Senator Murray: yes, we gave a commitment in the election. We gave that commitment: I was the person who gave the commitment. We have given commitments for a number of years, and we have moved and supported amendments in this place on a number of occasions. An announcement as to the legislative process to deal with the issue will be made shortly. There will be no attempt to go slow on this issue. I understand the community groups involved in lobbying know that the issue is being progressed, so there will be an announcement shortly. As to when the legislation comes in here—because it will go to some other matters in terms of same-sex superannuation—it will depend on the time-tabling of the announcement. The time-tabling for it to be introduced to the parliament will have to fit into the schedule. I believe I can confidently say that—best efforts—it will be delivered. An announcement will be made shortly, Senator Murray. I cannot give you the exact date, for the reasons I have outlined. I do not do not know when the announcement of the formal details will be made and I do not know when that will fit in with the legislative time frame. I would be absolutely taken aback, Senator Murray, if this matter was not resolved legislatively by the end of this calendar year. I really would be taken aback.

With those few comments, I thank the speakers for their contribution and I seek leave to continue my remarks later.

Leave granted; debate adjourned.

GOVERNOR-GENERAL'S SPEECH

Address-in-Reply

Debate resumed from 13 March, on motion by Senator Wortley:

That the following address-in-reply be agreed to:

To His Excellency the Governor-General

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the speech which you have been pleased to address to Parliament.

Senator EGGLESTON (Western Australia) (1.39 pm)—When the debate was interrupted, I was talking about the contributions the Howard government had made to various areas of services provided to Indigenous people. I had just finished talking about health. I did want to say that, in addition to the health programs, the Howard government made enormous contributions, for example, to housing for Indigenous people. The expansion of the Australian Remote Indigenous Accommodation Program, to replace the Community Housing and Infrastructure Program previously managed by ATSIC, was
one of the great successes of the Howard government. It put in $293.6 million in addi-
tional expenditure for Indigenous housing in the
budget of last year. I think that is a major
point to make: that the Howard government
had been concerned to improve the housing of Indigenous people in this country.

We also paid a lot of attention to creating
circumstances in which Indigenous people
could be economically independent, not only
in terms of providing assistance with con-
ventional education, but also in job skill edu-
cation. For example, $234.2 million was in-
cluded in last year’s budget for programs
such as the Better Connections workshops,
which were organised by the Department of
Employment and Workplace Relations.
Thirty of these workshops were held every
year in places such as Darwin, Kununurra
and Alice Springs, helping local Indigenous
people look at innovative recruitment, em-
ployment and retention strategies to increase
the workforce participation of unemployed
people—particularly Indigenous people. We
had the STEP—or Structured Training and
Employment Projects—which covered a va-
riety of specialised programs including the
Tribal Warrior program, which received
funding through a unique employment pro-
gram in which 35 Indigenous job seekers
sailed aboard a sailing ship called the Tribal
Warrior and thereby gained a lot of confi-
dence in handling situations, making them
able to more effectively go out and seek jobs.
There was an intensive training and work
experience program for aged-care workers,
where the training program was condensed
from the usual three years to nine months.
Twenty-nine Indigenous job seekers gradu-
ated from this course last year.

The Howard government also spent some-
thing like $104.8 million on supporting the
preservation of Aboriginal culture, through
programs such as the National Indigenous
Television funding, which had funding of
some $50 million and was launched in Syd-
ney last year; the Indigenous Remote Radio
Replacement project, which was provided
over $3.3 million over three years to replace
ageing and unreliable radio infrastructures;
and the Digitisation of Indigenous Cultural
Resources program, in which $10.2 million
was provided to complete the task of protect-
ing the most at-risk and fragile deteriorating
parts of the collection of Aboriginal and Tor-
res Strait Islander work in the museums of
Australia.

In conclusion, it is apparent from what I
have said that the Howard government had
many programs addressing Indigenous dis-
advantage at a micro level. There is still
much to do, but a great deal has been
achieved. The Howard government has a
very proud record of contributing to and
supporting Indigenous people of Australia in
many areas, including health, education,
housing and preservation of Indigenous cul-
ture.

Senator FIERRAVANTI-WELLS (New
South Wales) (1.44 pm)—In speaking in the
debate on the address-in-reply, I would like
to take the opportunity to place on the record
the Howard government’s contribution to the
Illawarra and contrast this with Labor’s ne-
glect and contempt for the area. From 1996
to 2007, the Howard government delivered
approximately $2.3 billion in grants and
funding for the Illawarra seats of Throsby
and Cunningham. This specific funding to
the Illawarra area did not include benefits
paid—for example, through Medicare, the
Pharmaceutical Benefits Scheme, pensions,
HECS or tax cuts. I considered those benefits
to be basic and routine spending available to
constituents, not targeted grants and funding
specific for the Illawarra. Had I included
them, the funding would have run into bil-
lions more.
As a result of the Howard government’s responsible economic management, Australia was placed in a much stronger economic position than when the coalition took over in 1996. At that time, the coalition faced a $96 billion debt, record unemployment and high interest rates, just to name a few of the key economic challenges they faced. In 1996, the unemployment level in Throsby was 12 per cent and in Cunningham it was 11 per cent. In 2007, the unemployment levels had fallen to 7.6 per cent in Throsby and 7.9 per cent in Cunningham. Whilst higher than the national level, it still represented a notable shift downwards and thousands more people in jobs. Because of the strong economic management over the 11 years of the Howard government, Throsby, Cunningham and many other electorates around Australia were able to share in funding allocations under many programs.

On 14 November 2007, I launched a website called www.illawarrabillions.com. On the website I listed all the organisations that had received grants or funding in Throsby and Cunningham. The information provided on this website demonstrated clearly how the Howard government had consistently, over its 11 years in power, helped the region in so many different ways, but, most importantly, how the Howard government directly assisted many Illawarra community organisations. In particular, the Howard government provided substantial funding to Wollongong and Shellharbour city councils to assist them to provide services to the Illawarra. For example, in 2007-08 these councils would receive close to $17 million in federal government general purpose and road grants. Indeed, our Labor opponents constantly sought to portray the coalition as only supporting coalition seats. The funding to the Illawarra seats demonstrates that this is plainly wrong. This website assisted in clarifying misconceptions within the community about funding sources peddled by our opponents.

Since establishing my electorate office in Wollongong in October 2005, I have been pleased to announce many Howard government programs and initiatives. In my maiden speech, I said that I would be establishing my electorate office in Wollongong to give the people of the Illawarra an alternative and effective voice in government. I am pleased to say that I was able to do this. The Howard government did deliver to the Illawarra in many ways. These included the $5 million Port Kembla Industry Facilitation Fund, through which support was given to local industries to foster economic and job growth in the region following closure of the tin plate mill; $9 million given to government schools and $1.6 million to non-government schools under the Investing in Our Schools Program; small community water grants or small equipment grants for local groups; $1.3 million in Regional Partnerships funding for the Southern Gateway Tourist Centre at Bulli Tops; $19.6 million for the Australian Technical College in the Illawarra; and over $1.1 million towards the Illawarra-Shoalhaven apprenticeship program since 2004. This is just to name a few.

The Howard government has also strongly supported the University of Wollongong, which has played, and will continue to play, a major role in the development of the Illawarra. I have very much enjoyed visiting some of the organisations and individuals that the Howard government was able to assist and to see firsthand the enormous contribution these organisations make to the life and social fabric of the great Illawarra region. Regrettably, many of these funding opportunities did not receive attention from the local media. Consequently, organisations had not been aware of funding opportunities and had not applied. In short, the $2.3 billion in grants and funding was nevertheless a
very significant financial contribution delivered by the Howard government to the Illawarra.

They say imitation is the best form of flattery. One week after I launched www.illawarrabillions.com, the member for Cunningham announced that, under Labor’s regional development policy, the federal budget would identify how much is spent in each region on roads, industry, health, education, social security, regional development, environment and communications. What Labor are doing is including all the basic and routine spending that is and should be available to constituents, not just the targeted grants and funding specific for the Illawarra. Of course, this will overwhelmingly inflate the total. Why? Because Labor in the Illawarra will not want to compare apples with apples. They will go out there and ramble on about how much money the Illawarra will receive and say that this exceeds what the coalition gave. Of course, if you include all the basic and routine spending, you will get an inflated figure.

The real reason Labor will do this, I envisage, is to not deliver any targeted grants and specific funding to the Illawarra. Areas like the Illawarra are traditionally seen as Labor’s heartland. One only has to look at the recent scandals in Wollongong involving the Labor Party to see the contempt with which Labor has held the area. My challenge to state and federal Labor members in the Illawarra is do something worth while for the Illawarra. I invite Labor to look at what the Howard government has delivered in the Illawarra and yes—go ahead, by all means—better it. It is time that you stopped taking your so-called heartland for granted and did something very worth while for the area.

So let us look at some of the announcements made by Labor members in the Illawarra. A heading in the Illawarra Mercury of 27 November 2007 read ‘Promised funding on way, say MPs’ and there was a smaller heading ‘Members vow swift delivery on promises’. Let me just mention two promises. The member for Cunningham promised that a pre-feasibility study would get underway for the Maldon to Dombarton rail link and the key players would start work within a week. Has this happened? Not to my knowledge. Then there was the MRI machine for Wollongong Hospital. In September last year, I announced Medicare funding for a new MRI service at Wollongong Hospital. Local Labor MPs promised to deliver this crucial service and yet the people of Wollongong are still waiting.

If this is a swift pace, I would hate to see snail pace. What does this tell us? It tells us that Labor are full of rhetoric. Since my office opening in October 2005, all the Labor Party have done is taken cheap pot shots and focused on issues such as the telephone box outside Wollongong TAFE—and I trust, Senator Conroy, now you are the Minister for Broadband, Communications and the Digital Economy, that you will look into this—and the removal of a payphone at Otford. There is another issue for you, Senator Conroy. There are also the embellished claims of a lack of Medicare services in Warrawong at a time when bulk-billing was at 95 per cent.

When Labor get into government, they cannot even deliver on a simple procedure of sorting out paperwork with their state Labor colleagues for an MRI machine that is already at the hospital but just needs to be made operational. It is a simple task. Their failure to deliver on this simple task, regrettably, does not augur well for the citizens of the Illawarra. The coalition delivered $2.3 billion; Labor are struggling with the basics.

One thing Labor have committed to is scrapping the highly successful Investing in
Our Schools Program. This program was praised by school communities because it went directly to them and funded the small-scale infrastructure and equipment projects and upgrades which were otherwise neglected. These were projects such as, regretfully, toilet blocks, computer rooms, air conditioning and playground equipment. What this program did was to uncover the state Labor government’s neglect of our school system through highlighting their disregard for these crucial facilities. If those opposite are serious about education, they could start by ensuring basic standards are maintained in schools. For example, there is a small, 50-year-old school in the Illawarra where the toilets have not been upgraded at all since it was built. It is little wonder that Labor have decided to scrap this program—because it exposes state Labor’s appalling neglect.

Labor’s disregard extends to other crucial areas of government service delivery. Labor have shown utter contempt for the people of the Illawarra by using Warrawong as a test case in their plans to merge Centrelink and Medicare offices Australia wide. Labor cleverly painted this plan as a long-fought victory to deliver an additional Medicare office for Warrawong residents. However, Labor were never able to deliver a Medicare office, only a plan to merge a Medicare office with an already existing Centrelink office.

As I elicited recently in questioning in estimates hearings, it is Centrelink employees who will suffer under this plan, with some 2,000 employees set to lose their jobs Australia wide. This startling admission by Labor will no doubt result in reduced services and longer queues forced upon an already struggling demographic. This will happen not only in Warrawong but across Australia.

Labor talk about new leadership but all they have is old plans for government service delivery. We need look no further than Labor’s record at the state level as the taxpayers in my home state of New South Wales know all too well. The basic statistics highlight Labor’s ineptitude. New South Wales is on top of the recent GST windfall and yet is borrowing to the tune of $6 billion. Reckless financial management appears systemic to Labor governments Australia wide despite the states receiving almost $40 billion of GST revenue in 2006-07—expected to grow to $46.6 billion by 2009-10.

While the Howard government was able to produce an $11 billion fiscal surplus, the states are running a combined fiscal deficit of $6 billion. Last year, the New South Wales government ran a $2.4 billion fiscal deficit and a $3 billion cash deficit. While residents of New South Wales are forced to cut back spending when faced with recent interest rate rises, the New South Wales government cannot comprehend these simple economic realities, with spending outstripping revenue over the last five years.

Growth in the New South Wales economy at less than two per cent is the lowest of any state across Australia. New South Wales is lagging behind the other states and is far from being the engine room of the Australian economy that it once was. I highlight this case because the Australian people need to look beyond Labor’s recent attempts to advance their economic credentials. Recent history points to a party and style of management which is preventing New South Wales and Australia from realising its full potential.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Tibet

Senator PAYNE (2.00 pm)—My question is to the Leader of the Government in the Senate, the Minister representing the Prime Minister, Senator Evans. I note Minister Smith’s recent media statement outlining the
government’s concern over the current situation in Tibet, which the opposition shares. Can the minister indicate what information the government has received on how many people have died, been injured or been arrested in these recent events? Can the minister also indicate what the Prime Minister will be doing specifically to address the issue of human rights abuses in Tibet when he visits President Hu Jintao on his upcoming 17-day world tour?

Senator CHRIS EVANS—I thank Senator Payne for the question and acknowledge her long interest in these issues. The Australian government, along with everyone in the Senate, greatly regrets the violence and the loss of life in Tibet and neighbouring areas. The Prime Minister has urged all parties to show restraint, and I notice that the US government has done similarly. We made our position very clear, and we will continue to take any opportunities that we can to reinforce those points, as Senator Payne intimated.

While Australia recognises China’s sovereignty over Tibet, we remain very concerned about the human rights situation there. Those concerns about human rights in Tibet have been raised with the Chinese government and the Australian charge d’affaires in Beijing raised our concerns directly with the Chinese government over the weekend. We also raise these concerns through the human rights dialogue. We urge China to take this opportunity to implement policies which allow greater freedoms of religion, expression and association in an endeavour to create an environment of greater respect and tolerance. In response to these issues, we have also recently updated Australia’s travel advice, which encourages Australians to reconsider their need to travel to Lhasa at this time and to exercise a high degree of caution in the areas affected by the unrest.

In terms of the specifics—through you, Mr President, to Senator Payne—I do not have a reliable update on the numbers who may have been killed or injured. The best that I have at the moment is what you would have heard in the media. I am happy to see if we have anything more reliable from official sources, but at this stage I cannot provide you with anything beyond what has been covered in the media, where there seems to be quite a variance, as always, in these things. But the bottom line is that the violence and loss of life are greatly regrettable. We would urge all parties to show restraint and hope that peace and order are restored as quickly as possible.

Senator PAYNE—Mr President, I ask a supplementary question. I thank the minister for that information and for undertaking to provide an update on those specific numbers. You said that you will take any opportunity you can to reinforce the concerns. Can the minister indicate whether the Prime Minister will be specifically reinforcing those concerns when he visits and meets with President Hu Jintao in the next couple of weeks? Can the minister also advise the Senate whether, as reported, it is the case that protesters against the government in Tibet can be executed for that offence?

Senator CHRIS EVANS—I thank Senator Payne for the supplementary question. As I indicated, the Prime Minister made it clear this morning in his press conference that he will take all appropriate opportunities to reinforce our concern and urge China to show restraint. No doubt he will do that as the opportunities arise in his discussions with the Chinese government. I am not aware of the particular laws regarding execution for protester engagement. Clearly, there is serious concern about the violence that is occurring there currently. We join with all senators and urge the Chinese government to show re-
constraint and hope that order is returned as quickly as possible.

**HMAS Sydney**

Senator FORSHAW (2.04 pm)—My question is directed to Senator Faulkner, the Minister representing the Minister for Defence, Science and Personnel. Can the minister update the Senate on the search for HMAS Sydney?

Senator FAULKNER—I thank Senator Forshaw for his question. I am pleased to inform the Senate that one of Australia’s most enduring maritime mysteries has been solved. Yesterday, Sunday, 16 March, the final resting place of the missing Royal Australian Navy cruiser HMAS Sydney was discovered. As I am sure all senators would know, in 1941, HMAS Sydney was the most famous of the Royal Australian Navy’s ships. She had created headlines with her exploits in the Mediterranean. But on 19 November that year, following a fierce action with the German raider Kormoran off the West Australian coast, HMAS Sydney was lost with all 645 crew. Over 80 German sailors also died. It was in fact the most grievous loss of life ever suffered by the Royal Australian Navy, and until yesterday the families of those crew members did not know the final resting place of their loved ones. Now they know. It is obvious to all of us that that knowledge will remind many Australians of their loss. More than 60 years may have passed, but I am sure that the loss is still felt. I am also sure that the condolences of all of us go to the families of the crew of HMAS Sydney.

Finding the location of the German raider, the HSK Kormoran, was the key to finding HMAS Sydney. The Kormoran was found approximately 112 nautical miles off Steep Point in Western Australia. It is lying in 2,500 metres of water. The Australian government has advised the German government of the find. HMAS Sydney was found around 12 nautical miles from the wreck of the Kormoran. It was also lying in some 2,500 metres of water. This position fits with the testimony about final sightings of HMAS Sydney.

The location of the wreck and its dimensions do give certainty that HMAS Sydney has been found. It is important now, I am sure all senators would agree, that we move to protect the site of the wreck of HMAS Sydney. The Minister for Environment, Water, Heritage and the Arts has declared both sites to be historic shipwrecks under the Historic Shipwrecks Act, thereby preventing any removal or disturbance of the shipwrecks without formal approval.

I want to acknowledge all those involved in the search for HMAS Sydney, and thank them for their great efforts. The Finding Sydney Foundation has done research work over many years to identify the most likely location of the wreck: it organised the current search. The crew of the SV Geosounder, the ship that conducted the search, are also to be congratulated for their fine work, as are all those involved.

**Prime Minister**

Senator MINCHIN (2.09 pm)—My question is to the Leader of the Government in the Senate. How can it be in Australia’s foreign policy interests for Mr Rudd to snub Japan in his 17-day worldwide tour? Why does Mr Rudd consider Romania and Belgium to be higher foreign policy priorities than Japan?

Senator CHRIS EVANS—I thank Senator Minchin for the question, but I am not sure he meant it all that seriously. Clearly the government values our relationship with Japan highly. They are a very significant trade partner and a very significant partner in our defence arrangements. They will continue to be central to our foreign policy into the future.
The Prime Minister is travelling overseas during the parliamentary break, visiting a number of countries to pursue Australia’s national interest. On the one hand, critics from the other side want to suggest he is travelling too much by undertaking such a journey, and now we hear that somehow it is a snub to Japan because he is not going there. I do not think that is right at all. I think the Prime Minister has organised his travel on this occasion to pursue Australia’s national interests. He will pursue those very competently: as all Australians would be aware, the Prime Minister has a unparalleled background in foreign affairs, having served as opposition spokesman and previously as a member of Australia’s foreign service. There is no snub to Japan by him taking on this particular itinerary. He has made Australia’s commitment to the Japanese relationship very clear on a number of occasions and that will continue. I am sure at some stage on a future visit the Prime Minister will visit Japan.

Senator MINCHIN—Mr President, I ask a supplementary question. Unlike the days when Mr Rudd’s constant trips to China were funded by various businessmen, including a gambling tycoon, Mr Rudd will have a government jet at his disposal during his four days in China. Why doesn’t Mr Rudd change his itinerary and make the 3½ hour flight from Beijing to Tokyo, even just for a day?

Senator CHRIS EVANS—I thank the senator for his question, I am sure the Prime Minister will take on board his travel tips. The reality is that on this occasion the Prime Minister is not visiting Japan. As I understand it, the Japanese embassy last night released a statement confirming our strong and growing relations. I also understand up to four of our ministers have already visited Japan—we have a very strong relationship with Japan. I understand that the Prime Minister has also accepted an invitation to attend the G-8 summit in July. These are questions of importance to Australia. The Prime Minister will continue to pursue Australia’s national interest, and his engagement with Japan will continue to be at a very senior and serious level. But on this occasion—on this trip—he is not visiting Japan.

Climate Change

Senator CAROL BROWN (2.13 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Can the minister outline to the Senate how the Rudd government is delivering on its election commitment to deal with climate change with an emissions trading scheme?

Senator WONG—I thank Senator Brown for her question. At the last election the Australian people made it clear they wanted a government that was prepared to take responsibility on climate change. People will recall that prior to the election the Rudd Labor Party said we would set Australia on an emissions reduction path so that we would reduce emissions by 60 per cent of 2000 levels by 2050. We had a clear election commitment to place emissions trading at the heart of our efforts to reduce emissions. As those in this place who follow these issues would know, emissions trading places a limit on the carbon that we will allow to be produced across the Australian economy and seeks to reduce Australia’s carbon emissions at the lowest cost to the economy.

I have already announced, in February this year, the government’s principles that we would apply to an emissions trading scheme. They include that, consistent with our election commitments, this scheme will be a cap and trade scheme and we will also have measures to address the impact on particular sectors of the economy. Today I am pleased to announce that the government has set out a detailed timetable for the design and implementation of emissions trading. We have
done so to give business the confidence and certainty it needs to get on with the job of moving towards a low carbon economy. We have done so because the Rudd Labor government will take a careful and methodical approach to emissions trading in full recognition that emissions trading represents one of the most far-reaching reforms in Australia’s history.

Consultation will be a key part of this approach. At every step of the way we want to be talking to the Australian community and business. Between now and June of this year the government will engage in preliminary consultations on technical issues with industry and non-government groups. These consultations will drive a green paper, which will be released in July. The green paper will canvass options and preferred approaches on a range of critical issues, such as which sectors will be covered and how emissions caps will be set. It will also include ways to address the impacts of emissions trading on Australian households, the trade exposed emissions-intensive sector and other strongly affected sectors. The feedback from this green paper will inform the exposure draft legislation which will be released in December this year. The government’s intention is that the bill on emissions trading will be considered by this parliament from March next year, with the government aiming to secure passage of the legislation by the middle of next year. This will then enable consultation on issues such as emissions trading regulations to occur next year. In the third quarter of next year the act will come into force and the regulator will be established. Subsequent to that, in 2010, the emissions trading scheme will commence.

As I said at the outset, the Rudd government are extremely conscious of the broad community and industry interest in emissions trading, which is why we are so strongly committed to consulting widely. I take this opportunity to note that the views which have already been expressed in previous consultations will clearly be taken into account by the government. We understand that climate change is an urgent challenge, which is why we are working to what is a tight timetable. But we are determined to consult, and consult widely, so we get this right. The fact is that, after long years of neglect, this government is delivering on the commitment to prepare Australia for the challenges of the future by taking responsibility for climate change. (Time expired)

Senator CAROL BROWN—Mr President, I ask a supplementary question. Can the minister outline to the Senate other ways that the Rudd government is delivering on its election commitment to tackle climate change?

Senator WONG—I thank the honourable senator for the supplementary question and the opportunity to remind the Senate of the range of other policies the government is implementing and will deliver in order to tackle climate change. We took to the election a number of important commitments to address climate change—commitments which are being delivered on. These include: the renewable energy target expansion so that, by 2020, 20 per cent of Australia’s energy comes from renewable sources; a $500 million National Clean Coal Fund to support the accelerated deployment of clean coal technologies; a $500 million Renewable Energy Fund to support research, development and commercial demonstration of new and emerging technologies; low-interest green loans for household energy and water efficiency improvements along with customised home audits; rebates to install energy efficient insulation in rental properties to address the split incentive between tenants and landlords; the expansion of the Solar Cities program—(Time expired)
Donations to Political Parties

Senator RONALDSON (2.18 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Can the minister indicate whether the Rudd government will establish an independent judicial inquiry into the illegal activities of the Transport Workers Union with its Labor election slush fund?

Senator CHRIS EVANS—I thank the senator for his question. I indicate to him that allegations of any sort of impropriety in electoral funding should be directed either to the Australian Electoral Commission or the relevant state electoral authority. Those are the appropriate authorities to investigate any improprieties. It is the position we took in opposition and it is the position we take in government.

Senator Abetz—That is exactly what I used to say.

Senator CHRIS EVANS—I join with Senator Abetz in arguing this case. As you recall, Senator Abetz, when Senator Brown raised concerns about the funding of the Exclusive Brethren we argued very strenuously then that the appropriate authority to investigate any concerns was the Australian Electoral Commission. That is what should occur. In terms of allegations of criminal conduct, those concerns should be directed to either the Australian Federal Police or the appropriate state police service. All senators are well aware that those are the appropriate avenues to take when dealing with serious allegations. So in answer to the senator’s question, the answer is no. We are suggesting that any concerns be raised directly with the AEC or the relevant state electoral authority and that any suggestions of criminal conduct should be directed to the Australian Federal Police or the appropriate state police service.

Senator RONALDSON—Mr President, I ask a supplementary question. Given that the AEC does not have the powers of a judicial inquiry and cannot recommend criminal charges, why won’t the Rudd government commit to a full, open, accountable and independent judicial inquiry into this scandal? Further, given it is now clear that the Rudd government is totally beholden to the union movement, will the government immediately support the Senate’s reference to the Joint Standing Committee on Electoral Matters?

Senator CHRIS EVANS—I thank the senator for the supplementary. I do not really have much to say other than what I said in answer to the original question because the supp was more about trying to make some sort of the slur. As I indicated to the chamber in answer to the first inquiry, if there are concerns about criminal activity they should not go to the AEC, no, they should go straight to the AFP or the state police authorities. That is the appropriate response. So if there are concerns about electoral funding they ought to be referred straight to the AEC. If there are concerns about any sort of criminal activity, it would be beholden on people to refer those to the AFP or the state police authorities. As you are well aware, those are the appropriate responses if concerns exist.

Climate Change

Senator ALLISON (2.21 pm)—My question is to the Minister for Climate Change and Water. I refer to the minister’s welcome announcement this morning that emissions trading will start in 2010 and ask: is the minister aware that modelling for the National Emissions Trading Taskforce concluded that, under trading, only modest abatement will actually take place before 2020 and result in an increase in electricity prices of 10 to 25 per cent? Minister, why not proceed quickly with a mandatory energy efficiency scheme that can have a much earlier effect and reduce the cost impact?
The PRESIDENT—Senator Allison, I would remind you to address your questions to the chair, not directly to the minister.

Senator WONG—I thank Senator Allison for her question. First on the issue of the NETT’s modelling, I am aware of that and I make the point that what an emissions trading scheme can achieve in terms of abatement of emissions obviously is dependent on what your trajectory is. We have made clear that this will be a cap and trade scheme—and Senator Allison has a long history of interest in these issues—and the design of the cap and trade scheme is that the government makes a decision on what is the level of emissions up to which it issues permits, thereby setting a cap on the emissions across the economy.

As I have repeatedly said, the issue of what that trajectory will be is something that the government will take a very careful and methodical approach to. We will take a very careful approach because we understand that this is a significant reform, hence the economic modelling that has been undertaken, hence the Garnaut report which obviously will canvass a range of issues, as has already been flagged in Professor Garnaut’s interim report. Obviously, also, we will consult with the community and with industry. So we are very clear that we will set the appropriate trajectory and we will do so after consideration of all of these matters and after the release of the green paper.

In terms of energy efficiency, the senator is right; there are potentially gains to be made through energy efficiency. These are matters which the government is working on. Certainly the relevant ministerial council, I am advised, in the past has previously looked at these issues, and these are issues which are being addressed in the context of the climate change and water subgroup of COAG, which I chair.

I suppose the emphasis that I would make for Senator Allison is that there are a great many policies which have to be put in place to ensure that we achieve the lowest cost shift possible to a low carbon future. That is what the government is focused on. The government will ensure that we take this reform methodically and carefully and we will do so with a very clear eye on securing Australia’s ongoing economic prosperity. As I have previously outlined, the scheme will include measures to assist households, particularly low-income households. We are very mindful of these issues. As I previously went through in answer to a question from Senator Brown, there are a number of policies which the government is implementing to achieve abatement. Emissions trading is at the heart of our approach to reducing Australia’s greenhouse gas emissions but there is obviously a range of others, the renewable energy target being one of them.

Senator ALLISON—Mr President, I ask a supplementary question. I thank the minister for her answer and ask her, as I have done on a number of occasions in this place, how will the trajectory be determined? Will it be determined on the question of how much we can afford or are we seriously going to reduce greenhouse emissions with a view to stabilising atmospheric change?

On the subject of energy efficiency, can the minister acknowledge that the National Framework on Energy Efficiency is failing on implementation, enjoys no ministerial support and is hamstrung by disputes and resistance from vested interests and parts of the bureaucracy? What is the minister’s commitment to implementing aggressive end-use energy efficiency actions?

Senator WONG—There were two parts to that. The second part was an assertion I was asked to agree with or not agree with. Clearly, there are many aspects of that
proposition, which is really an issue of opinion for you, Senator Allison, not a question to me. Can I remind you, in terms of energy I do not actually represent Minister Ferguson in his portfolio. I am happy to take the question in so far as it relates to the climate change portfolio, but I understand that Senator Carr is the appropriate minister.

In answer to the first part of your question about how the Australian government would approach the setting of our trajectory, I have on a number of occasions outlined that. We will be considering a range of issues. We will be considering the economic modelling. Of course we will consider the science and we will consider Professor Garnaut’s report as well as the outcome of our consultations with the community and industry.

Donations to Political Parties

Senator McGauran (2.27 pm)—My question is to the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, and former TWU official, Senator Conroy.

Honourable senators interjecting—

The President—Order! Senator McGauran, I would remind you that when addressing a question to the minister that you refer to his proper title. You may now continue with your question.

Senator McGauran—I am referring to the answer given by Senator Evans when he ruled out the need for a judicial inquiry into the TWU. Why then did the government force the architect of the scam, New South Wales State Secretary of the TWU, Mr Sheldon, to withdraw from the National Transport Commission?

Senator Conroy—I welcome the question from Senator McGauran, one of the more visionary senators on that side. It may come as a surprise to some, but Senator McGauran foresaw the death of the National Party long before the rest when he ratted and moved across—

The President—Order! The minister will resume his seat.

Senator Minchin—Mr President, I rise on a point of order. That denigration is beneath even Senator Conroy. He should stick to answering the question and stop denigrating fellow senators.

The President—Just as I reminded Senator McGauran that he should address the question properly, can I suggest to you, Senator Conroy, that the beginning of your answer bore no relation whatsoever to the question. So I would remind you of the question and ask you to respond.

Senator Conroy—I accept your admonishment, Mr President. As I was saying, for Senator McGauran to be raising these sorts of allegations when he has not got the courage to go outside—

Opposition senators interjecting—

Senator Conroy—The reports in the media are quite clear. Mr Sheldon withdrew his nomination. He was not forced out. He willingly withdrew. So the question has no basis whatsoever, absolutely no basis in fact whatsoever—other than to say that, unlike Senator McGauran, I am not going to rat on my mates.

Opposition senators interjecting—

The President—Order! The Senate will come to order!

Senator McGauran—Mr President, I ask a supplementary question. Will the government rule out appointing to the National Transport Commission another representative from the scandal-stricken and corrupt TWU?

Senator Conroy—Those are decisions that are rightly for the consideration of cabinet and I do not intend to canvass issues around cabinet deliberations here today.
Economy

Senator HUTCHINS (2.31 pm)—My question is to Senator Conroy, the Minister representing the Treasurer. Is the minister aware of recent suggestions that inflation is not a significant problem for the Australian economy? What is the government’s response to these claims?

Senator CONROY—I thank Senator Hutchins for his question. This government believes that taming inflation is an urgent priority of economic policy. We understand that inflation hurts working families. Inflation puts upward pressure on interest rates, erodes living standards and threatens future growth and job creation.

Opposition senators interjecting—

Senator CONROY—Those on the opposite side might not be interested in listening to the answer, but Australian families are, because in order to fix a problem you need to be upfront and honest about it. The key measure of ongoing inflation, the underlying weight of inflation, has risen to the highest level in 16 years. And so you should go quiet, senators opposite; you should go quiet. Inflationary pressures have been building in our economy for some time and they are now manifesting across a broad range of goods and services. The CPI has risen by nine per cent over the last three years, but fruit and vegetables have gone up 20 per cent, child care has gone up 20 per cent, child care has gone up 20 per cent—

Senator Minchin—There’s been a drought!

Senator CONROY—You may not care, Senator Minchin, but let me tell you Australian families do. You may not care, but child care has gone up more than 30 per cent. Is that the fault of the drought? Petrol has gone up 29 per cent, and that was before the recent increases. There is no escaping the fact that current inflationary pressures are a product of past policy failures by the previous government. They failed to sufficiently invest in expanding our economic capacity to improve productivity. They undertook reckless government spending in an attempt to shore up their political survival, with scant interest in the fact that this would leave all the heavy lifting to the Reserve Bank to protect the community from rising interest rates. As a consequence, Australian families have borne the brunt of 12 consecutive interest rate rises—12 in a row. In the last three years, increases in official rates have added $317 a month to the average mortgage.

The Rudd government has acknowledged the inflation problem, as the first step towards fixing it. It is very disturbing—very, very disturbing, and it continues on—that those on the opposite side continue to be in a state of denial. The shadow Treasurer’s speech last week showed that the coalition is still apparently willing to tolerate high inflation and the risk that it poses to Australia’s economic future. In fact, the shadow Treasurer denies the Liberals’ inflation legacy: it is a fairy story and a political myth! On the very day the December quarter inflation figures were released showing that underlying inflation was at a 16-year high, the shadow Treasurer stood up and claimed the Liberals had managed to contain inflation. On the day inflation hits a 16-year high, the shadow Treasurer says, ‘Not a problem.’ In the light of these comments—(Time expired)

Plastic Bag Levy

Senator FIERRAVANTI-WELLS (2.36 pm)—My question is to Senator Wong, the Minister representing the Minister for the Environment, Heritage and the Arts. I refer to the statement of Mr Garrett on 9 March in which he stated that reports of the Labor government introducing a plastic bag levy were incorrect. How was this claim consistent with evidence from the environment department at estimates in February that the
Senator WONG—I thank the senator for the question. I am advised that the government will not impose a Commonwealth levy on plastic bags. I am also advised that this government, along with other members of the Environment Protection and Heritage Council, is committed to phasing out free, single-use plastic shopping bags, and that such phase-out should be under way by 1 January 2009. I understand that the council expects to make a decision on the plastic bag phase-out mechanism at its meeting of 17 April 2008, and the Commonwealth government is working with the states and territories to examine options for phasing out plastic bags. As I said at the outset, my advice is that the government has not determined what form a phase-out should take but we will not introduce a Commonwealth levy on bags. There are other options that the council may consider.

I do want to make the point that Australians, I would think, are concerned about the 40 million plastic bags that litter our bushland and waterways, and harm our wildlife. The community has made it very clear that they want this problem solved. This is an issue which first came onto the agenda of the Environment Protection and Heritage Council in 2002; however, unfortunately, under the previous government we saw nothing but dithering and inaction. Whilst making vague noises about the problem, the former government had no position on how to take this issue forward. Mr Garrett is working with the states through the EPHC, the Environment Protection and Heritage Council, to come up with a solution. All environment ministers, state, territory and Commonwealth, are meeting on 17 April to examine a range of options, and any solution that is agreed will take into account rigorous analysis of practical options, and public and industry views on this issue. Whilst I will not speculate on the outcomes of that discussion, the Australian government has made it clear that the introduction of a federal government plastic bag levy is not on the table.

Senator FIERRAVANTI-WELLS—Mr President, I ask a supplementary question. Is the minister aware that major retailers have estimated that a compulsory retailer levy of 25c would add $650 million a year, or $156 a shopper, to the annual grocery bill? Minister, you have not explained the inconsistency between the statement of Mr Garrett on 9 March and the evidence that was given in estimates so clearly in February that the government was looking at options, including a Commonwealth bag levy or mandatory retailer charge.

Senator WONG—Whilst we are on the issue of inconsistencies, I invite honourable senators opposite to consider some of the comments of the member for Flinders, who has been vocal in past time over the importance of using reusable shopping bags. I quote the member for Flinders when he took part in the Plastic Bag Famine as part of National Science Week in July 2004. He said:

“This is a good time for people to give the reusable shopping bags a go. It not only makes sense, it is good for the environment. Reusable shopping bags will save our landscapes, landfills and the lives of countless wild animals. We do not often agree with the member for Flinders, but on this occasion we do agree with him: phasing out plastic bags makes sense: ‘It is good for the environment and it will save our landscapes, landfills and the lives of countless wild animals.’

Climate Change

Senator MILNE (2.41 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. With regard to
emissions trading, given that a number of major greenhouse polluters are pressuring the government to allocate free emission permits rather than having them auctioned, will the minister outline to the Senate the disadvantages of allocating free permits to pollute under an emissions trading system?

Senator WONG—Yes, I am aware that a range of sectors of industry have put views to the government both publicly and privately about the way in which an emissions trading scheme should be designed so as to minimise the impact on those sectors of industry. These are matters that the government will consider over the time line I have announced today. As I made clear in my speech of 6 February, we are conscious particularly of three sectors. We have said that we need to consider the perverse incentives which the introduction of emissions trading may place on our trade exposed emissions intensive sector. We have also said that we will look at measures to address the impact on strongly affected industries. Finally, and importantly, we have also said measures will be developed to assist households, particularly low-income households. That is because the government is aware that this is a significant reform—the introduction of emissions trading is akin to the liberalisation of trade that this country went through in the last three decades. We recognise that this is essentially about economic transformation, and the government will take a careful and methodical approach to ensuring that we consider the impact on the Australian economy, on particular sectors and on households in how we design our scheme. I have outlined today a time line for consultation, including the release of a green paper. The range of issues that Senator Milne seeks advice on, and that I canvassed today, will be amongst those issues that the government will consider, and which will be covered by the green paper.

Senator MILNE—Mr President, I ask a supplementary question. I note that the minister once again failed to address the question I asked, and that was to tell the Senate what are the disadvantages of allocating free permits to pollute. I got a time line but I did not get an answer to the question about what is wrong with free permits. I had hoped to hear about the anticompetitive effect, the creation of perverse incentives, the transaction costs, and the failure in Europe of free permits. So I ask the minister whether she is aware that Professor Garnaut said in November last year:

Managers and analysts of the first phase of the European ETS recognise that the large and inequitable distribution effects of allocating free permits to established emitters, even when the carbon price was passed on to households, was a fatal flaw. Questions of distribution are therefore fundamentally important to the environmental integrity of mitigation policy, and not only to distributional equity.

Will the minister rule out the free allocation of permits?

The PRESIDENT—Order! Senator Milne, that is a very long supplementary question; you went over time.

Senator WONG—I say to Senator Milne: I am not going to rule anything in or out. Until the government has gone through the process I have outlined, I am not ruling in or out any of those issues because it would be inappropriate to do so given that the government has committed to consulting with the community and with particular sections of industry to look at these complex issues.

I note the comments of Senator Milne in relation to Europe. Certainly we will consider the evidence from overseas experience in our consideration of the most appropriate design for our emissions trading scheme, but we will take a careful and methodical approach to this issue. I am aware that the previous government did make such a commit-
ment. We have made it clear that that is amongst the issues we will consider through the process of looking at the various design elements for the emissions trading scheme. That will be done carefully and methodically, with consultation with industry and the community. *(Time expired)*

**Fuel Prices**

**Senator Johnston** (2.45 pm)—My question is to the Minister representing the Minister for Competition Policy and Consumer Affairs, Senator Sherry. What is the average capital city price of unleaded petrol at the bowser today? How does this compare with the petrol price at the bowser on 24 November last year?

**Senator Sherry**—I can indicate the price at the bowser in my home city of Devonport because on Saturday I had to visit a petrol station to fill up. I was struck by the fact that the price was approximately $1.40 per unleaded litre. I do keep a very close eye on the petrol price in my local community for obvious reasons. This government is very well aware of the impact that petrol prices have on struggling Australian families.

I want to touch on some of the factors that have led to the generally higher petrol prices in recent times. While oil and petrol prices are largely determined by international factors, the Rudd government is committed to promoting competition and transparency in Australia’s petrol market. The WTI crude oil price eased on Friday, closing at 18c lower—

**Senator Abetz**—Mr President, I rise on a point of order. Senator Sherry is exactly on the question in the answer he is providing. Even Senator Abetz admitted that in his point of order. It is another frivolous point of order. Senator Sherry can answer the question as he sees fit and he is clearly right in the centre of the question in discussing petrol price movements, as was requested in the question.

**Senator Sherry**—There were two questions.

**The President**—Order! While the question was quite specific, we have always allowed a certain amount of latitude to ministers in answering questions. I would remind Senator Sherry of the question.

**Senator Sherry**—Thank you very much, Mr President. As I have indicated, this government is very concerned about the impact of higher petrol prices, particularly on struggling families. I did mention the price of petrol in my local community, which I keep a very close eye on. I might add in the context of my local community that, particularly in rural and regional areas, which the National Party is notorious for forgetting about, there is not the same range of public transport options. In my case on the north-west coast of Tasmania, whilst there are public transport options available within the cities of Devonport and Burnie, there are not extensive public transport options between the cities and the local communities. So obviously in rural and regional areas, which the National Party is notorious for forgetting about, there is not the same range of public transport options. In my case on the north-west coast of Tasmania, whilst there are public transport options available within the cities of Devonport and Burnie, there are not extensive public transport options between the cities and the local communities. So obviously in rural and regional areas, which the National Party is notorious for forgetting about, there is not the same range of public transport options. In my case on the north-west coast of Tasmania, whilst there are public transport options available within the cities of Devonport and Burnie, there are not extensive public transport options between the cities and the local communities. So obviously in rural and regional areas, which the National Party is notorious for forgetting about, there is not the same range of public transport options. In my case on the north-west coast of Tasmania, whilst there are public transport options available within the cities of Devonport and Burnie, there are not extensive public transport options between the cities and the local communities. So obviously in rural and regional areas, which the National Party is notorious for forgetting about, there is not the same range of public transport options.
cerned about this trend. It is particularly important coming up to the Easter period and the public holiday commencing on Friday, because the ACCC is closely monitoring petrol prices over Easter. The ACCC—and this goes specifically to the issue of price movements which I have been asked about—monitors movements in domestic retail petrol prices compared with movements in international prices, as reflected in the stock price of Singapore Mogas 95 Unleaded, and it assesses the difference between these two price series over time. The methodology used by the ACCC was outlined in the ACCC’s report of the inquiry into petrol prices in Australia, which was released in December 2007. Thank you for the question.

**Senator JOHNSTON**—Mr President, I ask a supplementary question. I am very surprised that the spokesperson for competition policy and consumer affairs does not know the answer to those simple questions. To assist him, the petrol price was $1.33 on 24 November and $1.40 was the average price across Australia on Sunday, 16 March 2007. When exactly can consumers expect to see a decline in petrol prices, as promised by Labor during the election campaign?

**Senator SHERRY**—I would just indicate that I represent the Assistant Treasurer; I am not responsible for these areas directly. I just thought I would indicate that for the sake of the opposition.

**Opposition senators interjecting—**

**The PRESIDENT**—Order! Senator Sherry will be heard.

**Senator SHERRY**—Thank you. Since members of the opposition are so keen on petrol prices, why don’t they all write down on a piece of paper here and now what the price of petrol is in their own local community, and we will see how much they know.

**Opposition senators interjecting—**

**The PRESIDENT**—Order! The Senate will come to order! Order on my left!

**Housing Affordability**

**Senator KIRK** (2.52 pm)—My question is to the Minister for Superannuation and Corporate Law, Senator Sherry. Can the minister update the Senate on the progress of its election commitment to help hardworking first home buyers fulfil the great Australian dream of homeownership?

**Senator SHERRY**—Thank you, Senator Kirk, for the very important question. Unlike the Liberal opposition, at the last election the Labor Party, now in government, took housing affordability very, very seriously. We take the dream of homeownership very seriously. It was only the Rudd Labor government that committed to a real, deliverable scheme to help struggling, hardworking young people and young families realise that goal. I know the Liberal opposition do not want to hear this, but it is only the Rudd Labor government that took this challenge seriously when we promised to introduce first home saver accounts, a superannuation like first home savings mechanism and tax advantage for young Australians. The difference between the Labor government and the Liberal opposition is we deliver on our election commitments. You break yours.

**Honourable senators interjecting—**

**The PRESIDENT**—Order! Senator Sherry, it might help if you address your remarks to the chair.

**Senator SHERRY**—Thank you, Mr President. We deliver on our election commitments; the Liberal opposition break theirs. We all remember core and non-core. The Labor government is moving quickly to implement its election promise, the first home saver accounts. We understand that hardworking families are under pressure in this area and we are taking action to help them address the cost of living legacy.
From 1 July 2008 we will have these low-tax superannuation style accounts. They will allow, for example, a couple each earning an average income to save a deposit of more than $85,000 after five years of disciplined saving. While exact figures will depend on the rate of return, the figure of $85,000 is up to $14,000 more than if that couple had saved using an ordinary bank or credit union type deposit account. That is up to $14,000 more because of the tax preferred treatment of the first home saver account.

Unlike the Liberal opposition, who spent much of their time in government whipping up disjointed policies and announcements with scant regard to their pork-barrelling—particularly from the former Minister for Finance and Administration, Senator Minchin, now leader of the Liberal Party in this place—we do have regard for the fiscal discipline that is required, but we will be delivering on all our election promises within the fiscal discipline that we have set out. Our first home saver accounts will be yet another part of our plan to help win the war on inflation. The accounts will also encourage private saving, and that is very important in an economic context. They will also put downward pressure on inflation and interest rates.

The accounts are expected to hold some $4 billion in savings after just four years. It is a medium-term savings vehicle, in addition to the other saving incentives that exist in our superannuation and saving system. The accounts will make a major contribution to first home owners. The government released a discussion paper on these accounts on 8 February and, following the release of the paper, the well-known financial commentator Scott Pape commended the policy to young aspiring homeowners:

… the FHSA rewards first home savers for developing a long-term savings plan. … … … … anything that instils the importance of savings at the start of a young adult’s life can only be a good thing.

I can report to the Senate that the consultation period closed last Friday, 14 March and we have received some 120 submissions. (Time expired)

Community Services

Senator BUSHBY (2.47 pm)—My question is to Senator Sherry, the Minister representing the Minister for Finance and Deregulation. Why has the government continued its attack on the most vulnerable members of our community by breaking a $500,000 commitment to fund the training opportunities and options for learning project for disadvantaged and at risk youth in southern Tasmania?

Senator SHERRY—As I have indicated on a number of occasions, this Labor government faces a very significant high-inflation legacy courtesy of the former Liberal government. Underlying inflation is currently running at approximately 3.6 per cent, and that is well above the target band of two to three per cent that the Reserve Bank has determined is necessary in order to keep downward pressure on interest rates. We are determined. We are fiscal conservatives and we are proud of it. Unlike those opposite—

Senator Minchin interjecting—

Senator SHERRY—Mr President, Senator Minchin should just calm down. It is a pity he did not apply the same level of determination when he was in government as finance minister that he is applying now.

Senator Minchin interjecting—
Senator SHERRY—Senator Minchin should be careful. He is not addressing the future leader of the Liberal Party, Mr Turnbull, outside the party room now. He should be careful how he addresses this place. But in terms of the specific program that Senator Bushby has outlined here today, as I indicated, I think last week, if the senator wants an answer in respect of a specific program, he should refer his question to the minister responsible for that particular portfolio.

Senator BUSHBY—Mr President, I ask a supplementary question. Can the minister confirm the funding announcement for this project was made on 9 October, prior to the election being called? Isn’t this just another example of Labor cutting a vital, fully funded program, in this case for our most disadvantaged youth, so it can fund spurious and politically motivated projects like protecting a dead tree in Queensland?

Senator SHERRY—I do not know about a dead tree in Queensland, but I know about a dead opposition! In terms of the program, as I have indicated—and I am trying to be helpful to the senator—if the Senate wants answers to specific questions concerning programs, they should be referred to the specific minister responsible.

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

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS
Donations to Political Parties

Senator RONALDSON (Victoria) (3.00 pm)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Chris Evans) and the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Senators Ronaldson and McGau-
I want to refer to some comments from someone from the TWU—I think he is from the TWU; I know Mr Pat Murray, who is a whistleblower along with Mr Tony O’Donnell, is actually being sued by the TWU for $250,000 for allegedly giving the Sunday program documents relating to this rort, to this slush fund, to this illegal activity. An article in the Australian this morning stated:

Among serving and former union officials interviewed by the program—

that is, the Sunday program—

TWU organiser Tony O’Donnell claimed union members were not aware of the fund’s existence and he disputed that funds were used for training.

“There is evidence here of secret commissions, possibly corrupt commissions under the NSW Crimes Act,” Mr O’Donnell said.

Mr Sheldon strongly defended his union yesterday, describing the non-disclosure of political donations as an “administrative error”...

An administrative error? A slush fund that was used to make donations directly to Labor candidates was an administrative error?

Senator Patterson interjecting—

Senator RONALDSON—I do not think so and, as Senator Patterson said, nor will the Australian public.

The other issue I want to address—and I know that some of my colleagues will probably talk about it as well—is the extortion and bullying of companies that took place to fund the slush fund. If the Prime Minister is prepared to sit back and accept that it is appropriate for funds to be taken from companies via threats, then put into a slush fund and then paid to his candidates and state Labor candidates in New South Wales, he will be judged accordingly. I would like to go through some of the companies that have been in this position: Dairy Farmers, Linfox, Toll, Qantas, Australia Post, Action James, Allied Express, Star Track Express and Manpower. Dairy Farmers, I understand, were required to put—(Time expired)

Senator FORSHAW (New South Wales)

(3.05 pm)—Whilst we have heard Senator Ronaldson here feigning concern about supposed impropriety in electoral funding, let’s look at the history.

Senator Ronaldson—What, you’re not concerned about it? Aren’t you concerned about it?

Senator FORSHAW—I am concerned and I am going to come to my concerns in a moment, Senator Ronaldson. Let us look at the history. These allegations that were aired on the Sunday program yesterday actually were raised well over a year ago. At the time, Mr Hockey, the then minister, established some eight inquiries into these same allegations. There were inquiries through the Taxation Office, through ASIC and through the New South Wales police. There were inquiries in respect of possible breaches of New South Wales electoral laws, inquiries in respect of activities regarding safety and inquiries through the Industrial Registry and the Workplace Authority. A whole gamut of authorities were looking at these allegations. To date those inquiries have not found anything that would warrant any prosecution. There have been no findings of any illegal conduct. But those inquiries are ongoing.

What we have, however, today, following the Sunday program rerunning this same issue, is Senator Ronaldson getting up in question time and asking the minister the question: ‘Why won’t the government set up a judicial enquiry into illegal activities?’ Senator Ronaldson should know better. I understand that he has got legal qualifications. He is asking the government to set up a judicial inquiry, but at the same time he has already found the persons guilty. He said, ‘These are illegal activities’. Senator Ronaldson
knows—as every senator on the opposite side and in this parliament knows—that if you have any specific allegations of criminal activity, you take them to the appropriate law enforcement authorities. As has been indicated by the ministers in responding to these questions today, the government’s approach is entirely appropriate. The Australian Electoral Commission has the capacity to look at whether or not there have been any breaches of electoral laws. I challenge Senator Ronaldson and Senator McGauran: if you have allegations, take them to the appropriate authorities. Of course you do not. You come in here and you raise them in here. That is what you do. You already find people guilty—in this parliament, where you are protected by parliamentary privilege—but you do not have the courage to go outside and approach the appropriate law enforcement authorities and raise the issues with them.

Let us look at the performance of the now opposition when they were in government, when it comes to electoral funding. This is the party that established the Millennium Forum in the home state of Senator McGauran and in the home state of Senator Ronaldson. The Millennium Forum was simply a ruse to hide millions of dollars of donations to the Liberal Party for electoral funding. You could not possibly disclose who those donors were. Not only that: when last in government—after the previous election, when you finally got the numbers in your own right in the Senate—you changed the electoral laws to raise the limit for nondisclosure of donors for electoral donations from $1,500 to $10,000. That was your legacy for electoral donations. So do not come in here and lecture us about propriety. Fair dinkum! You should be ashamed of yourselves for even having the hide to raise the issue.

I finish on this note. Do you remember the Australian Wheat Board? You stand up there with this piou, unctuous concern about supposed illegalities, bribes, under-the-table payments and so on. When you were in government, you were responsible for $300 million of donations to Saddam Hussein’s regime. You knew about it and you sat back. Under your administration, ministers and officials of the Wheat Board knew about these disgraceful payments and did nothing.

(Time expired)

Senator FIFIELD (Victoria) (3.10 pm)—I also want to take note of answers to questions to Senator Evans in relation to the Transport Workers Union and disclosure issues. When Prime Minister Rudd and his team were campaigning for office, they loudly declared that Labor would set and meet new and higher standards of probity and integrity. Mr Rudd declared a new ministerial code of conduct and a lobbyist register would be established by the first sitting day of this year. It did not happen.

Senator Faulkner promised new arrangements for transparency in appointments to government. This process has failed its first test. The test came in the form of a cabinet submission to appoint Tony Sheldon, New South Wales state secretary of the Transport Workers Union, to the National Transport Commission. This is troubling on two counts. Firstly, it is a sign that the government is returning to the old habit of giving the unions a seat at every table—in this case the National Transport Commission. It is pretty funny that the government wanted to appoint a representative of the Transport...
Workers Union to the NTC, because the NTC has, as its stated objective, to improve transport productivity, efficiency and safety. Imagine that: the head of the TWU having expertise in transport productivity and efficiencies! On the contrary, they are the enemy of transport productivity and efficiency.

It is also troubling because we see that Labor are going to be appointing their mates to every body. We have seen the reintroduction of the Australian Labour Advisory Council, and we should look very carefully at the Reserve Bank board. Once upon a time, we had Bill Kelty on the board of the Reserve Bank. We need to watch very carefully to see if Labor moves to put an ACTU representative back on that body.

Secondly, this is very concerning because Senator Faulkner’s board appointment vetting committee has failed, and is now seen for what it is: a fig leaf, a cover to pretend that Labor mates are appointed on the basis of merit rather than partisanship. Senator Conroy admitted as much today when he declared, in reference to Tony Sheldon, ‘He wouldn’t rat on a mate.’ That is what Tony Sheldon is—a Labor mate. That was the sole reason for consideration of him for appointment to the NTC board. Senator Faulkner made great play about the new integrity regime for senior government appointments, but there is a ‘get out of jail clause’ in this new appointments regime. Senator Faulkner listed all the bodies which would be subject to this appointment regime. It includes the National Transport Commission—the CEO, yes, but not the board members. So there is a ‘get out of jail’ card there for Labor mates who wish to be appointed to these bodies.

Over recent days we have seen emerge in the media further reasons why it would be inappropriate to have the head of the TWU appointed to the NTC. The media have made allegations in relation to the TWU that involve corruption, slush funds and extortion. Last year it emerged that the TWU required its members to pay a special fee that went into a fund for which there were no governance arrangements. That is worrying enough, but now it emerges in the media that there are new allegations that union funds from the slush fund were being used to bankroll the campaigns of Labor parliamentary candidates. This is very concerning. These funds have been appropriated from union members and channelled into parliamentary elections, with a failure to declare to the Electoral Commission.

We can have no confidence at all that the New South Wales branch of the ALP will take any steps to examine these matters. Why can we have no confidence that the New South Wales ALP will not examine its own house? The reason is that a Mr Tony Sheldon heads the party’s disciplinary body, the administrative and disputes committee. I do not think we can expect a fair and unbiased hearing in that body. The only solution is an independent judicial inquiry. We need to know what else the TWU have done. Who else have they donated to? Have they donated to federal candidates as well? The only way we can determine this is with an independent judicial inquiry. I hope Senator Faulkner will be a voice of reason on this issue in the government. He has great concern about electoral integrity and I hope that Senator Faulkner would be arguing for an independent commission.

In concluding, when looking at the Sheldon appointment, let us look at the values of the National Transport Commission. They state their values to be ‘integrity, excellence and discernment’. There is certainly excellence in establishing slush funds. Whether there is integrity and discernment only an independent judicial inquiry can determine.
Senator O’BRIEN (Tasmania) (3.15 pm)—It is typical of this opposition: when they do not have any arguments to mount they make a slur on an organisation that has been subjected to a repeat of allegations made many months ago, which their then minister, Mr Hockey, referred to eight inquiries—not to a judicial inquiry, as the opposition is now suggesting, but to eight separate inquiries: inquiries by the ATO, inquiries by ASIC, inquiries by the New South Wales police, inquiries through the New South Wales electoral laws, New South Wales occupational health and safety inquiries, inquiries by the Industrial Registrar and inquiries by the Workplace Authority. Those inquiries have not been shut down by this government; they are ongoing. But, as Senator Forshaw reminded the Senate, to date nothing has been discovered which would be illegal, as far as I am aware, or in any way require or justify the sort of inquiry which the opposition now proposes. Of course, they had to have something to raise in the debate to take note of answers today. They decided, ‘Here we go: it’s a union and we don’t like unions, and it’s someone who’s involved in a commission and they’ve withdrawn.’ As Mr Sheldon said:

I have reached this conclusion—that is, to withdraw from the National Transport Commission—

so the community can focus on the real safety challenges in the heavy vehicle industry, free from the distractions caused by a political campaign being waged against the TWU’s efforts to clean up long-distance transport.

It is important to touch again upon the point Mr Sheldon refers to in his statement—that is, the question of safety. Senator Fifield talked about the aims of the National Transport Commission. At first he mentioned safety, but then he conveniently ceased every mention of it because Mr Sheldon’s role in trucking safety exceeds that of any other in this community. That is clearly his job. On his public statements, you must come to the conclusion that he regards it as the primary concern for his organisation. He has said: ‘In the financial year 2006-07, 228 people needlessly died in heavy vehicle incidents on Australian roads. This is an important reason, among fairness at work and client transport company accountability, to keep fighting.’

Good on Mr Sheldon for fighting for trucking safety.

There are a great many Australians who drive the rigs that keep our economy moving, that transport goods to and from market, that supply cities with the goods they need to continue to operate and to feed people. He is representing thousands of truck drivers in that very onerous task who are engaged in a dangerous occupation, evidenced by the number of fatalities that occur in that occupation. Why would he not have a concern about safety? Why would that not be a very valuable skill to put on the National Transport Commission? There has been no real reason to justify him not being there other than unproven allegations aired again over the weekend and aired in the past. I say again, these are allegations that were referred to eight inquiries by the previous coalition minister, Mr Hockey, and to date nothing has come of them.

It is easy to come into this place and make allegations. I note from the language of Senator Fifield that he does not consider them allegations; he considers them proven. Judge, jury and executioner—that is how we should view the statements of Senator Fifield. There was no presumption of innocence on the part of Senator Fifield or by the rest of the coalition in the contribution they made here. Frankly, everyone is entitled to that presumption.

What has Mr Sheldon done in relation to his appointment? He has, of his own accord,
offered his resignation and that resignation has been accepted. If there is any substance to the allegation, if Senator Ronaldson, Senator Fifield, Senator McGauran or any other senator has any information in relation to electoral matters, they should take them to the Australian Electoral Commission. If they have any information in relation to matters of illegality they should take them to the New South Wales police or to the Federal Police and they should do that now. If they propose to make allegations which are not based on such fact, then I challenge them to make those allegations outside because they know they are not protected out there. (Time expired)

Senator McGauran (Victoria) (3.21 pm)—Listening to Senator O’Brien and to previous speakers from the government, you get the sense there is nothing more sensitive to Labor Party members than being questioned on their seedy relationship with the TWU. You always know, because the volume rises, the abuse rises. We heard that in question time today when I asked my question of Senator Conroy, a former member of the TWU. Up went the noise, up went the abuse. Even Senator Robert Ray over in the corner awoke and threw in his pathetic, outdated barbs—like the man himself, I should add. The truth of the matter is we are seeing the seedy side of the relationship between the union and the union’s national secretary have basically been caught red-handed. Firstly, there is strong prima facie evidence and serious allegations of breaching the law by nondisclosure of secret donations to the ALP candidates. It should not surprise you, Mr Deputy President, that those on the other side are standing up vigorously defending the actions of this union which are an offence against the New South Wales Crimes Act. Secondly, there is evidence for extortions of very large sums from
companies that they deal with in return for industrial peace. Most likely that extorted money has gone to the ALP in regard to candidate funding, and we have Tony O’Donnell, a former official of the Transport Workers Union, saying:

There is evidence here of secret commissions, possibly corrupt commissions under the NSW Crimes Act.

What was the lame defence of Mr Sheldon? It was notoriously famous cover-up words, ‘It is all an administrative error.’ We will see about that because it is under serious investigation. We will see how far that cover-up line of Mr Sheldon goes. As previous speakers, Senator Ronaldson and Senator Mitch Fifield, from this side have said, this matter does go to the heart of the integrity of the government and their close relationship with the union.

Already, as we know, the wagons are circling around Mr Sheldon and the union itself. This union has form. This union has a record. A lack of transparency of millions of dollars has already been reported in an audit report by Deloitte. The union has past form and, on that ground alone, these allegations cannot be overlooked. Yet what is the government’s reaction? They, knowing the form of this particular union, were still willing to appoint Mr Sheldon to the transport advisory committee. He did not step down; he was pushed down under the pressure of the allegations. An inquiry is required or this government’s seedy relationship with respect to the debt they owe the union for the election to the tune of $50 million looks like it has been paid off.

Question agreed to.

NOTICES
Presentation

Senator Moore to move on the next day of sitting:
That the time for the presentation of the report of the Community Affairs Committee on the Poker Machine Harm Reduction Tax (Administration) Bill 2008 be extended to 12 August 2008.

Senator Bartlett to move on the next day of sitting:
(1) That so much of standing orders be suspended as would prevent this resolution having effect.

Senator Minchin to move on the next day of sitting:
That the Senate—
(a) welcomes the discovery of the missing wreck HMAS Sydney II, 66 years since the tragic battle that lost the ship in 1941 off the coast of Western Australia;
(b) notes the importance of finding the missing wreck for families and friends of the 645 crew members on board HMAS Sydney when she was lost in fierce engagement with the German raider Kormoran;
(c) congratulates the search team for the discovery of HMAS Sydney’s resting place;
(d) notes the Coalition’s strong support for efforts to find the wreck, including $4.2 million in funding under the Howard Government;
(e) calls on the Government to move quickly to proclaim HMAS Sydney an official war grave to ensure that she and her crew are protected; and
(f) further calls on the Government to recognise the needs of the families and friends of the victims by ensuring a memorial service is held as soon as possible.
Senator Scullion to move on the next day of sitting:

(1) That a select committee, to be known as the Select Committee on Remote Indigenous Communities, be appointed to inquire into and report on:

(a) the effectiveness of Australian Government policies following the Northern Territory Emergency Response, specifically on the state of health, welfare, education and law and order in remote Indigenous communities;

(b) the impact of state and territory government policies on the wellbeing of remote Indigenous communities;

(c) the health, welfare, education and security of children in remote Indigenous communities; and

(d) the employment and enterprise opportunities in remote Indigenous communities.


(3) That the committee consist of 6 members, 2 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and 1 nominated by any minority group or groups or independent senator or independent senators.

(4) (a) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of committee, but may not vote on any questions before the committee; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That the committee elect an Opposition member as chair.

(7) That the committee elect a Government member as deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

(8) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(9) That the quorum of the committee be 4 members.

(10) That the committee have power to appoint subcommittees consisting of 2 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.

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

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

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.
Senator Crossin to move on the next day of sitting:

That the time for the presentation of the report of the Legal and Constitutional Affairs Committee on the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 be extended to 23 June 2008.

Senator Boyce to move on the next day of sitting:

That the Senate congratulates the Lord Mayor of Brisbane, Campbell Newman and the Liberal Council team on their victory in the local government elections in Queensland on Saturday, 15 March 2008.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes with deep regret the passing of Professor Peter Cullen on 13 March 2008;

(b) acknowledges the significant contribution Professor Cullen made:

(i) to the environment, natural resource policy, freshwater ecology, and the management of Australia’s water resources, particularly within the Murray Darling Basin, and

(ii) to the knowledge and understanding of these complex and vital issues, including his significant role in the development of sustainable water policy in Australia, and that his insightful analysis will be sorely missed;

(c) acknowledges that Professor Cullen was particularly skilled at bridging the gap between science and the policy and practice of water management, and had a flair for using language that made complex issues accessible and got the point across; for example, some ‘Cullen-isms’ include:

(i) on the importance of water accounting, ‘Flying blind hasn’t worked and we must know how much water we have, where it is and how it is being used. We need to know the health of our waterways’;

(ii) on managing water scarcity, ‘Believing we could meet the water needs of these communities by fixing a few leaking taps and having shorter showers was always a fantasy’;

(iii) on the Murray Darling, ‘We don’t have all the answers—nobody does—but before we start laying bricks and mortar, we have got to get the foundations right, otherwise the cathedral will tumble with the smallest of tremors’, and

(iv) on climate change, ‘We’re doing a wonderful experiment in global warming at the moment but by the time it gets through peer review there might not be many humans left on the planet’; and

(d) offers its condolences to his family and friends.

Senator McEwen to move on the next day of sitting:

That the Joint Standing Committee on Migration be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate.

Senator Milne to move on the next day of sitting:

That the Senate—

(a) notes:

(i) a bushfire in the magnificent Tarkine wilderness area in north west Tasmania had burnt 1 800 hectares by 17 March 2008,

(ii) that the fire was started in conjunction with a car accident on the ‘Road to Nowhere’ known as the Western Explorer Road, and

(iii) the high risk of fire from opening the inaccessible area to vehicle access was identified by conservationists as a major threat and reason for objection when the road was proposed and approved by the Tasmanian Liberal Government in 1994; and
(b) calls on the Government to:

(i) urge the Tasmanian Government to close the road and convert it to a world-class cycling and walking track, and

(ii) advance the world heritage nomination of the area to secure its permanent protection.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Climate Change

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

That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Allison today relating to emissions trading.

The minister made a very welcome announcement this morning that emissions trading would proceed in 2010, unlike the previous commitment which was 2012, as I understand it. The problem is that, even though that has been brought forward by a couple of years, it is going to be about 2020 before we see even minor reductions in greenhouse emissions coming into effect. The conclusion of the National Emissions Trading Taskforce was that reductions in actual emissions are going to be very slow in getting off the ground.

The minister says that they are doing the modelling and that that will all feed into the trajectory, which is going to determine the rate at which emissions will be abated. But it seems to us that talking about determining what the trajectory means and then talking in the same terms about not knowing until the economic modelling is being done suggests that we have nothing leading this process. So the government are not saying that we must contain emissions to the point where, globally, parts per million of CO2 in the atmosphere will be contained to 450 parts per million or some other figure. There is nothing in the government’s guiding, if you like, of this whole process that says that we want to keep temperature rises to within one degree, two degrees or six degrees—who knows. So we are not sure exactly what it is that is going to determine the process leading up to emissions trading, but I do know that nothing much is going to happen until a long way down the track—and this is a serious mistake.

We are getting very impatient. This government is not proving to be all that fast off the blocks on greenhouse than was the previous one. It could get going straight away with a mandated renewable energy target. It could increase that target, as Labor has long said it intended to do. We have the structure; we know what to do. We have an electricity generation system which is used to it. The retail section knows how to purchase renewable energy certificates. We know that there are some seven million certificates that have been banked, so even if you were to set that up tomorrow it would not cause any difficulty in the industry in terms of generating certificates to meet the new targets. We also know that Australians are great wasters of energy, so an energy efficiency trading scheme—and I draw the government’s attention to the bill which I tabled some weeks ago which would put in place such an energy efficiency trading system—could likewise shave two per cent a year off the consumption of energy in this country.

The great benefit of a trading system like this is that the cost of efficiency is offset by the lower cost of using electricity, so it is not quite revenue neutral but it is almost that. This is a quick, easy, effective and fair way of reducing emissions. Those two measures alone could start tomorrow. There is no reason why we should wait until the end of the year until we get this sorted out. We know what the emissions trading system is going to
look like. We will then take another year to get it into legislation before it is actually implemented. We could start tomorrow by picking up on two systems which would not require huge consultation around the country and would not need us to appease large sectors of the community. Let me talk a bit about why it is critical to start today. There was 23 per cent growth in spring melt in the Arctic sea ice in 2006-07. We discovered this just last week. The scientists are telling us that glaciers and sheet ice are melting at a much greater rate than we ever thought was the case. Climate scientists are doubting—

(Time expired)

Question agreed to.

CONDOLENCES

Hon. Clyde Robert Cameron AO

Senator Faulkner (New South Wales—Special Minister of State and Cabinet Secretary) (3.33 pm)—Of all the things I could say about Clyde Cameron—about what he did, about what he achieved—one thing is paramount, one thing from which all the rest stemmed: Clyde Cameron could count. He could count the number of members in a statewide union ballot. He could count the number of votes on the state or federal executive of his union and party. He could count exactly how many votes the AWU could control at ALP conferences. In 1955 he counted how many votes ‘Doc’ Evatt would need at the federal conference of the ALP to expel the groupers. In 1970 he counted how many votes Gough Whitlam needed on the federal executive to intervene in the un-electable Victorian branch. Both times, as history attests, he got his sums right.

Clyde made his mark on history as a minister in the Whitlam government, perhaps most famously through helping to establish equal pay for women. But it was not on the front bench but in the back room that he made his mark on the Australian Labor Party and the labour movement. As he said after his retirement:

I did not mind other people getting the glory while I was exercising the power.

Trained in the hard school of AWU union politics, Clyde had formidable toughness and considerable skill in manipulating the machinery that makes a political party run. He used those skills and that toughness in the interest, as he perceived it, of the party he served for so long and with such intensity.

Clyde was both an utterly ruthless realist and a passionate idealist. He sought to find a place for himself and for the labour movement within the two extremes of politics—as he himself described them: the extremes of either power without purpose, or purpose without power. His ability to balance these demands was best shown by the role he played as a power broker of the Left in delivering crucial left-wing votes to support Gough Whitlam’s abolition and reformation of the left-controlled Victorian branch of the ALP. It is true that the argument Whitlam used to convince him was to ask him to choose between being a footnote in a book by Alan Reid or Minister for Labour.

But Clyde Cameron did not crunch numbers for purely personal gain. He always worked in the interests of the party, as he saw them. He had his own personal code, and he was disciplined in sticking to it. He voted against, and thus blocked, the preselection of his own brother Larry because he believed the other candidate was the better objective choice. He broke with the ticket of his own union to vote for Don Dunstan’s preselection. Clyde put the party before any factional or state interests, and he put the party before any personal interests.

When Clyde Cameron died last Friday, the Australian Labor Party lost part of its history, not just because Clyde personally remem-
bered many of the most dramatic events in ALP history—he was the last surviving member of the 1949-51 parliament—but because Clyde Cameron himself was the exemplar of the kind of man once common in the ALP but now very rare. Son of a founding member of the AWU, he travelled from shearer’s shed to cabinet room. His parents, both his shearer father and his Quaker mother, gave him an abiding belief in the power of human action to improve the world and the importance of social justice. His early experience of hardship in childhood—Clyde said in his memoirs that he remem-
ered months of never being fully fed as a child—and as a young man during the De-
pression left him pretty bitter, his own words, towards people who did not under-
stand the realities of life for the unemployed.

Like many Labor people of his generation, his experience during the Depression left him committed to full employment. He said:
I envy people who have had the chance to go through life without knowing what it is to be un-
employed.

He barely tried to hide his contempt for those who treated the ill-paid or unemployed as the cannon fodder of economic policy. As a young man on the dole, Clyde experienced firsthand the hardship—and the humilia-
tion—of unemployment. And as a young shearer, Clyde saw firsthand the difference that union action could make to the basic, everyday life of working people. As a union representative, the squatters nicknamed him ‘Shithouse’ Cameron, because he used to inspect the pit latrines to make sure they had flywire protection as required by the Shear-
ers’ Accommodation Act—something that might seem petty and pedantic to anyone who has never seen how bad the flies can get in the West Darling.

But from those early days as a union or-
ganiser to the end of his life, no detail was too small for Clyde Cameron to notice, no task beneath him. After his death on Friday, a former staffer who had first met Clyde after his retirement from parliament in the 1980s described how Clyde spent election cam-
paign after election campaign sitting in the back room of a campaign office, folding let-
ters and stuffing envelopes for mail-outs. It is the kind of job that has to be done on every campaign but one that many retired MPs and former ministers would think a bit beneath them. Not Clyde. I will not say that he was afflicted with modesty—false or otherwise—when it came to his own gifts and his contribu-
tion to the Labor movement but nor was he subject to hubris. No job was too small, no task was too tough for Clyde Cameron. As a young union organiser, that attitude won him support from men whose pay and conditions he worked to improve. His con-
stituency in the shearing sheds gave him a power base in the union and the numbers on the conference floor. That put him on the wrong side of the ruling clique. They were tough men. Clyde was tougher.

In 1939, as a young 26-year-old organiser, he walked into his first meeting of the South Australian AWU executive and discovered it was a ‘kindergarten for retarded children’. He said in his memoirs:
When I later went into the first Caucus meeting of the Parliamentary Labor Party after my election in 1949, I remember feeling what a tame outfit it was compared with the AWU conventions I had attended. AWU conventions brought together the toughest group of Labor people you could find anywhere in Australia ... Those men had absolutely no regard for fitness or decency. Nowhere else did I witness the same kind of ruthlessness and cruelty that I saw in the Annual Conventions of the AWU.

His feud with long-serving AWU general secretary Tom Dougherty started in the 1940s, when Cameron was state secretary for the South Australian branch of the AWU.
Cameron’s fight to democratise the union and choke off the power of union officials to expel rivals elected by the rank and file was eventually successful. As Minister for Labour he was able to bring about changes to the Conciliation and Arbitration Act that would stop Dougherty’s crooked practices. Eagerly awaiting Dougherty’s defeat at the next elections, Clyde was deeply disappointed when Dougherty died in office a few months later. As Mungo MacCallum reported this weekend, when Bob Hawke, as president of the ACTU, attended Dougherty’s funeral, Cameron blasted him. He said:

What you have done is to pay your last respects to the most evil man ever to hold office in any trade union. You presided over the funeral of a cruel, arrogant, deceitful, hypocritical, malevolent, treacherous and lecherous man. One of the worst criminals ever to escape the gallows, a gangster, a thief, a thug, a blackmailer, a ballot-rigger, a wife-starver, a traitor to his union, a standover man, a giver and taker of bribes, a tyrant and a coward.

Cameron was seldom afraid to say exactly what he thought. He was willing to speak ill of the dead, of the living, behind people’s backs and to their faces. He was what we call in the Australian Labor Party ‘a good hater’. Bob Santamaria, who ought to know, described Clyde as ‘both permanent and consistent’ in his opposition to the groupers. He was described by Alan Reid as ‘radical, implacable, tenacious’. Another journalist, listening to Clyde doing his best to cripple the career of an enemy, described him as burying his knife in a defenceless back with ‘impeccable, slow, twisting calculation’. The enemy in question was Bob Hawke. Clyde, fortunately, was not successful in that endeavour.

Clyde was one of the legendary hard men of the ALP. Eddie Ward was his mentor. Joe Chamberlain was his role model. But unlike either of them, Clyde knew that the party had to find policies broadly appealing in order to win, and he was persuaded by Whitlam’s argument that, in politics, ideological purity is not an end in itself. His support for federal intervention in Victoria was crucial to its success. He coaxed wavering votes, including Kim Edward Beazley’s, created opportunities for emergency meetings when the numbers failed to hold at the first Broken Hill meeting of the executive and split crucial votes away from the right.

When the federal executive found the Victorian branch guilty of the charges against them and abolished the branch, Clyde’s typical attention to detail when it came to machinery matters came to the fore, and he insisted the executive deal with every charge separately so, if court action should overturn any one of the charges, the others would not be tainted. When Clyde Cameron crunched someone, they stayed crunched. Gough phoned Clyde to thank him, saying, ‘No-one but you could have got the numbers’—or so Clyde recalled the conversation.

It is ironic that one of the people Clyde had to persuade to vote with him at those crucial 1970s meetings was Kim Beazley Senior. Fifteen years earlier, in 1955, Clyde realised that Doc Evatt was not going to have the numbers against the groupers on the floor of the conference. He plotted with Joe Chamberlain to have the federal executive choose its own delegates to represent the grouper dominated state of Victoria. As Clyde admitted:

It was highly irregular for the Federal Executive to be deciding a matter that properly belonged to the conference, but when you are in a war, fighting for survival, you cannot afford to be worried about technicalities.

It was Kim Beazley’s rejection of this ‘irregular’ strategy that saw him fall out with Joe Chamberlain, the powerful Western Australian state secretary. In 1970, both Clyde and Kim were on the wrong side of Joe. But they were on the right side of the electorate.
After 1972, Clyde had the chance to fulfil a life-long dream and he became Minister for Labour and Immigration. One of his first and most memorable actions was to re-open the case for equal pay for women. But Clyde knew that equal opportunity was as important as equal pay. He would not accept lists of candidates for appointments or promotion that did not include women. In the days before the words ‘affirmative action’ were part of the language, Clyde was practising a rough-and-ready version of the same. He did not put it in those terms, however; he simply said that he wanted to give women a chance. When a 1975 reshuffle saw him lose his beloved portfolio, he described it as:

... the event of my life that caused me the most distress. Ever since I was a child I had longed for the day when I might be lucky enough to be in a position to do something for organised labour ...

Gough told him he would find science an interesting portfolio, but Cameron refused to be placated. He later said:

Actually, after a while, as Gough predicted, I did begin to find science and consumer affairs quite interesting, but I kept that to myself.

His relationship with Gough Whitlam never recovered. I have talked about Clyde’s role in federal and union politics, but, of course, as a powerful influence in the South Australian branch, he exercised a great deal of sway in South Australian politics. In 1967, for example, he got Frank Walsh to stand down as Premier to make way for Don Dunstan by moving a motion at the party state council meeting congratulating Walsh for putting the party’s interests ahead of his own and standing down in favour of a younger man. This was the first Frank Walsh had ever heard of his selfless decision to step aside but, when the council erupted in a standing ovation, he saw the writing on the wall. This high-profile intervention was not Clyde’s typical way, though, of doing things. He later said:

Nobody likes to see any outfit run by one man, so it was important to be discreet ... A person who holds power is a madman to flaunt it.

Describing a few highlights and memorable moments in Clyde’s long career is a poor reflection of the full extent of his contribution. He worked the party’s machine continually, relentlessly, ruthlessly, with a nudge here and a phone call there, influencing pre-selections, policy and party operations. He could be persuaded but never intimidated.

For many years in the ALP, regardless of who was steering the ship, Clyde Cameron was one of the people down in the engine room, making sure that none of the pressure gauges hit dangerous levels and that the engines responded when the captain turned the wheel. His contribution was no less valuable for being often unseen. And, in the Labor Party and the labour movement, it was no less appreciated for being unseen. His courage and conviction, not to mention his cunning, made a crucial difference at some of the ALP’s most perilous moments. His was a life of both power and purpose. Our thoughts and sympathies are with his family and friends.

Senator WONG (South Australia—Minister for Climate Change and Water) (3.50 pm)—It was with great sadness that I heard on Friday of the passing of the former member for Hindmarsh, a great South Australian, Clyde Cameron, in the early hours of that day, in the Queen Elizabeth Hospital in my home town of Adelaide. I want to say a few things in this place about this man, who was a great South Australian and a great servant of the Australian working people. Clyde Cameron was many things: he was a shearer, a union organiser, an industrial advocate and a historian—or, as Mike Rann recently observed, a ‘prolific chronicler of Labor Party history’. He was the representative of the people of Hindmarsh for 31 years—a seat which is now held in this place by the mem-
ber for Hindmarsh, Steve Georganas. He was a cabinet minister. But, above all, he was a staunch defender of working people and their welfare. Clive Cameron was a man who made a towering contribution to our movement and he was an iconic figure in the South Australian branch.

Clyde Cameron was born in Murray Bridge in 1913 and his first job was as a shearer at Ashmore Station in South Australia after leaving school at the age of 14. From a very young age he had a commitment to improving the lot of the people who he represented and from whence he came. After a period of unemployment during the Great Depression, Clyde Cameron was elected as an organiser for the Australian Workers Union in South Australia and became the state secretary of that union in 1941. He was elected to federal parliament in 1949 and spent 23 years in opposition—a record which I am sure very few here would like to hold—before becoming a minister in the first Whitlam government. Before Clyde Cameron’s death this past Friday, he was the last of the members of parliament elected in 1949. His record of winning 13 consecutive elections for the seat of Hindmarsh before retiring, after 31 years, in 1975 is one of considerable achievement.

As Senator Faulkner has pointed out, Clyde Cameron made history when he argued the case for the appointment of former High Court Justice Mary Gaudron to prosecute the case for equal pay for female workers in the arbitration commission. He was a leading advocate of pension increases, for the provision of child care to support working women and he greatly improved the pay and conditions of public service workers during his term as Minister for Labour and Immigration. Dame Roma Mitchell, yet another great South Australian, said at one of Clyde’s book launches that he made a lot of good friends and he kept them for a long time. He also made a lot of fierce enemies and kept them for a long time.

Clyde Cameron, along with Don Dunstan and others, helped pioneer multiculturalism in Australia and, as others in this place have talked about, his association with Gough Whitlam and his keen understanding of the machinery of our party brought about the necessary reform that was required for Labor to win office after so many years in opposition. Of course no reflection on Clyde Cameron’s life would be complete without acknowledging the famous falling out that Clyde Cameron and Gough Whitlam had. As John Bannon has observed, it was not so much the sacking of Cameron but the manner in which it was done. Cameron’s humiliating treatment was never forgiven. Certainly Clyde Cameron’s career was a controversial one, but his reputation as the hard man of the Labor Party was belied by the friendships he cultivated on the conservative side of politics. I note, also, notable names include James Killen, John Gorton and Mary Downer.

I have known Clyde Cameron at somewhat of a distance from when I joined the party as a much younger person, when I was a student at Adelaide university. Clyde would still attend the various party fora that I attended. He was kind enough to write to me after my first speech in this place; he wrote to me congratulating me on some of the issues that I had raised and expressing his views about them. I remember being incredibly touched and moved that somebody who was such a significant figure in our movement would take the time to read the first speech of a Senate backbencher. Last year, or perhaps the year before, I was fortunate enough to be at a dinner where Clyde Cameron was presented with lifetime membership of the South Australian Labor Party. He certainly remained active in the South Australian party and community, right up until
he fell acutely ill last month. There were a
great many fundraisers, Labor Party events
and community events over the years that I
have attended where Clyde Cameron has
attended. In 1995 Clyde was made an Officer
of the Order of Australia. He spent his re-
tirement in Adelaide’s West Lakes and has
never stopped being an integral part of the
Labor Party in South Australia. He passed
away on Friday aged 95. I understand that at
the time he was Australia’s oldest former
parliamentarian. He is survived by his wife
of 40 years, Doris, and his two sons, Warren
and Noel, and a daughter, Tanya. I extend my
condolences to his family and place on re-
cord my gratitude and recognition for the
enormous contribution of this great South
Australian.

Question agreed to, honourable senators
standing in their places.

NOTICES
Postponement

The following items of business were
postponed:

General business notice of motion no. 26
standing in the name of Senator Bartlett for
today, proposing the introduction of the
National Commissioner for Children Bill

General business notice of motion no. 41
standing in the name of the Leader of the
Australian Greens (Senator Bob Brown)
for 18 March 2008, proposing the introduc-
tion of the Commonwealth Electoral
(Above-the-Line Voting) Amendment Bill

HEALTH RESEARCH

Senator ALLISON (Victoria—Leader of
the Australian Democrats) (3.57 pm)—I
move:

That the Senate—

(a) notes the study published in the Australian
and New Zealand Journal of Public Health
(Vol. 31, Issue 6, pp 551-7, December
2007) by Yazahmeidi and Holman, School
of Population Health, University of West-
ern Australia, ‘A survey of suppression of
public health information by Australian
governments’ which found that:

(i) just under one-third of academics had
witnessed the suppression of health in-
formation by Australian governments
in the past 5.5 years,

(ii) more than one-fifth had experienced
such events personally,

(iii) no state or territory in which the survey
took place was immune,

(iv) governments most commonly hindered
research by sanitising, delaying or pro-
hibiting the publication of findings but
‘there was no part of the research proc-
ecess beyond their reach’,

(v) most of the affected researchers be-
lieved that their work had been targeted
because it drew attention to failings in
health service delivery, uncovered bad
news about the health of a vulnerable
group, or pointed to a harmful exposure
in the environment, and

(vi) in most instances the government
agency seeking to suppress the health
information succeeded and, conse-
quently the public was left uninformed
or given a false impression; and

(b) calls on the Government to take up the
recommendations of the study with state
and territory governments, including:

(i) adopting policies that match or exceed
the Organisation for Economic Coop-
eration and Development’s ‘Guidelines
for managing conflict of interest in the
public service’,

(ii) adopting a charter by government
health agencies and research and aca-
demic institutions that supports the in-
dependent role of health researchers in
evaluating the health system,

(iii) establishing parliamentary ombudsmen
or ombudswomen in mediating the
resolution of complaints by researchers
concerning suppression,
(iv) promoting a culture that avoids blame and values constructive criticism,
(v) promoting the role of institutional ethics committees in scrutinising the ethical behaviour of government agencies and researchers who work together, and
(vi) establishing a surveillance system to monitor the occurrence of suppression events and report on their trends.

Question agreed to.

Senator O’BRIEN (Tasmania) (3.58 pm)—by leave—Mr Deputy President, I ask to have recorded in Hansard that the government opposed that motion.

ASIA PACIFIC DEFENCE AND SECURITY EXHIBITION

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.58 pm)—I move:
That the Senate—
(a) notes that:
(i) the South Australian Government has agreed to host the Asia Pacific Defence and Security exhibition and conference in Adelaide from 11 to 13 November 2008, and
(ii) the stated object of the exhibition and conference is to provide an international forum for arms manufacturers wishing to expand their business in the Asia Pacific region; and
(b) calls on the South Australian Government to renege on its agreement to host the exhibition and conference.

Question negatived.

CROWN CASINO

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.58 pm)—I move:
That the Senate—
(a) notes that:
(i) Crown Casino in Melbourne continues to burn large quantities of gas, and therefore contribute significantly to global warming, for the purpose of holding fireball shows at the front of the complex, and
(ii) the fireball shows take place approximately 3 000 times a year, and each show consists of hundreds of fireballs with diameters of between 3 and 7 metres; and
(b) calls on the Victorian Government to introduce legislation that would prevent Crown Casino from continuing to hold the fireball shows.

Question negatived.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.59 pm)—by leave—Mr Deputy President, I ask to have it recorded that the Greens supported each of Senator Allison’s motions.

MATTERS OF URGENCY

Tibet

The DEPUTY PRESIDENT—I inform the Senate that the President has received the following letter, dated 17 March 2008, from the Leader of the Australian Greens, Senator Bob Brown:

Dear Mr President,
Pursuant to standing order 75, I give notice that today I propose to move:
That, in the opinion of the Senate, the following is a matter of urgency:
The bloodshed in Tibet and the need for strong, decisive action by the Government to insist that international laws and norms, including those safeguarding human and political rights and media access are observed by China.

Is the proposal supported?

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

The DEPUTY PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concur-
that, in the opinion of the Senate, the following is a matter of urgency:

The bloodshed in Tibet and the need for strong, decisive action by the government to insist that international laws and norms, including those safeguarding human and political rights and media access, are observed by China.

While we enjoy the democracy of this great country of ours, seven million Tibetans live to our north stripped of their democratic rights, stripped of their right to freedom of speech, stripped of their right to freedom of religious observance and generally made noncitizens in their own country. The last week has seen an outbreak of violence in Tibet unparalleled for at least the last 20 years, when a crackdown in Lhasa under the now President of communist China, Hu Jintao, involving the shooting of many people in Lhasa led to the end of civil unrest at that time. Now we are seeing a huge outbreak of feeling by Tibetans in Tibet proper and in the other Tibetan provinces to the north and east of Lhasa.

One only has to reflect on the danger for the monks and nuns who began marching from Sera monastery and other monasteries into Lhasa last week to understand the strong feelings of the Tibetan people, who have such a record of devotion to freedom and nonviolence, which must be exhibiting itself in their own hearts. I have been to the monasteries from which many of the monks and nuns come. I have been in Tibet and have seen the suppression of the ability of people to speak up for their rights. And I can only imagine the horror and the fear and the terror in the hearts of those Tibetans who have decided to make a stand for the country they love and for the religion which they believe so wholeheartedly in.

The reports from Tibet vary. The official news agency Xinhua says that 10 people have been killed and that these were Chinese shop owners and hotel owners. The reports coming out of the exiled government of Tibet indicate 80 to 100 Tibetans have been shot or otherwise killed in the last few days. What is at stake here is the international community’s own standing in upholding the rights of people who are cruelly suppressed. Let me put this from the outset: we are dealing here with a repressive, dictatorial communist regime in Beijing. It is a police state. Since the events of last week, for example, internet communications to do with Tibet have been shut down by the 40,000 internet police who routinely on behalf of that police state intervene in the communications of people within Tibet. CNN, the one outside entity which has the right to broadcast in and from China, whenever it goes to the Tibet issue is blacked out currently in China. Internet service providers are shut down if they try to facilitate traffic on the matter. That is one half of it. On the other half, we can know from past performance that those good and true Tibetans who have, through the anguish of their hearts, taken the courage to stand up against this brutal regime in Tibet and elsewhere in China have been and are now in pretty horrendous circumstances.

I call on the government of this country to take some reasonable action against the repression by China and in support of the seven million Tibetans. So far we have had the Prime Minister, Kevin Rudd, say that he is disturbed by what is going on in Tibet—and who isn’t—and that he has had diplomatic communications go to and from China, whatever that means. And he has called for restraint, whatever that means. But we have seen nothing here from our own Prime Minister demanding that the Chinese government
allow access for the free media, that it guarantee the rights of the Tibetans and indeed all Chinese under the International Covenant on Civil and Political Rights, which China has signed, and that Tibetans’ rights are guaranteed as they are written under the Chinese Constitution, a part of the Constitution which has been observed in the breach by this government.

The difference is non-existent between the Howard government’s failure, its acquiescence to the dictatorial government in Beijing, and the Rudd government’s now. I ask this, Mr Acting Deputy President Forshaw: why has Prime Minister Rudd not called in the Chinese ambassador, Zhang Junsai? Is this not so important that the Chinese ambassador should not hear what the Australian nation feels about the repression of Tibetans and about the need to uphold their rights right across the board? What are these diplomatic exchanges that Prime Minister Rudd tells us about but will not reveal? What we have here effectively is the Rudd government resorting to diplomatic niceties while blood is flowing in the streets of Lhasa. We have the Rudd government failing to take a stand for the rights which we as Australians not only take as central to our democracy but have had our own blood shed for.

Let me say this unequivocally: we are now a globalised society and when governments fail to stand up for the basic tenets of freedom of speech, freedom of religious observance and political rights anywhere in the world, they are failing to do it domestically as well. We are part of an international community, and the Australian people expect better. When it came to the monks and nuns protesting in Rangoon last year, under the Howard government, Mr Rudd said: It’s important for the international community to unite in their condemnation of the Burmese regime.

Why is he not saying it is now important for the international community to unite in their condemnation of the Beijing regime? He said:

I noticed Mr Downer, the Foreign Minister, said the other day that these sorts of sanctions—that is, targeted sanctions on the Burmese leaders—were not effective. Labor’s view is that they are useful and they should be adopted ...

Where are you now, Prime Minister Rudd? Why will you not now consider targeted sanctions on the repressive, dictatorial regime in Beijing so that the leaders in Beijing will know that we are standing up for the rights we believe in? Mr Rudd said of Burma:

That policy of constructive engagement with the Burmese regime has conspicuously failed. But that is a policy he has adopted himself now towards Beijing. He said:

When it comes to Burma and the abuse of human rights, the international community, including Australia, must speak with one strong, united voice.

I say to Prime Minister Rudd: how about calling on the international community, Australia included, to speak with one strong, united voice against the abuse of human rights in Tibet? You will have the Australian people with you, Prime Minister, if you get the backbone to stand up, look the Beijing communist regime straight in the eye and say, ‘We do not support the brutal military occupation of Tibet.’ The Dalai Lama, long ago—in the 1980s—took the middle road and said, ‘Give us genuine autonomy.’ The brutes in Beijing have turned their back on that, and the Dalai Lama has not got the support from the Australian governments that you would have expected to have come behind that, all the way down the six contacts with the Chinese authorities since 2002. What the Tibetans have found is that every
time they go to ask Beijing to make some concession, they get trodden on. The Australian government and the Australian Prime Minister should do better. *Time expired*

**Senator PAYNE** (New South Wales) *(4.10 pm)*—I rise on behalf of the opposition to support the motion put forward by Senator Brown relating to the current situation in Tibet. It is indeed very disturbing that events have degenerated to this point. There are reports of up to 80 deaths, of serious injuries and of numbers of arrests occurring. Some reports, unconfirmed—and that is an aspect of this upheaval which makes it difficult to know what is going on; the lack of information and the lack of communication, as Senator Brown has said—indicate a number of arrests are continuing to be carried out.

These are the largest protests to have occurred in Tibet since the pro-independence demonstrations of 1989, which of course resulted in the implementation of martial law over the area. We are very concerned by the images and the reports out of Lhasa over the weekend. The opposition leader, Dr Nelson, has made his views very clear on this matter and has said quite clearly—and it is an observation I support—that the Prime Minister must protest against this crackdown on activists in Tibet when he visits China next month. I have read the words of the Prime Minister at his press conference today. I asked a question myself of Senator Evans in the chamber here this afternoon about whether the Prime Minister would specifically raise these matters on his very imminent visit to China next month. I have read the words of the Prime Minister at his press conference today. I asked a question myself of Senator Evans in the chamber here this afternoon about whether the Prime Minister would specifically raise these matters on his very imminent visit to China—it would seem to be propitiously timed in at least that regard. I am not reassured that we received a clear enough answer to those questions, and it is very important that the opportunity is taken at the time it becomes available. Given, of course, the Prime Minister’s much vaunted expertise in Sino matters, it would be indeed very important for him to exercise that expertise on this visit.

The protests themselves, we understand, began around 10 March when hundreds of Buddhist monks marched in Lhasa calling for an end to religious restrictions and the release of imprisoned colleagues. That date itself marked the anniversary of an earlier and failed uprising against Chinese rule in the late 1950s which marked the point at which the Dalai Lama left Tibet and went to India. At stake, as Senator Brown observed, is one of the rights which so many peoples of the world take for granted but which so many more are unable to even contemplate. That, expressed under the universal charter of human rights, in article 20, is that everyone has the right of peaceful assembly and association. It is no small right held as an enjoyment by many but in this case clearly not.

We support the comments made by Foreign Minister Smith in calling for the Chinese government and authorities to act with restraint and for those protesting to be allowed to demonstrate peacefully. We would also acknowledge that it is also about peaceful demonstrations both overseas and here in Australia. At the same time, I do understand the levels of frustration and anguish which may have led to some of these activities, particularly as communications fail and people are unable to determine the health and safety of members of their family and we are unable to be provided with perhaps accurate reports of events. So I reiterate my comment that I really do hope that the Prime Minister will raise these latest events specifically with President Hu Jintao during his upcoming visit to China and, as he noted in his remarks this morning, will raise Australia’s other human rights concerns.

It is worth noting that the eyes of the entire world are focused on China in 2008. The
Chinese government, in hosting the Olympics, finds itself under the world’s spotlight—not just under the world’s sporting spotlight. I have gleaned from certain statements and observations that have been made in recent times that they are aware of that. In my most recent visit to China in 2007 as part of the Australia-China Human Rights Dialogue, it was quite obvious to me that the focus on China was a matter of no small moment, so approaches to these events will be closely observed—there is absolutely no doubting that. That has already been raised in public discussions.

It is also important to note for the record that, internationally, very serious concerns about the approach to these recent events in Tibet have been raised by both the US Secretary of State, Condoleezza Rice, and her counterpart in Britain, David Miliband, both of whom have made observations about how the protests should be dealt with. They strongly urged restraint and urged all sides to refrain from the exercise of violence. They are admonitions importantly made.

I want to take the opportunity to make a few comments about the previous government’s engagement on human rights issues with China, which were of course based around the Australia-China Human Rights Dialogue, which was initiated over 10 years ago now. There have been 11 dialogues, if I recall correctly. They had become very important forums for exchanges on human rights and for identifying areas where Australia could help China to pursue the implementation of internationally regarded human rights standards.

I know that there are sceptics about the human rights dialogues—and probably more than one in the chamber right now. But what I had the opportunity to observe—and members of the opposition were also invited to participate on those dialogues and did on occasions—were the advances in the approach, the attitude and the relationship between our two countries in these discussions on issues that we regard as fundamental in relation to human rights, whether they be child labour, matters around the treatment of Falun Gong, the exercise of the death penalty or a whole range of other issues. It is no secret that those key aspects were discussed. We had also backed that previously with the Human Rights Technical Cooperation Program, which the Human Rights and Equal Opportunity Commission takes very seriously. It makes very significant endeavours in a range of areas in China to address practical aspects of human rights training including helping Chinese organisations make reforms to their laws and practices, particularly in relation to women and children, and to ethnic and minority rights. That did include Tibet. One of the human rights dialogues of which I was not a member included a field visit to Tibet. I understand that there are also critics of those exercises, but I think the engagement side of that process was a very important part of the dialogues.

I say quite seriously that I did see change over five or six years. It had become a very valuable process. I am not sure whether there has been an indication from the current government that they intend to continue with the dialogues—not just those in China, because there are of course several others.

The dialogues did make progress. For example, in some provinces the Human Rights Technical Cooperation Program has led to the passing of anti domestic violence laws, which were previously unknown and not contemplated either. It also led to the distribution of ‘know your rights’ pamphlets that were distributed to prisons, and even to a series of model UN human rights councils that introduced students in universities across China to international human rights norms and UN processes.
I hope that, as we continue to watch events in Tibet, we can have in the back of our minds that we have made some progress in regard to that level of engagement with China, but that we can also urge the Chinese government to deal appropriately with these events and urge Prime Minister Rudd to most emphatically and specifically take these matters up during his visit. (*Time expired*)

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (4.20 pm)—I say to the Senate that the government remains deeply concerned at the tragic developments in Tibet and neighbouring areas, and, as other senators have expressed, greatly regrets the violence and loss of life.

Precise details of the events remain unclear. We understand that protests began on 10 March, when Buddhist monks gathered in Ramoche Monastery in central Lhasa. Some 60 were arrested, prompting other monks to protest against the initial arrests. Sadly, events turned violent last Friday, 14 March. The international media has reported fires; the destruction of government buildings, Chinese owned businesses and vehicles by Tibetan protesters; and shooting and the use of tear gas by Chinese security forces.

The situation in Lhasa is quiet but tense, as protesters and authorities await China’s deadline for Tibetan protesters to cease activity and surrender by midnight, which is 3 am Australian eastern summer time on 17 March, or face ‘stern punishment’. Media reports suggest that protests have spread to the Tibetan areas of Qinghai, Gansu and Sichuan provinces. There are conflicting reports regarding the number of fatalities, with estimates between 10, which are the official Chinese estimates, and 100 from the Tibetan government in exile. The actual number may well remain unknown.

The Department of Foreign Affairs and Trade has contacted all Australians currently registered in Tibet. Our embassy in Beijing and the Department of Foreign Affairs and Trade’s Consular Emergency Centre are in contact with, and monitoring the welfare of, 14 Australians in or near Lhasa as of 1330 Canberra time of today’s date. Since the start of significant unrest on 14 March, we have also been in contact with and assisted another four Australians, who have left Lhasa.

The Department of Foreign Affairs and Trade’s travel advice for China was updated on 17 March. It continues to advise Australians to reconsider their need to travel to Lhasa and now advises Australians to exercise a high degree of caution in the rest of Tibet and in the Tibetan areas of provinces bordering Tibet—Yunnan, Sichuan, Gansu and Qinghai—following reports of demonstrations there. The travel advice notes:

Several days of protest activity by Tibetan monks in Lhasa turned violent on 14 March, with reports of rioting and property damage. The situation on the streets of Lhasa remains tense. In these circumstances, you should reconsider your need to travel to Lhasa.

There have been reports of demonstrations and violence in other areas of Tibet and in Tibetan areas of provinces bordering Tibet (Sichuan, Gansu, Qinghai and Yunnan) and of an increased military presence. You should exercise a high degree of caution if travelling to these areas.

The overall travel advice for the rest of China remains at ‘Be alert to your own security.’

The government calls for calm and constraint by all parties and for the violence to end quickly and without further casualties. We are at a crucial juncture as we approach the deadline China has set for protesters to turn themselves in to authorities, which is midnight Lhasa time on 18 March. We call for restraint by authorities and by protesters. We call on China to ensure media freedoms
in Tibet and elsewhere, so that the Chinese people and the international community have an accurate understanding of developments. We call on China to implement policies that will foster an environment of respect and tolerance and safeguard basic human rights.

On 16 March, the US Secretary of State, Dr Condoleezza Rice, called on China to engage in substantive dialogue with the Dalai Lama and urged all sides to refrain from violence. On 14 March, the French foreign minister, Bernard Kouchner, said:

We asked for restraint on the part of the Chinese authorities. We asked for human rights to be respected.

The UK Foreign Secretary, David Miliband, added:

There are probably two important messages to go out. One is the need for restraint on all sides, but secondly that substantive dialogue is the only way forward.

Of course, fundamental respect for human rights is a key platform of this government. We believe that human rights are a legitimate subject of international concern. The Minister for Foreign Affairs, Stephen Smith, raised the government’s concerns, including those over Tibet, Falun Gong and fundamental freedoms, with China’s foreign minister, Mr Yang Jiechi, in February. We do not believe that in raising these issues we will damage our strong friendship with China. Indeed, we see such discussions as a vital component of continued bilateral engagement. Nor do we see raising human rights as inconsistent with our efforts to promote our bilateral and trade ties. On the contrary, strong economic and political relations with China can only increase Australia’s standing to conduct meaningful dialogue on human rights.

We believe that an open and transparent approach to human rights issues would greatly assist China to strengthen its standing in the international arena. We will continue to pursue our concerns about human rights in China through high-level visits and dialogue, through bilateral representations and through the annual Australia-China Human Rights Dialogue. Our human rights dialogue is underpinned by a practical program of human rights engagement managed by AusAID and the Human Rights Technical Cooperation Program. In collaboration with a range of Chinese agencies, the HRTC program promotes the protection of human rights in China through training, capacity building and other practical projects. To date, over 60 activities have been implemented.

Australia recognises the challenges China faces. In recent years, China has made remarkable achievements in improving the social and economic rights of its people in the face of tremendous challenges. The World Bank estimates China has lifted 400 million people out of extreme poverty since 1981. The United Nations Development Program estimates that the number of Chinese living in poverty decreased from 85 million in 1990 to 26.1 million in 2004 and that China’s infant mortality rate decreased from 32.2 per cent in the year 2000 to 19 per cent in 2005. Increasing communications access, particularly the internet and mobile phones, has bolstered China’s growing civil society. Some progress has also been made in labour laws and in legal reform, and Chinese people are increasingly aware of their rights and increasingly willing to exercise them.

But human rights abuses continue to occur in China, and China continues to fall short of international expectations, including with regard to the death penalty, torture, non-judicial detention and restrictions of freedoms of expression and information. Beyond the latest disturbing developments, we also remain concerned about persistent and serious inadequacies in the protection of human rights in Tibet, including in the protection of Tibetans’ religious, civil and political rights.
We are of course also concerned about Tibetans’ cultural and environmental heritage.

Australia does not question China’s sovereignty over Tibet. Successive Australian governments have recognised China’s sovereignty over Tibet, as does every country that has diplomatic relations with China. We believe that it is in China’s best interests to implement policies which will foster an environment of greater respect and tolerance. At this time, we urge China to take the opportunity to enter a process of dialogue with Tibetan groups, including the Dalai Lama. China would do well to encourage the non-violent elements of the Tibetan minority that the Dalai Lama represents, as it would be a tragedy were Tibet to continue to go down a path where violence is the only means for the expression of grievances. The year 2008 could be a watershed for Chinese and Tibetan history. We of course hope for increased tolerance and understanding.

Some have suggested that Australia should boycott the Olympic Games as a political statement against the reaction to protests in Tibet. The Australian government does not support a boycott of the Olympics. A boycott of the Olympics would not assist the human rights of the Tibetan people. The greater international focus the Olympics will bring can serve only to give the international community a greater understanding of China, including its diversity and its complex challenges, and give China a deeper appreciation of international norms, ultimately assisting in a better human rights situation in China.

I should say that the government is troubled by the actions of some protesters at Chinese consulates in Sydney and Melbourne over the weekend. I take this opportunity to say that the government takes its responsibilities under the Vienna convention for the protection of diplomatic premises very seriously, as I am sure you would appreciate. I can say to the chamber that we are deeply saddened by the tragic loss of life in Tibet and we reiterate our call for restraint by all parties. We call on China to show leadership to overcome the challenges it faces in Tibet and to resolve this issue peacefully.

In relation to the urgency motion that is currently before the chamber—while, needless to say, any criticism of the government made in this debate is certainly not accepted, and I do not want this to be misinterpreted in any way—I will make absolutely clear that the government will support this urgency motion.

Senator HUMPHRIES (Australian Capital Territory) (4.38 pm)† I rise to make comment on this urgency motion and use the opportunity on behalf of the opposition to express concern over the events that have taken place in recent days in Tibet and note that the situation there appears to be extremely serious. It has resulted, apparently, in the deaths of dozens of people, the burning of shops and businesses, as well as the destruction of homes and public infrastructure there. I say ‘apparently’ because it is true that information about exactly what occurs in places such as Tibet is not easy to obtain and is not necessarily reliable, and we need to be very careful about what assumptions we make about the events that are unfolding there.

What is clear, I think, is that there is a very powerful undercurrent of dissent within the native-born Tibetan community and that, for whatever reason, this has surfaced in recent days in a violent way. The precise causes may be difficult to ascertain, but it is clear that the people who are citizens of Tibet, particularly those who are ancestrally related to the people of Tibet, feel great concern about the affairs in their country and, for whatever reason, that concern has been welling up in recent days. The 50-odd year
history of Chinese control of Tibet obviously is closely related to that tension. Given the heightened focus on affairs in China and in Tibet, particularly given rise to by the lead-up to the Beijing Olympics, it is not surprising that more focus should occur on events all over China, particularly in a place like this. Nonetheless, whether this is the kind of event that relates to that additional international focus or whether it is simply a reflection of an ongoing and deep concern by people who live in Tibet about the conditions of Chinese sovereignty over Tibet, it is always disappointing to see these sorts of events—particularly bloody events—unfold.

I want to join with my colleagues today in this place to call on the Chinese government and its representatives in Tibet to act with sensitivity and restraint. I particularly hope that they will treat those people who have been apprehended as protesters in Tibet, and perhaps elsewhere in China, to be treated with great care. I would urge the Chinese government to allow those protests to take place without undue or violent intervention and to use only the minimum amount of force required to prevent the loss of life or damage to property. I appreciate that there are different rules operating in China with respect to demonstrations and expressions of opposition to the government, but I also urge the Chinese government to be aware that there are different values and different norms accepted outside of China and that, to a significant extent, the world will judge China by the extent to which it exercises restraint in the circumstances.

I understand that the Chinese government has offered leniency to protesters who hand themselves in to authorities by Monday night of this week. I particularly express the hope that those protesters who do hand themselves in are treated with due respect for their human rights, and I am sure that the Chinese authorities are aware that the world will be watching to ensure this is the case. I urge the Australian government in particular to keep a very close eye on this aspect of what is happening in Tibet and to make it known that it will not tolerate any form of human rights violation of those protesters.

It is unfortunate, I think, that in many respects these events are happening in the lead-up to the Beijing Olympics and, indeed, just a few weeks before the Olympic torch is due to arrive in Lhasa prior to being carried to the top of Mount Everest. The Olympics is, of course, about bringing the world together in celebrating, at least for a few weeks, those things which unite us as human beings rather than those things which divide us, through highlighting the sporting abilities, skills and achievements of individuals all over the world.

I hope that, when the Olympic torch does make its way to Tibet, both the Tibetan and the Chinese communities will take this opportunity to focus on what they have in common as a people and to use that torch’s arrival as a chance to restore some form of dialogue—which, I appreciate, is perhaps a focus that is not there at the present time. I would also encourage those communities not to turn on each other in the name of political expression. I appreciate that many shops, businesses and even homes have been burnt in Lhasa over the last weekend and that these have mainly belonged to people of Chinese descent. It is important to acknowledge that those people, for the most part, are not to be blamed for the policies, however viewed, of the Chinese government and that it is extremely dangerous when communities turn on innocent representatives of the policies of governments as a way of expressing some kind of dissatisfaction with the policies of those governments.

In Australia, we expect protesters to behave in a way which is tolerant of the rights
of other people and, therefore, particularly to eschew the use of violence. I have to ex-
press, as I think Minister Faulkner expressed, some concern about the use of violence by
some protesters in Australia in the last few
days. I hope that this Senate can unite with
the clear message to those people that, how-
ever justified the basis for their protest and
however valid the reasons for them to be
expressing strongly a point of view about
what is occurring in Tibet, the use of vio-
lence in that context is not justified and
should never be supported or tolerated by
Australians.

I appreciate also that there will be views
taken, particularly by the Chinese govern-
ment, about the right of other nations or citi-
zens of other nations to express points of
view about what might be regarded as the
internal affairs of China. I want to finish by
saying that I think it is very well established
here and internationally that the rights of
citizens of any nation are the concern of de-
mocratic societies everywhere. (Time ex-
pired)

Senator BARTLETT (Queensland) (4.47
pm)—In the five minutes available to me I
would like to express the Democrats’ support
for this motion. It is a matter of urgency that
the Chinese Communist government observe
international laws and norms and cease the
bloodshed in Tibet. But, of course, another
point does have to be made. I appreciate that
governments and people in major parties do
need to be diplomatic in their language. I
think it is part of the role of those of us on
the crossbenches to be more explicit about
expressing the deep concern that many peo-
ple feel.

The simple fact is that the Chinese gov-
ernment has flagrantly and repeatedly
breached international laws and norms with
regard to human rights in a wide range of
ways for a long period of time, and this is
just the latest example and one that happens
to have got international attention. This is a
totalitarian regime that practices serious re-
pression and oppression on its own people
and supports serious repression and oppres-
sion in many other countries around the
world. It is not alone in that, but it is cer-
tainly up there as one of the most serious,
and this point does need to be made.

The oppression in Tibet is serious, particu-
larly at present, but oppression is not isolated
to there. This Chinese communist regime
executes more people each year, by far, than
every other nation on earth combined. Some
of those people—quite a large number—are
convicted via very dubious legal processes,
some of them for offences which should not
be offences. The opportunity for basic free-
dom of belief, freedom of speech and free-
dom of religion is seriously curtailed. The
persecution of groups such as the Falun
Gong practitioners is extreme, and it is
clearly established as being extreme. In addi-
tion to executions, there is widespread tor-
ture and forced labour on an enormous scale.
These things continue. They were happening
before the current unrest and violence in Ti-
bet, and they will continue after the world’s
attention inevitably—as it always does—
shifts somewhere else.

As was pointed out here today, I think in
question time, there is a real prospect that
some of the people protesting in Tibet at the
moment will face the death penalty if they
are captured and convicted of offences
against the state. These sorts of things cannot
just be swept aside by saying, ‘We’ll con-
tinue on with the dialogue.’ Dialogue is im-
portant—I support dialogue—but we also
need to make clear much more strongly, I
think, what is not acceptable.

The point has been made about the Olym-
pics. I appreciate that boycotting the Olym-
pics is not going to instantly reverse all of
the human rights abuses in China, but we also need to look at what the Olympics are meant to be about: the international celebration of our shared humanity. We also know that the Olympics can be, and have been in the past, used as major propaganda exercises by particular governments in the country in which they are held. If we asked ourselves today the question, ‘Would we, in hindsight—should we, in hindsight—have participated in the Olympics in Berlin in 1936?’ I think most people would say, ‘No.’

I appreciate that there is an argument that coming together in Beijing at the Olympics—I am paraphrasing Senator Faulkner here; I think this is broadly what he said—will give opportunities for greater understanding of China and its challenges and give China a deeper appreciation of international norms which should ultimately assist the situation. That is an argument that can be put, but I do not see much evidence of it. All of the evidence I have seen—human rights reports from around the place, including from the US congress, Human Rights Watch and other bodies—is that, in the oppression leading up to the Olympics, things are actually getting worse. I think the Chinese communist government is well aware, frankly, of what international norms and requirements are, and believes it is in a position to ignore them. The simple fact is that if the Olympics were being held in somewhere like Zimbabwe we would all be boycotting them in an instant. It is because of the political clout of China. We all need to look at that.

I do not think this is just an issue for government; it is an issue for all of us. It is an issue for the corporate sponsors of the Olympics as well, I might say—people like Coca-Cola, McDonald’s, Visa and Kodak. The Olympics are not actually about governments; they are about people. I think this is an issue that all of us, as people, need to think about more strongly, and we need to look at ways we can make our horror and concern more strongly known to the Chinese government. (Time expired)

Senator CORMANN (Western Australia) (4.52 pm)—I rise to support the deep concerns expressed by previous speakers about the current situation in Tibet and to express support for the motion moved by Senator Brown and the comments made on behalf of the opposition by Senator Payne and Senator Humphries. All senators would be concerned about reports and images of the unrest and the security crackdown in Lhasa, and reports of casualties and arrests. While we do not know the exact extent of what has occurred, all Australians would be concerned, along with people around the globe, about the current situation in Tibet. Of course we are all concerned that demonstrations in Melbourne and Sydney turned violent over the weekend. We support the comments of our foreign minister, expressed on behalf of all Australians, calling for the Chinese government and authorities to act with restraint and for those protesting to be allowed to protest peacefully. Finally, we support the government’s call for violence to end quickly and without further casualties.

The peaceful expression of dissent is a critical and fundamental human right. It is a critical human right, which we appropriately take for granted in Australia. We need to continue to press the importance of human rights in general, and the importance of the right to the peaceful expression of dissent in particular, with the Chinese government. Australia of course has a record of expressing its views directly to the Chinese government in a constructive approach based on regular dialogue rather than public confrontation. Australia has a record of encouraging dialogue between the Dalai Lama and Chinese authorities. In that context we support a continuation of the Australia-China Human Rights Dialogue. Senator Payne outlined very elo-
quently the advances that have been achieved in the field of human rights through that vehicle.

The Rudd government will no doubt continue, and indeed ought to continue, down that path pursued by the previous government. Senator Payne very appropriately called on the Prime Minister to raise Australia’s concerns about these latest events directly with the Chinese government during his visit to China next month. In light of his particular affinity and relationship with China, he is likely to be in a better position than perhaps anyone else to press the point in a constructive and outcomes focused way. The reality is that something has to be done to achieve positive change in Tibet, and this should be a good time to do exactly that. The world currently approaches the Beijing Olympics with great excitement and anticipation. The eyes of the world are and will be on China like never before. Of course that necessarily includes a clear focus on China’s human rights record. While the government is right to refuse to call for a boycott of the Olympic Games in Beijing, it is right to say that, by the same token, this is a time when China ought to reflect on the image it wants to project to the world. Incidentally in that context I commend the Dalai Lama for his restraint in not calling for a boycott of the Olympic Games either. In line with all previous speakers, I express my support for the urgency motion and hope that those reported events in Tibet will come to a peaceful conclusion at the earliest opportunity.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.56 pm)—I thank the speakers in this debate for their support for this very important motion. I know it will be taken seriously by the government, and the contents will be conveyed to the Beijing authorities. I note that there are travel warnings, which Senator Faulkner informed us about. However, the reality is that all plane and rail access to Tibet has been shut down by the Chinese authorities and it is very unlikely that anybody can get access to the country. The control over the flow of information—including access for the world to see what is going on in Tibet—is one of the problems that indicate the authoritarian nature of the Beijing authorities. The authorities are still failing by a long way to meet the standards that we take for granted in this country.

The Beijing Olympics are coming up later in the year. This will put the spotlight on China, but that spotlight must also spread to the people of Tibet and elsewhere in China who are left out. There ought to be a Tibet team marching with the rest of the world in the great stadium in Beijing but there will not be. There will not be, because since the 1950s the world has failed to stand up for the Tibetan people and the Tibetan nation. We are now, again, seeing the consequences of that failure as well as the brutality of the regime in Beijing. Australians have consistently, as shown by the polls and through their own activities, been horrified by the repression in Tibet.

One proposal I hope the government will consider is a request to the Chinese authorities to allow a high-level independent government delegation from this country to go to Tibet as part of the dialogue to see what is happening in Tibet. The Chinese authorities have put a different spin on the events there to that coming from the government in exile. Let us see. I would propose to the government that the Prime Minister be requested to take, or that he consider formulating, a high-level government delegation to Tibet to see for themselves what is happening in this beautiful country, which culturally has given so much to the world—not least through the extraordinarily peaceful philosophy of the Dalai Lama—and which still suffers such brutality and repression.
Question agreed.

MINISTERIAL STATEMENTS

Best Practice Regulation Requirements

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (5.00 pm)—On behalf of the Minister for Finance and Deregulation, Mr Tanner, I table a statement on best practice regulation requirements. I seek leave to incorporate the statement in Hansard.

Leave granted.

The statement read as follows—

Increasing Australia’s long term productive capacity is the key to maintaining downward pressure on inflation and therefore downward pressure on interest rates. As Labor announced prior to the election, a key element in the government’s plan to increase Australia’s productivity is our deregulation agenda.

For the first time, Australia has a cabinet minister for deregulation. This high-level oversight of the government’s deregulation agenda is essential for getting things done.

Myself and the minister assisting on deregulation, Dr Craig Emerson, are working in cooperation with the states and territories through the Council of Australian Governments’ Business Regulation and Competition Working Group to tackle areas of regulatory duplication or inconsistency between different levels of government, such as occupational health and safety laws.

At the federal level, we are already at work undertaking a stock take of existing regulation and taking action where we find unnecessarily burdensome or ineffective regulation.

In partnership with the Minister for Superannuation and Corporate Law, I have set up the Financial Services Reform Working Group to cut back 50- to 80-page product disclosure statements down to the essential information that consumers actually need to know.

And in the coming months I’ll be working with other portfolio ministers to deliver better regulation and better outcomes for the Australian community.

The Rudd Labor government is working towards a culture of continuous regulatory improvement. Under our government, we want more productive relationships between regulators and those they regulate. We want to actively seek out and respond to ideas for improvement all the time.

An important part of this commitment to better quality regulation is ensuring that any proposed new regulations are thoroughly scrutinised so that they are introduced only where necessary and at minimum cost to business and consumers.

I am pleased to announce to the parliament today further details of Labor’s commitment to the best practice regulation requirements and the continuing role of the Office of Best Practice Regulation in their administration.

The Rudd Labor government fully endorses the six principles of good regulatory process identified by the 2006 Banks Taskforce on Reducing Regulatory Burden on Business.

These principles state that governments should not act to address problems until a case for action has been clearly established. In acting, governments need to consider the benefits and costs of a range of feasible policy options, and then select the one which provides the greatest overall net benefit for the community. Effective guidance should be provided to regulators and regulated parties about the regulation’s policy intent and expected compliance requirements. Then there should also be mechanisms to ensure regulation remains relevant and effective over time as well as effective consultation with regulated parties at all stages of the regulatory cycle.

The Australian government’s Best Practice Regulation Handbook, released in August 2007, sets out best practice regulation requirements in line with these principles. The Rudd Labor government is committed to not just maintaining, but further strengthening these requirements.

Since Labor took office last year, the Office of Best Practice Regulation or OBPR has moved into the Department of Finance and Deregulation. This arrangement better reflects the central role of the OBPR in improving the quality of new regulation through administration of the best practice regulation requirements.
Despite this administrative change, the OBPR will retain its distinct identity. It will continue to be a one-stop-shop to assist departments and agencies to meet the government’s requirements and to assess and report on compliance.

Compliance with the procedures and processes outlined in the Best Practice Regulation Handbook remains mandatory for all Australian government departments, agencies, statutory authorities and boards that make, review or reform regulations. This includes not only ‘black-letter law’ but also quasi-regulation such as rulings, guidance note and standards.

The level of regulatory impact analysis required is greater the more significant the regulatory proposal is likely to be. A preliminary assessment must be undertaken for all regulatory proposals. Proposals likely to involve medium business compliance costs must also have a further full quantitative assessment of compliance cost implications using the Business Cost Calculator or approved equivalent. Proposals likely to have a significant impact require even greater analysis, including compliance cost quantification, to be undertaken and documented in a Regulation Impact Statement (RIS).

The OBPR has responsibility for certifying that compliance costs have been quantified and for assessing the adequacy of RISs. Proposals can generally not proceed to the decision making stage until OBPR certification has been received.

In performing this role, the OBPR is concerned only with the standard of analysis undertaken. It does not endorse or support particular regulatory options or outcomes. Such deregulation policy matters will be dealt with in a separate area of the department as part of the government’s broader agenda for reducing the regulatory burden on Australian businesses and consumers.

To perform its watchdog role effectively, the OBPR needs to exercise its decision making functions in an independent manner.

The government has put in place procedures to ensure neither ministers nor their staff can seek to intervene in or influence the OBPR’s deliberations.

Decisions on the adequacy of a regulatory impact analysis and compliance with the best practice regulation requirements will be made independently by the Executive Director of the OBPR.

As the OBPR is now part of the Department of Finance and Deregulation, the department’s secretary will be able to support the independence of OBPR’s decision making on best practice regulation requirements, helping shield the OBPR executive director from any undue influence, and appropriately advocating and defending the OBPR regulatory assessment process.

The OBPR will also continue to prepare the annual Best Practice Regulation Report. This report outlines compliance with the best practice regulation principles on an agency by agency basis and its public release is an important element in ensuring transparent and accountable regulation making. Publication of the report will be prepared and authorised by the Executive Director of the OBPR and presented to the Minister for Finance and Deregulation as a final report.

These existing arrangements are important to ensure any new regulation is effective and any compliance burden is as small as possible.

Keeping the regulatory burden down is vital to ensure we do not tie people up in unnecessary red tape and compliance regimes.

In a number of areas the Rudd Labor government is moving to further strengthen the transparency of the regulatory impact analysis process. Rather than waiting until the end of each reporting year to publish adequacy data, the government will require that, in all but exceptional circumstances, a RIS and the OBPR’s assessment of its adequacy will be made public before regulations come into effect.

The best practice regulation requirements will also be amended to require that OBPR assess and make public its assessment of the adequacy of post-implementation review.

The government is truly committed to ongoing, continuous regulatory reform. That is why we have put deregulation front and centre of our agenda to improve Australia’s productivity, to keep inflation as low as possible and to remove unnecessary barriers to people finding well paying, secure jobs.

I commend the statement to the Senate.
COMMITTEES

Senators’ Interests Committee
Report

Senator NASH (New South Wales) (5.00 pm)—On behalf of the Chair of the Senate Standing Committee of Senators’ Interests, Senator Johnston, I present the annual report for 2007 of the Senate Standing Committee of Senators’ Interests.

Ordered that the report be printed.

Senator NASH—I also table the 2008 edition of the registration of senators’ interests: a handbook for senators incorporating related information on registering gifts to the Senate and the parliament.

Education, Employment and Workplace Relations Committee
Report

Senator MARSHALL (Victoria) (5.01 pm)—I present the report of the Senate Standing Committee on Education, Employment and Workplace Relations on the provisions of the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator MARSHALL—by leave—I move:

That the Senate take note of the report.

Question agreed to.

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

Leave granted; debate adjourned.

Membership

The ACTING DEPUTY PRESIDENT (Senator Sandy Macdonald)—Order! The President has received a letter from a party leader seeking to vary the membership of committees.

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (5.02 pm)—by leave—I move:

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

Economics—Standing Committee—
Discharged—Senator Campbell
Appointed—Senator McEwen

Education, Employment and Workplace Relations—Standing Committee—
Discharged—Senator Campbell
Appointed—Senator Crossin

Legal and Constitutional Affairs—Standing Committee—
Discharged—Senator McLucas
Appointed—Senator Hurley.

Question agreed to.

WORKPLACE RELATIONS AMENDMENT (TRANSITION TO FORWARD WITH FAIRNESS) BILL 2008
First Reading

Bill received from the House of Representatives.

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (5.03 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 FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (5.04 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—

WORKPLACE RELATIONS AMENDMENT (TRANSITION TO FORWARD WITH FAIRNESS) BILL 2008

INTRODUCTION

Almost three months ago the Australian people voted for change. They voted for a change of government. And, in doing so, they voted for a change to our workplace relations laws.

Today the government begins the process of change by introducing the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 into this parliament.

With this bill, the government delivers on key election commitments it made to the Australian people; commitments the Australian people endorsed in November.

I want to take one moment to describe just how clear those commitments were.

When the Prime Minister became Leader of the Labor Party and I became Deputy Leader in December 2006, we promised to abolish Australian Workplace Agreements.

In April last year, we published our workplace relations policy, Forward with Fairness and confirmed that, if elected, we would abolish Australian Workplace Agreements.

In August we released our Forward with Fairness Policy Implementation Plan, which reiterated Labor’s commitment to abolish Australian Workplace Agreements while setting out the sensible transitional arrangements a Rudd Labor government would adopt for implementing this key commitment. This policy made it clear that, when Labor’s workplace relations system was fully operational, there would be no AWAs and no other statutory individual employment agreements.

All last year, every member now sitting on this side of the House campaigned in electorates all over this country on our commitment to abolish Australian Workplace Agreements and to introduce Labor’s new system.

When the Australian people read our policy documents, or heard the Prime Minister speak, including at our campaign launch, or listened to me debate the previous minister for workplace relations they were left without a doubt that central to our workplace relations policy was a commitment to rid Australia of all statutory individual agreements.

Labor’s policy commitments were not unknown to the Howard government and its members. Indeed, last year the Howard government misused over $60 million of taxpayers’ money campaigning against Labor on workplace relations and against this key commitment to abolish Australian Workplace Agreements. Every day ministers from the Howard government used to rail in this place about how foolhardy they believed Labor’s policy to be.

But, despite these attacks from the Howard government, Labor always maintained its belief this country should have a fairer, simpler and more balanced workplace relations system.

We believe all Australian employees are entitled to a safety net of 10 National Employment Standards. We believe employees earning less than $100,000 are also entitled an extra safety net provided by modern simple awards.

We believe that, in such a system, there is no need for AWAs or any statutory individual employment agreement. The essence of such agreements is they override the safety net. In Labor’s view, a modernised safety net means that there is no need for individual instruments which can override it. Rather the only individual agreements that would be necessary are common-law contracts which build on the safety net but can never override it or take it away.

We believe that such a system will be fairer because employees will always have the safety net to rely on. And we believe it will be simpler because employers will no longer have AWAs or statutory individual employment agreements of another nature stuck forever in processing queues. And let us remember that, as at 30 November last year, there were almost 150,000 agreements still awaiting final assessment by the Workplace Authority, creating uncertainty and pressure for employers and employees.
And of course the track record of the Liberal Party in the workplace relations debate is to treat the Australian people with contempt. That is what they did when they introduced Work Choices without a mandate. That is what they did when defending, day after day, a system that ripped basic working conditions away from hard working Australians. That is what they did when they misused tens of millions of dollars of taxpayers’ money defending Work Choices.

We all know their disgraceful track record. The only question we are waiting for the Liberal Party to answer is whether they have learnt anything from their election defeat or will today be another milestone in their disgraceful track record.

Part of the Liberal Party’s arrogant conduct on workplace relations was its refusal to consult or work cooperatively with those who most care about workplace relations.

The approach of the Rudd Labor government is completely different.

**TRANSITION TO FORWARD WITH FAIRNESS**

The government understands that, to create our simple, fair, flexible and productive workplace relations system, we must talk with employers and employees and those who will play a role in our new workplace relations system.

We intend to avoid the uncertainty and complexity the previous government created for millions of employers and employees around the country through Work Choices.

To this day there are employers who do not know whether they fall within the federal workplace relations system; there are small businesses struggling to understand the complex rules in the hundreds of pages of workplace law bequeathed by the Liberals and there are employees who do not know why they must lose so many protections and do not know where to turn to for help.

The development and content of this bill reflects the government’s commitment to taking an open, measured and consultative approach to workplace relations reform to make sure the laws work for the people who use them.
In the three months since being sworn in, I have consulted with key stakeholders on the development and detail of this bill.

I have convened two meetings of the National Workplace Relations Consultative Council—a tripartite body which brings together peak employee and employer organisations representing a range of industries—and its specialist subcommittee, the Committee on Industrial Legislation, to discuss the government’s proposals for the transition bill, award modernisation and the National Employment Standards.

The enthusiastic and collaborative way in which all of these organisations have come together to assist the government on the development and detail of this bill has been extremely encouraging. I congratulate all employer and employee representatives for their valuable contributions towards shaping this bill.

I have also met with state and territory workplace relations ministers, through the Workplace Relations Ministers’ Council, on both the content of this bill and to commence discussions on, among other things, the development of a uniform workplace relations system for the private sector.

I am pleased to report that the states and territories have wholeheartedly endorsed the key principles outlined in the Government’s Forward with Fairness policy.

In the coming days I will also announce and chair the inaugural meetings of the government’s Business Advisory Group and the Small Business Working Group. The creation of these groups was another key part of the government’s election commitments and I look forward to listening to the practical feedback from business on the government’s proposed substantive workplace relations reforms.

I will be inviting members of the public to comment on the government’s exposure draft of the 10 legislated National Employment Standards which will be released tomorrow.

This open and consultative approach is in stark contrast to the approach of the previous government to workplace relations matters and it will continue as the government moves towards introducing its more substantial workplace relations legislation into parliament later this year.

**DESCRIPTION OF THE BILL**

As I have indicated, this bill deals with the following matters as set out in the Forward with Fairness Policy Implementation Plan:

**Australian Workplace Agreements**

This bill provides that, from its commencement date, no-one will be able to make a new Australian Workplace Agreement. AWAs that have already been made will continue until their nominal expiry date and beyond until the parties to the AWA make a decision about how best to manage their employment arrangement. AWAs made before the commencement date must be lodged within 14 days after the commencement date.

It is the intention of the Rudd Labor government to lead by example and today I announce that on and from this date there will be no new Australian Workplace Agreements entered into in the Australian Public Service.

**Individual Transitional Employment Agreements (ITEAs)**

To provide sensible transitional arrangements for employers who currently use AWAs, the bill will create a special instrument called an Individual Transitional Employment Agreement. ITEAs will only be available to employers who employed an employee on an AWA as at 1 December 2007. These employers may use ITEAs to employ new employees or for existing employees who were employed on AWAs.

ITEAs will give these employers time to transition to the government’s new workplace relations system.

ITEAs will have a nominal expiry date of no later than 31 December 2009. On and from 1 January 2010, Labor’s new National Employment Standards and modern simple awards will be in operation and there will be no need for any individual statutory employment agreements.

**New No-Disadvantage Test**

The former government’s so-called fairness test, which was simply not fair because it provided no proper protection for some award conditions and no protection at all for others, will not apply to future workplace agreements.

The bill will introduce a new no-disadvantage test for all individual and collective workplace
agreements that are made after the commencement of the legislation.

The bill will end the compliance nightmare created by the backlog of agreements that has piled up under the fairness test changes.

To pass the new no-disadvantage test, ITEAs must not disadvantage an employee against an applicable collective agreement or, where there is no such collective agreement, an applicable award, and the Australian Fair Pay and Conditions Standard. Collective agreements must not disadvantage employees in comparison with an applicable award and the standard.

The new no-disadvantage test will also apply to variations to both new and existing agreements.

New Commencement Dates for Agreements
Currently, workplace agreements take effect from the date that they are lodged with the Workplace Authority with the result that, where agreements fail the fairness test, employers are confronted with complex calculations for expensive compensation payments.

Under this bill, ITEAs for existing employees and new collective agreements will only commence operation after the Workplace Authority Director has approved them on the basis that they pass the no-disadvantage test.

However, to provide certainty for employers and new employees in the transition period, ITEAs for new employees, and employer greenfields or employer and union greenfields agreements, will commence operation when lodged with the Workplace Authority Director.

Of course, any agreement lodged after the commencement of this bill will cease to operate or will never operate if it fails the no-disadvantage test. For those agreements which have commenced upon lodgement and have subsequently failed the no-disadvantage test, compensation may be payable to employees.

Termination of Agreements
The previous government’s Work Choices laws included one-sided provisions that allowed employers to unilaterally terminate a collective workplace agreement which had passed its nominal expiry date and return their staff to only a limited number of minimum standards.

These provisions will be repealed.

To allow them to stand would enable an employer to manipulate the benchmark against which ITEAs must pass a no-disadvantage test.

Under the bill, a collective agreement will only be able to be terminated where the parties agree, or by the Australian Industrial Relations Commission in circumstances where termination would not be contrary to the public interest. In making its decision under this provision, the commission would be required to have regard to all the circumstances of the case, including:

- the views of each party bound by the agreement (including the employees subject to it) about whether it should be terminated; and
- the circumstances of each party bound by the agreement, including the likely effect on each party of the termination of the agreement.

When an agreement is terminated, employees will be entitled to whatever award or workplace agreement would have applied to them but for the terminated agreement.

For instance, when an AWA or ITEA is terminated, the employee will be covered by any relevant collective agreement operating in the workplace or the full award if there is no such agreement. This reverses the previous government’s unfair rules that resulted in employees being striped of their workplace agreement and reverting to only a limited number of conditions.

The scope to unilaterally terminate a Work Choices AWA which has passed its nominal expiry date will be retained. This will allow employees to terminate an expired unfair Work Choices AWA where doing so may result in their being covered by a more beneficial instrument.

AWA/ITEA Employees – Participation in Collective Bargaining
The bill will also reinforce this change by making it clear that an employee on an AWA or ITEA that has passed its nominal expiry date can approve new collective agreements and variations to collective agreements.

This addresses an anomaly under the current act which allows these employees to take part in a secret ballot for protected industrial action but
then prevents them from voting on the agreement itself without first terminating their existing arrangement and therefore risking a significant loss of pay and conditions.

**Workplace Relations Fact Sheet**

The bill will also repeal the requirement for employers to provide a copy of the Workplace Relations Fact Sheet to their employees. This was a desperate attempt by the previous government to co-opt businesses into their wasteful Work Choices advertising campaign and should stop immediately. This will be welcomed by business.

**Pre-Work Choices Collective Agreements**

The bill permits certain pre-Work Choices certified agreements to be extended and varied on application to the Australian Industrial Relations Commission.

The commission will grant the application only if satisfied that the parties genuinely agree and the employees covered by the agreement approve.

To take advantage of this option, the government will require parties to the agreement not to have organised or engaged in industrial action or applied for a protected action ballot in relation to proposed industrial action from tomorrow, the day after the bill has been introduced.

This will avoid the parties to these agreements having to make new workplace arrangements under a transitional framework only to make new agreements once the government’s new fair and flexible workplace reforms come into effect.

The mechanism for allowing parties to pre-reform certified agreements to avoid the ‘double transition’ was one sought by both employer and employee representatives during one of the consultations that occurred with the Committee on Industrial Legislation. It is an example of how timely consultation on workplace relations matters can give rise to practical solutions that work for all stakeholders.

**Other matters**

The following additional matters were also raised during the government’s consultation with the key employer and employee representative organisations through the National Workplace Relations Consultative Council and the COIL subcommittee.

The government has decided to adopt the following recommendations arising from the parties at these meetings:

- removal of the restriction on referencing other industrial instruments in agreements, which will simplify the drafting of agreements;
- requiring workplace agreements be lodged with signatures attached to protect employees and ensure the correct agreements are lodged for review and approval by the Workplace Authority;
- ensuring that most agreements will take effect from seven days from the date of the notice from the Workplace Authority Director advising an employer that the agreement has passed the no-disadvantage test;
- preventing the making of unilateral undertakings when agreements fail the no-disadvantage test. If agreements are to be genuine agreements, any variation should have the agreement of both parties. The government has included streamlined approval rules for variations to agreements in these circumstances;
- requiring the Workplace Authority Director to publish reasons where the Workplace Authority Director allows an agreement to pass the no-disadvantage test where satisfied that, due to exceptional circumstances, it is not contrary to the public interest to do so (for example to deal with a temporary business crisis);
- requiring the Workplace Authority to consult more widely when designating awards for the purposes of the no-disadvantage test; and
- ensuring that the transition period for a number of matters, including the automatic expiry of NAPSAs, old IR agreements, removal of superannuation as an allowable award matter and the transitional registration of organisations arrangements is extended to the end of the government’s transition period, 31 December 2009, to provide continuity and certainty during the transition period.

Lastly, the bill will amend the Skilling Australia’s Workforce Act to remove provisions which make funding to TAFE institutions conditional on offer-
ing AWAs. This amendment is consistent with the government’s intention to remove similar funding restrictions for universities under the previous government’s HEWRRs policy.

**Award modernisation**

Another key part of the government’s election commitments is the creation of new modern awards as an integral part of a fair minimum safety net for employees.

This bill provides the means for an award modernisation process to commence.

In addition to the amendments to the Workplace Relations Act to facilitate award modernisation, the explanatory memorandum to this bill contains the proposed award modernisation request I will make to the President of the Australian Industrial Relations Commission, Justice Geoffrey Giudice, upon the passage of this bill, requesting the AIRC create new modern awards during the transition period.

Modern awards will:

- protect 10 important entitlements like penalty rates and overtime;
- provide industry-specific detail on the 10 National Employment Standards;
- ensure a fair safety net for Australian employees, including outworkers;
- ensure minimum award entitlements are relevant to the Australian economy and modern work practices;
- not be overly prescriptive; and
- will allow for flexible work arrangements for employers and employees who rely on awards as well as provide an appropriate benchmark for collective agreement making.

As part of the award modernisation process the Australian Industrial Relations Commission will be required to develop an award flexibility clause for inclusion in all awards. This clause will, in combination with a simple, modern award, enable employers and individual employees to make arrangements to meet their genuine individual needs so long as the employee is not disadvantaged.

It is the government’s intention that employees earning above $100,000 per annum will be free to agree to their own pay and conditions without reference to awards. This will provide greater flexibility for common-law agreements which have previously been required to comply with all award provisions, no matter how highly paid the employees.

A simple, modern award system with opportunities for individual flexibilities will remove the need for any individual statutory agreements and the associated complexity and bureaucracy attached to those agreements.

To enable the award modernisation process to begin, the bill will insert a new part into the Workplace Relations Act. The bill sets out the award modernisation function of the Australian Industrial Relations Commission and specifies the objectives of award modernisation and requirements for modern awards.

The bill will prohibit certain terms being included in modern awards, including terms that would require or permit conduct contravening the freedom of association provisions or which authorise organisations to enter an employer’s premises.

**National Employment Standards**

Tomorrow I will release an exposure draft of the proposed National Employment Standards which will replace the current Australian Fair Pay and Conditions Standard when the new workplace relations system becomes fully operational in 2010. These standards include minimum entitlements such as hours of work, carer’s leave, public holidays and notice of termination. Modern awards may build on these standards with industry specific detail.

From 2010, the National Employment Standards and modern awards will together form the safety net for both employment and collective bargaining.

**CONCLUSION**

This bill represents the start of the government meeting a key commitment it made to the Australian people at the last election—to bring fairness and balance to Australia’s workplaces.

The next step, the next commitment to be fulfilled, is the development of our substantive workplace relations laws to create a new, simple,
fair and flexible workplace relations system that works for all Australians.

A workplace relations system that works for all Australians should be fair and flexible, simple and productive. It will not jeopardise employment, will not allow for industry wide strikes or pattern bargaining and it must not place inflationary pressures on the economy. It specifically aims to drive productivity and cooperative workplace arrangements.

Our plan is based on employers and employees working out at the enterprise level what suits them best. Under our system wage outcomes in one business, or one sector of the economy, cannot automatically flow to another. Where employers and employees can work together to drive productivity increases there will be gains in the enterprise to share.

The Australian people in voting for our policy have emphatically said yes; they want to see fairness and flexibility in their workplaces. They want to see a workplace relations policy for the long term, not a political football.

It is now time for members in this place to respect and represent the clear message from the Australian people. No more Work Choices, no more Australian Workplace Agreements, no more unfairness, complexity and confusion.

And, from the Liberal Party, no more born-to-rule arrogance, no more contempt for the Australian people.

With this bill the government is delivering for the Australian people and has commenced the process of lasting workplace reform. (Quorum formed)

Senator WATSON (Tasmania) (5.06 pm)—The Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 is really about the ALP delivering on its promise in the lead-up to the 2007 election which had the essential feature of abolishing AWAs. As Deputy Chairman of the Senate Standing Committee on Education, Employment and Workplace Relations, I take this opportunity to thank all those groups who prepared submissions in such a short time, and I wish to assure them that I have read each of their submissions. They were incredibly helpful in analysing the consequences of the legislation which is now before the parliament. There has been unnecessary haste in pushing this bill forward in the way the report had to be rushed in such a tight time frame. I would also like to thank the committee secretariat for the incredible job that they did, working throughout the weekend to meet the very unrealistic deadlines that were put on the committee members.

I would like to point out that it was the opposition that believed it was absolutely essential that the far-reaching consequences of this bill and its submissions and all those sorts of things be looked at very, very thoroughly, including the bad drafting. I must say that we are not opposing the passage of this bill—there are certain features that have merit—but, unfortunately, some of the features that have merit are, in terms of their implementation, going to cause some difficulty. Generally senators do approve this bill, particularly those measures which strengthen the no disadvantage provisions to ensure fair bargaining between employers and employees, because we accept that there are a lot of workers and employers for whom the award is a necessary benchmark to ensure fairness, and in any negotiations between employers and employees it is absolutely essential that it is underwritten by a very strong no disadvantage test. I believe that industrial relations in this country can be fundamentally altered and can impose a check on what has been unparallel growth in this country, which we have enjoyed over the past 12 years. This is most important.

The central theme, I suppose, of the legislation has to be the elimination of AWAs. I must say that individual statutory agreements have been around since 1993 in Western Australia and they will be out under this bill. But there is nothing inherently wrong with
such an agreement, as it provides the sort of flexibility that suits both employers and employees. I think that even in my own party, the Liberal Party, we acknowledge that there is merit in individual ability and personal decision making, and individual statutory agreements reflect that tradition. There is strong evidence that individual ISAs that are subject to a safety net—and that is the important feature—are an essential part of a modern industrial regime. I believe that the Labor Party’s dogged insistence that AWAs must be banned is a serious failure to recognise that, with appropriate safety nets, these agreements have an important part to play in the overall mix which is available to Australian workers and to Australian businesses. There is much that is good and positive that will be lost as a result of this short-sighted move.

At a time of increasing uncertainty in world markets, with the recession in the USA, with Arab, Chinese and Singaporean interests—even the Federal Reserve have had to move in to bail out some high profile US investment institutions, and there has been almost record mortgage defaults in that country—and given the impact if some of this spread across to Australia, the question of maintaining confidence in the system is very important. Therefore, in their minority report, members of the coalition were very concerned that no attempt had been made by the government—in fact, it was impossible for the employer groups to carry out an economic analysis of the consequences of these changes in terms of the impact on society and on social life.

The government have said that they are going to seek to have that degree of flexibility incorporated into a collective agreement, often known as a CA, but my colleagues were sceptical of the extent to which such flexibility clauses could really be usefully included in the modern award or under a CA arrangement. We remain doubtful as to whether these could deliver employers and employees the same sort of flexibility that they currently have under an individual statutory agreement. In fact, we found support from the Chamber of Commerce and Industry Western Australia, which said:

There are some means of individual agreement making we would be very satisfied with. It appears that the government is relying on award flexibility clauses that will be introduced as part of the government’s new system. These flexibility clauses are supposedly designed to enable the employer and the employee to negotiate a set of arrangements that might suit them—and here is the crunch line—but we don’t know what they look like.

That is where the uncertainty is, and I think Master Builders Australia and similar groups submitted similar ideas.

There was concern generally amongst the employer groups about the demise of individual agreements, particularly in Western Australia. They felt that it had served the industries over there particularly well; after all, they were introduced there in 1993 because of the considerable industrial unrest. The Australian Industry Group argued that employers and employees should have the right to pursue a form of agreement that best suits their needs, whether a collective agreement, an individual agreement, an agreement with a union or one directly with employees. Then we had the Australian Chamber of Commerce and Industry arguing that providing flexibility only within a collective agreement might reduce the options to some individuals, including flexibility to balance their work and family life.

The Rio Tinto group have 22 per cent of their workforce using AWAs. They say they have been using such agreements since the 1990s, that the agreements have met the needs of both the organisation and the em-
ployees and pay very well under those sorts of arrangements. We also found the National Farmers Federation supported the maintenance of AWAs as a legitimate alternative to awards, common-law agreements or collective agreements. So did local government associations, which were particularly significant. The Electrical and Communications Association from Queensland expressed their preference for the flexibility of the current system and being able to move away from a one-size-fits-all type of approach of a collective agreement. The Chamber of Commerce and Industry of Western Australia doubted the new legislation’s ability to provide flexibility within the government’s new award system. So there is a lot of hope and expectation. It is really a question of how and when it is going to be delivered. This is the problem that we are facing.

I mentioned earlier that there are certain omissions—areas that have been overlooked. From our side of politics, we have found some sympathy for a submission from the Telstra people through their body, the Communications, Electrical and Plumbing Union. They were concerned about the provisions of this bill which would have the effect of extinguishing certain of their redundancy provisions and, as a consequence of that, would diminish payout of redundancies. This is one of the many potential unintended consequences that could come out of this bill. And—surprise, surprise!—the low-paid workers’ plight was highlighted by the Textile, Clothing and Footwear Union. Fortunately, EEWRS has indicated that they might like to introduce an amendment to pick up this concern. It has been worth while conducting this inquiry, because there are a lot of issues that have been put on the table that were not identified at that particular time.

A central feature of the bill is transitional arrangements. These are not going to be without problems, because they have a very limited lifetime. Some groups would like to see them extended; others feel that the delay in moving to a collective agreement will only give unions power to negotiate at a time when they may be more vulnerable. So the whole situation is fraught with challenges for industry. Industry is generally accepting the fact that this has been forced upon them and that there is no point in going against the tide. But we hope that in this report we can ensure that some greater degree of flexibility than is apparent at the present can come through. It is a challenging time for all.

Perhaps the biggest problem is going to be faced by some of the small businesses and small independent contractors. We had people such as the Master Plumbers’ Association of Queensland coming before the committee, who told the committee that individual statutory agreements had brought many small businesses into the industrial relations system for the first time. And that is very important. Ms Marcia Kuhne, from the Western Australian Chamber of Commerce and Industry, said:

The result is that both employers and employees will be affected because many employees also elect to be employed under individual arrangements under their own agreements. It suits many employees.

So we have a situation where a one-size-fits-all is going to cause enormous challenges for people. As I said, there is going to be a lot of confusion associated with these ITEAs, these transitional arrangements, because they can be entered into until 31 December 2009. Representatives appear to believe that there are various ways in which they may be continued indefinitely. I think that remains to be seen. Others were concerned that the two-year life would be inadequate. Perhaps the majority of people suggested that there was no uniformity—no unanimous view—in terms of that particular approach.
In relation to the interim transitional arrangements, the other big problem was that employees who had left were unable to come back under an AWA and had to go onto an ITEA and, of course, that may be somewhat different to the AWA under which they had been working. The big question everybody asked was: ‘Why are you discriminating against these sorts of people?’ This is particularly so in the construction industry, where people are employed to build a dam, a factory or something and, when that ends, they probably move to another project, sometimes with another employer, and then within six months they are back again. That was a particular problem. Very few people were able to understand the rationale for excluding previous employers from the ITEA system, and I think that was indeed unfortunate.

The question of commencement dates—whether it is going to be on lodgement or when the AIRC has approved the new arrangement—created a lot of difficulties, because industry has to plan. The big difficulty, of course, is that the no disadvantage test has to be approved within these new ITEA arrangements, the record of approvals has not been good and there is substantial delay.

Award modernisation was an essential feature of this. While everybody supported the concept, we were rather sceptical that the tight time frames could be met. The big objection to awards was the inherent inflexibility, the cost of restoring awards. Awards are going to take an increasingly important role in the future and this is part of what I indicated about turning back the clock. Strangely enough, Professor Andrew Stewart—not always a friend of the Liberal Party—was a little bit scathing. He acknowledged that the request that it must not disadvantage either the employees or increase costs of employers is very difficult to achieve. In terms of modernisation, we had concerns from the unions about the ability for it to be done quickly or expeditiously. Paul Howes drew attention to the fact there are some 380 such federal awards and then there are state awards that have now been brought into the federal system. He complained of the complexity all round. Similar concerns were expressed by the Industry Group, the ECA et cetera.

State differentials create their own problems. That is a matter that obviously the government has got to come to grips with. It is a challenge that both parties recognise. It should be met in one way or another, but we must not underestimate the problems. When you are changing something as fundamental as the bill before us does, the coalition is concerned that there is the possibility that there is going to be some friction as a result of this because new negotiations will have to be entered into between employers and employees. We have had this long period of industrial harmony and industrial peace, and so there is a degree of trepidation which many employers are feeling as they enter into this new arrangement. That was certainly stated very clearly by Mr John Rothwell from Austal Ships who, prior to the AWAs in the 1990s, experienced a lot of disruption, concern and dislocation to his business. He is one who believes that he will have to move very quickly to the new arrangements to try to settle things down, but he is very wary about how this process could end up lifting the level of disputation.

Perhaps one of the best examples of the problems of one-size-fits-all came from local government. We received excellent evidence from the Local Government Association of Queensland. They gave us numerous examples of how this policy is not acceptable. The concept of an AWA—an individual workplace agreement—fitted very nicely into how they work in areas such as operating swimming pools and employing dog catchers or people who are called out late at night be-
cause cattle are on the road and so on. As they pointed out, local government is a 24/7 operation. They believed that individual agreements had to be an essential feature of their operation. (Time expired)

Senator SIEWERT (Western Australia) (5.27 pm)—The Australian Greens have remained steadfastly opposed to all aspects of the changes to Australian workplaces brought in by Work Choices. We opposed the legislation at the time it was rushed through the parliament and we are well aware of the hardship it has caused many people in our community. The Greens believe passionately in a fair and just workplace and in fair and just workplace laws. We believe we need to respect the rights of workers and we are strong supporters of the Your Rights at Work campaign. Work Choices signalled a major shift in industrial relations with the abandonment of our conciliation and arbitration system. While we recognise the need for an industrial relations system to remain responsive to changes in our economy and workforce, we do not believe the changes brought about by Work Choices were necessary or constructive. Work Choices remains profoundly unjust. While the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 goes some of the way towards addressing this injustice, there is still a long way to go.

We passionately believe that we can create a sustainable future where we can provide fair workplaces and sustainable communities and ensure a healthy economy. We believe that all Australians have the right to live their lives in conditions of freedom and dignity, economic security and equal opportunity. We believe our IR system should protect the dignity of the workplace. All Australians—be they people who are cleaners, clerical staff, those working on the factory floor or managers—should expect to be treated with respect, recognised and valued for the work they perform, provided with opportunities for skills enhancement and career progression and protected from harassment. We believe working people have the right to be involved in decisions about their work. We believe free, independent and democratic unions are an essential pillar of a civil society, and we place a value on community and collective action. An overly individualised society can lose sight of the common good and the common need.

Our primary concern with efforts to reform our industrial relations system is to ensure a framework of laws which support and protect the interests of the most vulnerable in our workplaces. The Work Choices changes hit hardest those who are least advantaged in our society—young people, women, migrants, those in low-paid so-called vulnerable work, casual and temporary workers. The Australian Greens therefore support this bill as a first step towards creating a fair industrial relations system after the failed, disastrous experiment of Work Choices.

However, we continue to have reservations about the government approach to industrial relations reform, believing that they do not go far enough. We also believe there are a number of amendments that should be made to this bill to improve the protections of employees. This bill has two long-term impacts: the eventual end—I stress eventual—of statutory individual agreements, and award modernisation. Statutory individual agreements have never been supported by the Australian Greens. Those include pre- and post-Work Choices AWAs. There is incontestable evidence from a number of academic reports, as well as personal stories of those affected, that AWAs have been used to lower wages and lower conditions of employees. The Senate inquiry heard numerous stories, including those of the tragic circumstances associated with the Qantas valet
parking debacle. AWAs have been used as a de-unionisation strategy.

In contrast, there has been little evidence of AWAs being used to extend genuine flexibilities to employees. In fact, the DEEWR departmental submission on flexibility and productivity indicated that there is evidence of increased productivity with collective agreements. They also said there was qualitative research showing in particular that a climate of apprehension associated with the elimination of protected award conditions and the secrecy and pressure surrounding AWAs contributed to unproductive workplaces through reduction of trust between employees and employers. So in fact, contrary to supporting and increasing productivity, AWAs have been associated with a decrease in productivity. The national accounts show that productivity decreased by 0.5 per cent over the past year.

Our objection to statutory individual agreements is not merely that they could be used to exploit employees but also because they restrict freedom of association and undermine collective bargaining. Employees cannot exercise genuine choice to collectively bargain when statutory individual agreements exist. Michelle O’Neill from the Textile, Clothing and Footwear Union made this point forcefully in the hearings on this bill. She described workers in her industry being effectively shut out of collective bargaining through the use of AWAs and made a convincing case why the use of individual transitional employment agreements, ITEAs, will continue to create unfairness.

We remain unconvinced in fact about the need for ITEAs and their overly long transition period. We have some concerns about what the government proposes for ITEAs and we will be tabling amendments to address some issues that we have with them. I feel it is important to express the profound disappointment we have heard from many of those workers in vulnerable industries who are stuck with unfair wages and conditions under existing AWAs. Many of them will have to wait five years before they can get the fairness, justice and decency in the workplace that they voted for.

If there was one issue that dominated last year’s election it was Work Choices. Unfortunately, some of the people who voted out Howard and voted out Work Choices hoping to get rid of AWAs, believing that they were getting rid of AWAs, may still be stuck on unfair AWAs for another considerable period of time. We believe this is why there should be an opportunity within the bill for workers who are stuck on an unfair AWA to ask the Workplace Authority Director to assess it against the government’s new fairness test and no disadvantage test. If it fails the new test, they should be able to choose to unilaterally terminate that agreement. That would make it fairer for them in their workplace.

The right to collectively bargain is a fundamental right that is recognised internationally. Collective bargaining is about addressing the underlying imbalance in the bargaining power between employers and employees. Statutory individual agreements shift that balance of power firmly into the hands of the employers and, we believe, have no place in Australia’s industrial relations system. We welcome the government’s policy commitment to introduce a system of collective bargaining that requires employers to engage if employees want to bargain collectively.

One of the key concerns about the changes to industrial relations laws in the last few years has not just been the existence of AWAs and the reduced safety net but the intersection of AWAs with removal of unfair dismissal protections, restrictions of right of entry and restrictions on industrial action.
Again I quote Michelle O’Neill on the combined effects of these measures:

What I mean by that is that it is the intersection of these provisions that really has the most dramatic effect on workers in our industry. The provisions have the combined effect of reducing workers’ bargaining power and reducing workers’ capacity to be effectively represented by a union, the removal consequently of choice out of the system for these workers and the resulting loss of rights and conditions as well as, in fact, in many cases, a green light to exploitation.

The impact of the intersection of statutory individual agreements, restrictions on bargaining through issues such as prohibited content rules, restrictions on the right of entry and removal of unfair dismissal protections is not limited, unfortunately, to the textile and clothing industry. To ensure a truly just bargaining system, these matters must be reformed.

The Australian Greens see no reason why the government cannot use this bill to restore unfair dismissal protections for workers. Furthermore, we believe there is a compelling argument for ensuring that unfair dismissal provisions are fixed at the very start of this reform process so that the lack of protection from unfair dismissal does not undermine this reform process and we can truly move forward with fairness. It is the government’s policy to restore unfair dismissal provisions. It can be quickly and easily achieved through a simple amendment, as the Greens will be proposing, yet the Rudd government seems to be dragging its feet.

I find it particularly strange that elsewhere the Prime Minister is charging ahead to deliver on his election promises—even the dumb ones like the tax cuts—but on this particular issue, which was one of the main pillars of the Your Rights at Work campaign and the ALP’s election campaign, the government seems to be dragging its feet. We do not believe there is justification for allowing some workers access to unfair dismissal provisions and denying such protection for other workers. It is wrong to pass up this opportunity to fix the situation now. Similarly, if it is the ALP’s policy to remove restrictions on what matters can form part of workplace agreements, why then can they not repeal the prohibited content provisions now? We will be moving amendments on both of these issues, on restoring unfair dismissal protections and repealing the prohibited content rules now.

The return of awards as part of the safety net is very welcome, as they are an essential part of the safety net in Australia. There remains a significant section of the workforce that is award reliant. These workers are mostly women and the low paid. A strong award system is vital to ensuring these workers are treated fairly. There can be no question that awards today need to be updated. Many awards do not reflect contemporary work practices or standards. However, the Australian Greens are concerned that the process outlined in this bill and the government’s Forward with Fairness policy will result in static awards which are hostage to the government of the day and are unable to be effectively varied in response to changes in the nature of the workforce without specific government direction.

We are concerned with the limited number of matters to be considered, with the limited process for variations and with the underlying change in the nature of the award system. The government is accepting in large part the fundamental shift made by the Howard government in abandoning conciliation and arbitration and the changing role of workers and employee representatives in that system. Justice Kirby in his dissenting judgement on the decision on the constitutionality of Work Choices discussed the move from the conciliation and arbitration power to the corpo-
rations power. In a comment we agree with, he said:

The applicable grant of power imported a safeguard, restriction or qualification protective of all those involved in collective industrial bargaining: employer and worker alike. It provided an ultimate constitutional guarantee of fairness and reasonableness in the operation of any federal law with respect to industrial disputes, including for the economically weak and vulnerable. It afforded machinery that was specific to the concerns of the parties, relatively decentralised in operation and focused on the public interest in a way that laws with respect to constitutional corporations made in the Federal Parliament need not be. These values profoundly influenced the nature and aspirations of Australian society, deriving as they did from a deep-seated constitutional prescription.

The Greens believe we are losing something very important if we turn away from these ideals. A criticism made of the Work Choices legislation was that it removed the capacity of the Australian Industrial Relations Commission to hear test cases on contemporary community standards in workplaces. These test cases, together with the award system, in the past gave Australian workers conditions such as hours of work provisions; the principle of equal pay for equal work; the regulation of excessive overtime; the introduction of leave such as bereavement and compassionate leave; redundancy provisions; and unfair dismissal provisions.

We are concerned that the new modernised award system is removing the ability of stakeholders in the industrial relations system to bring such matters before an independent tribunal. Our society and our workplaces will not remain static and we need to ensure that there is sufficient ability in the new system to respond to changing circumstances. In light of these concerns, we believe awards must be reviewed regularly and contain appropriate mechanisms to allow the involvement of relevant stakeholders.

The issue of pay equity provides an example of the need for awards to be varied by a broader process. We all know that the average pay rates for women in Australia are well behind the average pay rates for men—and that it has been made worse under the AWA process. All the research conducted in Australia over the last 10 years points to awards playing an important role in addressing gender pay inequity. For example, most states now have pay equity principles which allow awards to be varied to ensure equal pay for equal work for work of equal value. We are concerned that, without the Industrial Relations Commission being required to consider pay equity when modernising awards, the award modernisation process will merely consolidate the pay inequities that already exist in awards. At the very least we urge the government to include an effective pay equity mechanism in the substantive bill.

We also have concerns around the new flexibility clauses to be included in all modern awards as well as collective awards. The devil, of course, is in the detail and we will not see the actual clauses until they are drafted by the AIRC. However, as a matter of principle, it is of concern that employees could essentially bargain away on an individual basis award conditions through these flexibility clauses. While we recognise that it is the government’s intention that no employee be worse off and that these side individual agreements are subject to a no disadvantage test, the experience of AWAs would suggest safeguards will be needed to ensure that particularly vulnerable workers are not exploited.

While we recognise the bill deals primarily with the first phase of modernising awards, we are concerned about how awards remain relevant into the future. We urge the government to ensure a fair, robust and relevant award system without throwing away the strength of the award system under con-
ciliation and arbitration. Our vision for the award system is a comprehensive safety net for workers on an industry or occupational level that is flexible enough to allow for industry-specific conditions but secure enough to provide appropriate protections. Awards must be living documents that can adapt to the changes in community standards. We fear the move away from a tripartite system, with active involvement of employers and employees overseen by an independent tribunal, to a system where the government of the day has a more direct say in the labour standards of Australian workers. We look forward to the end of the worst excesses of Work Choices and working with the government into the future on establishing an industrial relations system that is fair and respects the rights of workers.

The Greens will be tabling a series of amendments to the transition bill, because we believe there are some important issues that were highlighted during the Senate committee hearings. When I heard some members of the coalition talk about some of the evidence we heard at the hearings I thought I might have been at different hearings, because people in general were supportive of the legislation, although there were some important issues that were raised. For example, I was particularly taken by the arguments raised by Professor Andrew Stewart around the possibility of loopholes where people could be dismissed if their ITEA failed the no disadvantage test.

There were also significant issues brought up around prohibited content, which is why we are tabling amendments around the issue. I see no reason at all why a government who says they do not agree with the prohibited content element of the workplace laws as it stands and as it was introduced under Work Choices cannot remove that restriction now so that ITEAs, when they come in, will not be disadvantaged by not being able to deal with those issues. It is also important for Australia to note that individual statutory agreements and AWAs will be with us for some time to come. Those people who have entered into agreements before this legislation comes into being will be stuck on those agreements, which is why we believe that they need to be able to test those agreements against the new conditions and, if they are seen to be unfair, they should be able to be terminated.

We also believe that AWAs that are in place now should expire when their nominal expiry date is reached, rather than continuing. We also believe that it is important that our industrial relations system should still deal with the issues and still support the freedom of association. We are concerned, and we have expressed our concerns on a number of occasions, about issues to do with the right of entry provisions, which the government does not intend addressing in its industrial relations reforms. We believe that should also be addressed, although we will be addressing those issues during the discussions over the substantive bill.

The Greens will be tabling a series of amendments to this transition bill. We think it is a good start in the industrial reform process. We believe that the bill, through the committee process, did receive overall support from the people who attended the hearings—from both unions and employers. I would like to add that I feel that some of the people representing employers were not across the transition bill provisions and were raising issues that in fact were not in the bill and issues that the federal government, much to my concern, has decided will not be dealt with, including the right of entry. The issues of concern that were raised during the hearing in some cases had little to do with the transition bill. It showed a lack of understanding of the government’s intention. I say that with difficulty because I believe the
The government should be addressing those issues.

The Greens would like to see this legislation go further and that is why we are proposing amendments to address some of the loopholes in it. Specifically, for example, the very strong case was put that we needed to address the issue of outworkers. If the government does not move amendments to deal with outworkers, the Greens will. In general, I believe that there is cross-party support for addressing these issues. They were dealt with in a very rough way when we were addressing Work Choices. Commitments were made on the floor of the Senate about protections for outworkers. We very strongly believe that those commitments now need to be written into the legislation at the earliest possible opportunity, which is why we will be moving amendments to address those issues.

Senator MURRAY (Western Australia) (5.47 pm)—There has been a clear message from voters for the abandonment of Work Choices, especially those provisions that have seen a large number of workers have their wages and conditions reduced. The Australian Democrats support the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 as improving the Workplace Relations Act, not least from a fairness perspective. I said on 2 December 2005 in my speech on the third reading that, in passing Work Choices, the coalition were making:

... not just an economic mistake, not just a social mistake, but a political mistake.

I said:

This bill assaults the cultural, economic, social, institutional, legal, political and constitutional underpinnings of work arrangements in Australia. It aims to radically alter our work systems and values.

I also said:

This change would not have happened if the Australian Democrats still held the balance of power in this chamber.

This bill amends the Workplace Relations Act by: terminating the making of new Australian workplace agreements and replacing these with interim transitional employment agreements to run to 31 December 2009; replacing the fairness test with a no disadvantage test to approve both ITEAs and collective agreements; and allowing the modernisation of federal and former state industrial awards.

Some issues that arose for business organisations from the inquiry are: the award modernisation process may not enhance productivity to the extent—or in the medium term—as expected; the ending of AWAs and a poorer substitute will diminish productivity; the abolition of AWAs and the increase in collective bargaining and the greater licence to unions will increase levels of industrial disputation; there must be in place an alternative to AWAs and individual workplace agreements before the complete phasing out of the AWA system—an alternative that would incorporate a proper global no disadvantage test provided by a safety net of awards and employment standards—and a process of acceleration should be delivered to address the significant backlog of individual agreements still waiting to be approved, which is a problem that will frustrate the context in which the bill’s amendments will commence.

The ACTU, in contrast, identified areas where improvements could be made to the bill—for instance, that the bill does not immediately abolish AWAs or provide a mechanism for existing AWAs to be terminated prior to their nominal expiry date where they are found to disadvantage employees. The ACTU is not convinced of the
need for a new form of statutory individual contract in the form of ITEAs, preferring instead the individual agreement option provided by over-award common-law agreements. The ACTU is also disappointed that the bill does nothing to improve the transparency of the ability to review the decisions of the Workplace Authority—a dedicated unit needs to be established within this authority to ensure that collective agreements are processed swiftly—and that there are a number of uncertainties concerning award modernisation in the drafting of the bill.

Uncertainties do derive from the draft award modernisation request, which currently expresses the mutually contradictory intention for the Australian Industrial Relations Commission to neither disadvantage employees nor increase costs for employers. On award modernisation, academic Dr Buchanan said that there is a need to see award modernisation as an ongoing process. He stressed the importance of providing appropriate resources to the Australian Industrial Relations Commission. He felt there was a need to be realistic about how much can be achieved by the end of 2009 and he advocated the desirability of recognising the need for a coherent set of categories for grouping together like classes of work to help ensure consistency in defining employment rights and obligations and to help provide a framework for defining common-skill requirements.

Professor Andrew Stewart asked how the minister’s draft award modernisation request might be amended to address the inherent problems with it standardising conditions in any award-reliant industry or occupation without disadvantaging somebody; how the government’s proposals concerning the non-application of awards to workers earning over $100,000 annually needs clarifying by way of clear instructions from the Australian Industrial Relations Commission in their determinations; and how appropriate protection might be given to the over 30 per cent of employees governed not by awards or registered workplace agreements but by common law contracts.

The Democrats support the abolition of Work Choices AWAs and we support award modernisation. Academic union and employer witnesses to the inquiry made a case for amendments that would improve the bill and, in some instances, have provided draft wording for the legislative changes suggested. When I saw the majority recommendation that the bill be passed without any other formal recommendation for specific amendments, I recalled the epigram, ‘The more things change, the more they stay the same.’

It beggars belief that, when a range of witnesses make a case for amendments that would improve the bill—including recommendations from such reputable and experienced witnesses as the Australian Industry Group, the Australian Council of Trade Unions, and Professors Buchanan and Stewart—the majority could not find even one change to formally recommend. Admittedly the majority have indicated areas of concern, both technical and substantive, but those do not constitute recommendations. It may not be the case with respect to the members of this committee, but I would make a general point that it is a matter of long regret in our Senate that senators from the government—any government—often seem to feel themselves sufficiently constrained by their party being in government, and a belief that the executives should have passage of their legislation, that they cannot bring themselves to carry through the logic of a Senate review process and that is to formally recommend evidence based changes to a bill.

The failings of Work Choices are generally, and rightly, sheeted home to the former
Prime Minister, John Howard, and his government, but coalition senators who knew how slim the government’s senate majority was had the power of numbers. Just a couple of coalition senators holding out for substantive changes could have altered the course of that bill. Those that heard the evidence and did not act therefore share the blame. If the coalition senators participating in the truncated charade of the Work Choices Senate inquiry had responded to the widespread criticism of so many witnesses and exercised their conscience vote based on the evidence before them, then perhaps Work Choices would never have been quite the failure it became.

An appalling feature of the Work Choices inquiry and debate was that the very essence of academic freedom was threatened at times by McCarthyist attitudes from some coalition senators towards academics critical of that bill. I protested at the time that such attacks were a discredit to the Senate. The memory of those days obviously still rankles. In this inquiry, Professor Buchanan opened with these remarks:

... before talking about the key issues that I want to get to, I just want to note that academic participation in forums such as these has become a bit of an occupational hazard.

I was pleased that in this new parliament this committee saw a return to the normal courtesy to witnesses and the return to better, more considered and considerate Senate committee processes and practices that were sometimes absent during the term of the last parliament.

My party remains concerned at the continuing exemption of millions of employees that fall under federal law from the unfair dismissal—UFD—protections that are available to employees of large organisations with more than 100 employees. I intend to try to amend this bill so that unfair dismissal provisions for all employees be restored to the act; failing that, at least for employees and organisations with more than 15 employees; and, failing that, in the alternative, at least for employees and organisations with more than 20 employees.

The Democrats do accept that complex, loosely-drafted and costly UFD provisions are highly undesirable. Such negativities are regarded as having particular effects on small business. Both small business and their employees do have a need for rapid, low-cost dispute resolution and for minimising vexatious claims. Recognising that need, the Democrats negotiated changes to UFD law that saw the number of federal UFD applications fall by over 60 per cent from 1996, 50 per cent after our successful 1996 negotiations and a further 12 per cent after our successful 2001 negotiations.

The extent of the UFD problems under federal law was wildly exaggerated. I use Western Australia as an example. There were less than 100 UFD applications for WA small business a year under federal law. The vast majority of UFD applications were actually under state law. In 2003, WA’s total UFD applications under federal law were 316, of which small business constituted just 79, while under state law, in 2003, UFD applications totalled 1,314. While there were 6,954 applications nationally for federal UFD in 2003, only 34 per cent, or 2,153, of those were for small business nationally. I am quoting 2003 figures because the government refused to provide any figures after that, I suspect as the figures were showing how minor the problem was.

The Democrats and Labor never accepted the claim that exempting small business from UFD creates tens of thousands of new jobs. On the job creation front, comprehensive research undertaken by senior lecturer Paul Oslington and PhD student Benoit Freyens at
the University of New South Wales School of Business found that ending UFD laws for employers with fewer than 100 employees could create 6,000 jobs, not the 77,000 claimed by the Howard government. UFD is germane to this bill, which intends to introduce greater fairness into the workplace. Curtin University’s Professor Alison Preston was among a number of witnesses who made it clear that a provision for dealing with UFD was an essential element of a fair regime for employees.

I want to turn to individual statutory agreements, ISAs. The Australian Democrats believe a mix of agreement making between employers and employees—collective industry awards, collective enterprise bargains and individual agreements, in all their various forms—provide the necessary flexibility and choice for employment contracts in a modern economy. The overriding proviso is that all agreements must be fair to both employers and employees. A modern liberal democracy should always enshrine fair minimum standards of wages and conditions for workers. A modern workplace relations system must also make a material contribution to Australia’s efficiency, wealth and job creation, productivity and internal and external competitiveness. The Democrats opposed Work Choices AWAs and will be glad to see the back of them.

In her submission, Professor Alison Preston provided a table that indicated that Australian employees are covered by the following broad categories of agreements: federal or state awards, 21 per cent, or 2.1 million persons roughly speaking; collective agreements, registered and unregistered, union and non-union, 44.5 per cent, or 4.7 million persons; individual agreements, statutory and common law, 34½ per cent, or 3.7 million Australians. Of the 3.7 million Australians on individual statutory and common-law agreements, I have seen estimates of ISAs being five to seven per cent of all individual agreements. Whatever, ISAs do not cover more than one in 15 employees at best and, likely, not more than one in 20. Still, at the least, that is more than half a million people on ISAs.

To end the contractual rights of half a million Australians would be a significant step, especially if—and it is sometimes a big ‘if’—the chosen instrument is genuinely a matter of free choice. The assumption is that all Australians on Work Choices AWAs will be happy to see the end of them. That may be so for many, but it is a long jump from there to decide that that means that half a million Australians were also opposed to the very different pre-Work Choices AWAs or that they are all now opposed to ISAs as a distinct class of industrial instrument.

The easy demonisation of the many possible versions of ISAs by the very evident failings of just one version of them—Work Choices AWAs—is indefensible from a policy perspective, despite its political success. Common-law agreements put employees far more at the mercy of employers than do fair ISAs that are fairly and properly regulated. With respect to employment matters, Australian common-law precedents are often rooted historically in English master-servant concepts, often with a bias towards master, which is the very criticism levelled against Work Choices AWAs.

Unions often portray themselves as champions of human rights. They do have a long and proud history of standing against tyranny of one sort or another, and yet campaigning against ISAs as a class of industrial instrument in favour of individual common-law agreements represents a diminution of human rights. My eye was caught by an article on a charter of rights recently. The President of the New South Wales Bar Association said
It is abundantly clear that human rights are not adequately protected under the common law ...

The common law is unwritten law based on custom or court decisions. Statute law is the law laid down in acts of parliament. Statutes provide certainty. So why regulate industrial relations by statute at all? Why not just let the common law apply to the whole industrial relations process, including collective agreements? The answer is that the common law is inadequate. Common law is not precise, as it comprises accumulated and varying judgements and judicial principles established only on a case-by-case basis. Statute is much more precise. Statute is easier for the parties to an agreement to administer and comprehend but, if a dispute gets serious, statute does make a difference when courts have to adjudicate. Precise statute leads to precise judgements; imprecise common law leads to imprecise judgements. Statute also allows contract disputes to be resolved in fast, low-cost, easy access tribunals—as in the case of industrial relations—instead of the slow, costly courts. Furthermore, statute can ensure easy enforcement and penalties for transgressions. In industrial relations, statute provides much greater protection, flexibility and easier usage than the common law. Statute is able to add protections and precision denied by common law. This is why workers compensation laws for protection in case of work injuries are now almost completely regulated by statute law and not by common law.

There are three basic types of individual employment agreement in Australia: individual agreements based solely on statute; individual agreements based on common law but with awards applying to them, which are hybrid statute-common law agreements; and individual agreements based solely on common law. Labor are proposing the hybrid type of individual agreement. They are proposing two classes of individual agreement, arbitrarily divided, on what basis no-one knows: one for those with above $100,000 earnings, where supposedly completely flexible common-law agreements apply but are subject to statute through the yet to be finalised national employment standards; and one for those with below $100,000 earnings, with stronger statutory protections and a reference back to the applicable award. It is important to understand that employees under pure common-law individual agreements are the most exposed to employer prerogative.

The policy lines are clearly drawn. Of the political parties, only the Democrats had believed that properly enforced and regulated ISAs must be underpinned by the applicable award—with awards restricted to allowable matters and not open ended—subject to a global no disadvantage test. After the 2007 federal election, I am discovering that our position seems to be becoming a mainstream position. Intriguingly, this bill, as some witnesses to the inquiry pointed out, does seem to offer a permanent and fairer ISA regime going forward—at least until the substantive bill due later this year is introduced—so perhaps Labor’s position is less antagonistic to ISAs than was previously thought. Time will tell.

There is one basic point to decide on: do you need ISAs to provide protections and choice to employees that the common law does not provide—in which case, Labor would be wrong? Of course, always recognise that the coalition’s model of Work Choices AWAs was a disgusting travesty of that fairness principle. A great weakness of Labor and others is to argue that collective agreements are the alternatives to individual common-law agreements. That assumes that the choice between the group and the individual is always present. That is not so.
Where individual agreements are likely to pertain, or are the preferred choice, the only alternative to the common-law agreement would be an ISA. Otherwise, the only choice left is a Hobson’s one—an individual common-law agreement or nothing: take it or leave it. Labor and the unions must surely understand that, along with certain strong provisions—statutory provisions are fair; fairness provisions are overseen and enforced by an active regulator; ISAs are underpinned by a credible safety net of wages and conditions; and ISAs are subject to a global no disadvantage test referenced back to the applicable award—ISAs will provide much greater certainty and protection than individual common-law agreements.

There remains the question of disputation. If one part of employment contracts is the process of agreement making, the other half is the resolution of disputes. The great insight of the Australian industrial relations system was to find a mechanism for the resolution of disputes. This has been a great contribution to this country’s advancement. How much cheaper, quicker and more satisfactory is having a statutory instrument in dispute referred to an industrial relations tribunal than to the courts—which is not the case with common-law agreements? The Democrats recommend that Labor design an individual statutory employment agreement system as an alternative to individual common-law contracts, because good statute will be better in all cases than the common law.

Senator BOYCE (Queensland) (6.07 pm)—I was a member of the Senate Standing Committee on Education, Employment and Workplace Relations which enquired into this bill. I would like to say I am very pleased to hear Senator Andrew Murray’s comments in regard to the need to keep individual statutory agreements within our workplace relations system. The coalition has made it very clear that we have no problem with the intentions of much of this bill—the intentions of the bill relating to award modernisation and relating to the introduction of an easy-to-administer no disadvantage test. I repeat: the intentions of this bill. I do have very serious concerns, which I know are shared by many of my colleagues in this place, about the bill’s intention to end the use of individual statutory agreements within the Australian workplace relations system.

I have used the term ‘intention’ in relation to what I see as both the positive and the negative aspects of this bill advisedly, because no-one has a clue what the reality of this mishmash of legislation will be. It was very clear from the evidence that was given to the committee that the bill was poorly drafted and that many of the witnesses considered it was very likely to have unintended consequences—consequences which at the moment we can only guess. I suppose the most concerning part of all this is that even the government does not appear to have a clear idea of the consequences of aspects of this legislation. I believe that the passage of this bill will be a sad day for Australia. It will be a sad day for the peaceful and profitable future of our businesses, large and small, and for the workers of Australia.

I note that Deputy Prime Minister Julia Gillard, in her second reading speech, said:

A workplace relations system that works for all Australians should be fair and flexible, simple and productive.

That is possibly one of the few statements that the Deputy Prime Minister and I would agree on. In fact, all employers and their staff—particularly the ones who have been leaving the unions in droves over the past few years—all over Australia would agree that a workplace relations system that works for all Australians should be fair and flexible, simple and productive. Australian businesses want to retain flexibility and they want that
flexibility offered by individual statutory agreements, subject to a safety net, just as much as by award modernisation and by the provision of a simpler way of going about collective agreements. The only problem, of course, with this particular bill is that it has absolutely nothing to do with flexibility; it has very much to do with the Labor Party paying its dues to the unions. The bill is actually called ‘forward with fairness’. I would suggest that it should be more accurately titled ‘forward to the unknown’, or even ‘when first we practise to deceive’ would do the job.

As I said, employers and employees do want flexibility in Australia’s IR system and they are very dismayed by the inflexible confusion of the system that the government is intending to bring in. They are very dismayed by the inflexible confusion of this legislation as it has been presented to the parliament. I am not sure that senior union executives would appreciate true flexibility within our workplace relations system, but that is probably where we get to the real reasons for the haste, the extraordinary flaws and the pig-headedness of this legislation. This bill is about what the Labor Party perceives to be good politics; it has nothing at all to do with good policy.

Let’s have a look at this brave new world in relation to award modernisation. The only problem is that no-one appears to believe that the Australian Industrial Relations Commission has a hope in hell of getting the process done within the time frame set by the government. Witnesses to the Senate Standing Committee on Education, Employment and Workplace Relations inquiry repeatedly expressed their scepticism about meeting the 2009 timetable. Even the government’s own Department of Education, Employment and Workplace Relations could only manage to assert that they believe the timetable for the award modernisation process was ‘not impossible’. I think we all know what a bureaucrat means when he says his minister’s time frame is ‘not impossible’.

Like the bill itself, the minister’s timetable is not about good policy; it is about politics and meeting time frames set by others, particularly union demands that were brought to the fore during the last election campaign. This bill and its raison d’etre get murkier and murkier. Deputy Prime Minister Gillard would have you believe that this bill kills AWAs—a very irresponsible and empty-headed aim in itself, in my view. Individual statutory agreements, as Senator Andrew Murray said, have a much needed position within our workplace relations system. Despite the Deputy Prime Minister’s ambition to kill AWAs, she appears to have not even got that quite right. Evidence from the Senate committee inquiry suggests that AWAs that are currently in place, and probably ITEAs, may just have the ability to go on and on and on, as long as the parties want them to.

Once again, this legislation has done nothing to assist the people who are trying to run businesses in this country; it has only set out to confuse them. The people who should be the real masters of the Deputy Prime Minister of Australia, Julia Gillard—the businesses and the workers of Australia—are confused by this aspect of the legislation. They are not assisted. The confusion will push some employers and others towards quickly going into collective agreements, and that, of course, means that the Deputy Prime Minister can then satisfy her real masters, the dogma-driven unions of Australia.

We heard within the Senate inquiry evidence that collective agreements will not work in many sectors and even that many mum-and-dad businesses will rethink employing extra staff. It was pointed out by the
Electrical and Communications Association of Queensland that:

It is the small mum and dad companies—which have been the engine room of the economic drive in the last 10 years—that are employing these people, that are now starting to reconsider: ‘Do I really want to go through the hurdles of possibly having to deal with the union to negotiate an agreement?’ Not all of them will want to, not all of them will need to. But that is now the possibility that they are looking at, and they are the ones who will start saying, ‘I do need another person, but I don’t need them that desperately,’ or, ‘I might take them on as a subcontractor and just pay them 50 bucks an hour and that’s that.’ No other conditions, no protection, and that is the end of it. I do not believe that that is where we want our industry to go either.

These are people who are trying to earn a living and employ staff in Australia right now. They are frightened by, confused by and feeling coerced by this particular attempt at legislation.

Senators at the inquiry were also told that the rigidity of Labor’s proposed system could destroy many council community services in regional Australia, and Senator John Watson referred to this earlier. Amongst the programs that were spoken about were local pools, programs for disadvantaged children and dog- and stock-catching services, just as examples. One person who gave evidence to the inquiry said:

If I might just give one example: in one of our regional centres, the only swimming pool in the town was leased out to a person prior to the HIH collapse. That person ran the swimming pool, they ran the shop and they ran swimming classes, and their income came from that. They leased it out for a minimal cost to the council and council was happy because there was a service being provided. The bottom line is that the cost of public liability became too expensive for that particular lessor to continue with the arrangement, so they are going to close the pool. The cost of council taking it on and having to pay that person for the normal hours that they would work to run the swimming program, which were generally outside of what we would call normal working hours—because the nature of a swimming pool is that it is mainly for children and it is used after school and before school and on Saturdays and Sundays—was triple costs for overtime, working on weekends. There is the cost of that under the ordinary award, plus then you bring in the plethora of allowances for running shops and for expert swimming tutors et cetera et cetera, and it would just become too expensive for the council to continue to run it. We arranged an AWA in that case, and that allowed the person to continue to work as an employee. The council took on the cost of the public liability. The person’s wages were supplemented. They had part of their income under the AWA from the gate takings and from running lessons, so it continued the old lease arrangement but allowed the council to take on the public liability. In that particular instance, that pool probably would have closed or, at best, it would have cost the council an enormous amount of extra dollars which would have had to be taken off some other services that council would have provided.

This was, in the view of the coalition senators, an example of just the sort of flexibility that should be in the system and that must be in the system if it is going to do anything towards the intention of creating a modern industrial relations system. We can argue however we like about where you might fit that sort of thing otherwise, but why are we trying to create a new system of complexity and inflexibility when we have—with some adjustments and some changes—the sort of flexibility that suits the modern Australian industrial relations scene?

The coalition, in the House of Representatives, has asked the minister to look at recasting this bill in its entirety because of the many flaws, and many of these are covered in the dissenting report which, I understand, has been tabled just now in the Senate. I must admit that I am, personally, bitterly disappointed that the bill will destroy the ability for employers and employees to nego-
tiate an individual statutory agreement subject to a no disadvantage test. I am bitterly disappointed by this because of the effect that I know it will have in certain segments of Australian business and industry. Australian businesses themselves are, of course, at bottom a realistic and pragmatic lot, and they will keep on keeping on. They will work with whatever the system is that the government gives them. They would, however, very much appreciate understanding what the intentions of the system that they are about to get are. Master Builders Australia Inc, for instance, commented in its submission:

ITEAs will not be a component of the new industrial relations system that will come into effect in January 2010. Master Builders advocates that the underlying safety net is the important consideration when assessing whether or not an industrial instrument is fair. There is nothing per se unfair in the use of individual statutory agreements and, for this reason, the Master Builders’ policy position is that employees and employers from January 2010 should continue to be permitted—to use them on a case-by-case basis. The Electrical and Communications Association submission said that the new system will not ‘allow contractors to adequately or appropriately reward employees for individual productivity gains’.

The Labor government seem to take the view—which is somewhat naive in my view—that telling us that they intend to have the capacity for flexibility within modern awards will somehow do the trick and will create flexibility. That certainly was not the view of a number of the witnesses at the Senate inquiry. We heard evidence that in fact people were concerned that there is already allegedly the provision for flexibility within awards but it is not used. To think that by using the term ‘flexibility’ in an award you are creating something that might have even the slightest chance of replacing the flexibility available with an individual statutory agreement subject to a fairness or no-disadvantage test is naive in the extreme.

I am very concerned about what will happen to smaller businesses. My background and experience lies in manufacturing. I understand trades and how they operate and work. There is an assumption underpinning this bill that all employers are out to harm all employees. Within Australia there are millions of family businesses, large and small, where this would be anything but the truth—where people work together productively for what they perceive to be their joint benefit. There were examples given during the inquiry about this sort of thing. Employees would want to make arrangements outside of the award and the concern of some employer organisations was that employers who agreed to this were putting themselves in technical breach of an award if there was no other way of coming to an agreement with their employee. I note the comment from the witness from the Master Plumbers Association of Queensland who said:

One of the biggest concerns I had had as an individual trying to assist small plumbing contractors was that quite often they would have an arrangement with their employees or their workers which suited both parties but they did not formalise it by way of some form of registered agreement and, in not doing so, they had a technical breach of the award. We saw the ability for them to register those agreements as being a way of providing some guarantee to the employee as to what the arrangements were, and some protection to the employer should there be a technical breach of the award identified.

It was unutterably sad to me to listen to people suggest that because a small number of people use individual statutory agreements—the best guess seems to be that it is between five and 10 per cent—we should just throw the whole lot out: we should throw that flexibility completely out of the system. I do not think we are acknowledging in any meaningful way the ability for Australia’s
family businesses and many other small businesses to relate to their employees and what their employees want. We are destroying a level of trust that has grown in some areas because of the ability to do this. I acknowledge that I have no personal experience of the hospitality and retail industries. It would appear that, yes, there certainly were some serious issues with that, but the basic point is that most Australian employers want to have employees who want to come to work and who are there because they share the goal of creating a better, bigger, more profitable, more interesting or more innovative business. There is very little point in having employees who are simply there because there will be a penalty for not being there. That is not the way to go forward as a productive nation; it was something that, certainly in some sectors of industry, the individual statutory agreements were helping to overcome so that people were actually working together with both parties having the opportunity to say, 'This is what would help me to do my job better.'

Labor seems to be very concerned about flexibility or the lack of flexibility, but I think this is perhaps more designed to assist the Deputy Prime Minister to tell the unions that she has gotten rid of flexibility so that they will be pleased. The Deputy Prime Minister earlier today said that she thought she was dancing on the grave of AWAs. She might well be, but she is also dancing on the graves of many Australian small businesses and she is dancing on the graves of council services in the bush. Ultimately I believe she is potentially dancing on the grave of the Australian economy.

Senator FISHER (South Australia) (6.27 pm)—I rise as a member of the Senate committee inquiring into the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008, and in that context I rise, with misgivings like my Senate colleague Senator Boyce, to speak about the bill—a bill which is flawed in its policy intent; a bill which is flawed in its drafting; a bill which does not even do what the government has promised it will do. I come to the failed government promises. Does the bill keep the government’s promise to deliver simplicity? No. Does the bill—

Government senators interjecting—

Senator FISHER—My Senate colleagues can laugh, but I do not find this bit amusing.

Senator George Campbell—Explain yourself.

Senator FISHER—I will explain myself. Does the bill keep Labor’s promise to deliver certainty?

Senator Sherry—Yes.

Senator FISHER—No, Senator Sherry. Does the bill keep Labor’s promise to remove the place for individual statutory agreements in Labor’s new system—a foolhardy promise, but nonetheless one that was made? No. Parties can choose for existing Australian workplace agreements and new individual transitional employment arrangements to continue to apply indefinitely beyond their nominal term with no end date. Does the bill leave every Australian worker better off? No; expert witness evidence is to the contrary. The operation of the new no disadvantage test for certified agreements means an individual employee can effectively have their take-home pay reduced, says Professor Andrew Stewart from Adelaide University—and the bill’s award modernisation process cannot be undertaken with nobody being worse off, says Professor Andrew Stewart from Adelaide University.

Does the bill keep Labor’s promise to exempt employees earning more than $100,000 a year from awards by January 2010? No, confirms Professor Andrew Stewart from Adelaide University. So what has the recent
and very quick Senate committee inquiry into this bill heard?

**Sitting suspended from 6.30 pm to 7.30 pm**

**Senator FISHER**—What has the recent Senate committee inquiry heard about this bill, which is flawed in its policy intent, flawed in its drafting and fails to do what the government promised it would do? Does the bill keep Labor’s promise to deliver simplicity and deliver certainty? Professor Andrew Stewart from Adelaide University says no. As an academic expert, Professor Stewart told the committee in his submission:
The Transition Bill was plainly drafted in a hurry ... many of the new provisions remain unduly complicated and difficult to understand, even for experts.

Does the bill keep Labor’s albeit foolhardy promise to remove the place for individual statutory agreements in Labor’s new system? No. Workplace parties can continue to use existing individual statutory agreements after their nominal term, with no end date. The Department of Education, Employment and Workplace Relations told the committee that Australian workplace agreements and individual transitional employment agreements in this situation could continue to apply in workplaces, subject to the parties exercising their legal rights to terminate them—in other words, if the parties chose to allow them to continue, then they could do so—and in this scenario they could continue to apply well beyond 2012. The bill does not provide an end date for this continued application of individual statutory agreements, so confirmed the department.

The fact that parties may not be able to amend or vary these individual transitional employment agreements or Australian workplace agreements operating beyond their nominal term does not prevent the parties from choosing to continue to apply these agreements in workplaces on an ongoing and indefinite basis. Does the new no-disadvantage test for certified agreements leave all employees better off? No. Professor Andrew Stewart confirmed that the operation of the new no-disadvantage test for certified agreements, worded as it currently is in the bill, means that an individual employee can effectively have their take-home pay reduced.

Does award modernisation under the bill mean that every employee will be better off? No. I am disappointed that Senator George Campbell is not here to confirm his recent realisation of that fact. Indeed, during the Senate committee inquiry, Senator George Campbell realised that the award modernisation process means that some employees who currently have a safety net could, under Labor’s new system, end up without one. Professor Andrew Stewart, again, says in his submission:
... it is highly unlikely that such a balancing exercise as the bill’s award modernisation could ever be undertaken with such precision that nobody was worse off. Any process of standardisation must inevitably result in some levelling up or down of entitlements.

Perhaps this explains some of the reasoning behind why Senator Gavin Marshall was concerned that the government’s department was apparently not answering my questioning on the consistent application of dual award modernisation objectives of not increasing costs for employers and of not disadvantaging employees.

**Senator Kemp**—I am very disappointed by Senator Marshall.

**Senator FISHER**—Very good, Senator Kemp. Senator Marshall has realised that these two goals are somewhat contradictory and, in his words, ‘an impossible task’. Does the bill keep Labor’s promise to exempt employees earning more than $100,000 from
award coverage? No. Yet Labor promised in its policy implementation plan:

In Labor’s new industrial system, employees earning above $100,000 will be free to agree their own pay and conditions without reference to awards.

It goes on to say:

Labor in Government will legislate to confine the application of Labor’s new award system to employees who earn less than $100,000 per year when the new award system commences on 1 January 2010.

Professor Andrew Stewart confirmed his view that there is nothing in this bill that achieves this objective. How can and when will the government realise its promise to exempt these workers from awards by January 2010?

How and why has all this come about? How and why do we have a bill that is flawed in its policy intent? How and why do we have a bill that is flawed in its drafting and sees the government failing to keep some of its promises? We have a bill for which there has been no economic modelling done. None of the witnesses that appeared before the Senate committee had conducted economic modelling of the impact of the bill and, more particularly, the government’s department has not performed economic modelling of the impact of the bill. The government has not confessed to having done any economic modelling of the impact of the bill.

Back to the department: its submission as to each term of reference is curiously thin, focusing more on the government’s assessment of the past than on the impact of the bill on the future. Where is the robust and empirical assessment of the future under the bill? The tone of the submission suggests that the impacts of the bill will be minor and will not risk major economic indicators, yet economic modelling showing significant positive effects of the bill are conspicuous in their absence. This has not stopped the Deputy Prime Minister from sallying forth in her second reading speech on the bill to promise that it will not jeopardise employment.

But let us look at the Rudd government on economic management. The Prime Minister rushed to implement a pay freeze for members of parliament. ‘There are no modellings of the savings to be realised from that pay freeze,’ the Senate estimates committee was told. Government comments were effectively that we members of parliament should lead by example, as should, they say—particularly the Deputy Prime Minister—CEOs in the private sector and senior management. The ACTU says that corporate high flyers should lead by example as well. So what of senior management in trade union ranks—what of high flyers in trade union ranks? When that question was put to Sharan Burrow under Senate committee questioning, she admitted that, when it comes to wage restraint, she and her colleagues in the upper echelons of the union movement have not even been asked to play their part. What sort of example is that? So, colleagues, there is no economic modelling and no direction to unions for appropriate high flyers in the union movement to join in wage restraint. Where has the Rudd government’s leadership gone? Faced with a choice between showing leadership on inflation or taking on the unions, the Rudd government has backed down in the face of union pressure and shown no leadership at all. It is not a good start.

But let us go back to the time frame of the Senate inquiry into this bill and the impact on the inquiry itself and on witnesses. The inquiry time frame was so short that at least one organisation—the Shop, Distributive and Allied Employees Association—simply chose to reuse much of the submission they provided to the original Work Choices in-
quiry back in 2005. Let us look at some of the things that happened here with the SDA submission. For example, in 2005, they said, ‘There will be no requirement to compensate the employee for any benefits that are missing.’ In 2008 that became, ‘There was no requirement to compensate the employee for any benefits which were missing.’ In 2005 they said, ‘They are in fact the result of 100 years of continuous painstaking work by trade unions, usually in negotiations with employees seeking decent entitlements for work in a variety of industries.’ In 2008 that became, ‘They were in fact the result of 100 years of continuous painstaking work by trade unions, usually in negotiations with employers in seeking decent entitlements for work in a variety of issues’—indeed in identical terms, it would appear.

The same employees used as examples of why AWAs should not be extended in 2005 had their cases reported again to support the complete removal of AWAs in 2008. Couldn’t the SDA find anyone else in the intervening years? Such was the cut and paste job that the authors forgot to cut from their submission about the bill some of the paragraphs that they had in their submission about Work Choices in 2005. Nonetheless, they bravely corrected the record when they gave evidence in Melbourne, asking for a number of paragraphs to be deleted. They blamed time constraints for the mistake but, ironically, all references to short time frames that appeared in their submission to the 2005 inquiry seemed to go missing from mark 2 in 2008.

Maybe this apparent oversight raises some undercurrents. How could a submission about a government bill which parades as anti Work Choices be on foot for at least a while criticising the government’s bill as if it were Work Choices? How does this come about? There are undercurrents, perhaps, that the union movement sees this bill as too much like Work Choices and is struggling to toe the government line—undercurrents, perhaps, that the union movement will be on the hunt for payback in the next government round with the substantive bill. On the other hand, how many other submissions were in part cut and paste jobs from previous inquiries due to the significant time constraints given for the committee to inquire into this bill? If organisations did not have enough time to properly look at the bill and its implications, then how could the Senate?

I have mentioned Professor Andrew Stew- art from Adelaide university a couple of times tonight. Today the Deputy Prime Min- ister indicated bemusement with coalition references to Professor Stewart. She sug- gested that, if the Deputy Leader of the Oppo- position were to ring him about the bill and ask, ‘What did you think of Work Choices and do you think this is better?’ he would say, ‘This is better for Australian working people because’—said the Deputy Prime Min- ister—’it so clearly is.’ If that be the case, then why won’t the Deputy Prime Min- ister guarantee that no individual Australian worker will be worse off under the bill? Why doesn’t the Deputy Prime Minister pick up the phone herself? Why doesn’t she pick up the phone to Professor Andrew Stewart and ask him? Why doesn’t she ask him whether the bill delivers a simpler, more certain sys- tem? Because she knows he will say that it does not. Why doesn’t she pick up the phone and ask him whether the bill delivers a sys- tem which means that individual workers will not have their individual pay packets reduced? Because he will say that the bill means they can. Why doesn’t she pick up the phone and ask Professor Stewart whether the bill means that award modernisation will leave every Australian worker better off? She will not pick up the phone and she will not ask the question, because she knows he will say the bill means it will not and cannot.
In terms of these transitional shortcomings, it is interesting to note that in the majority report the best that government senators can recommend is that problematic issues with this bill be dealt with in the substantive bill, which is to come later and is yet to be developed. Of what point is a transitional bill? Is not a transitional bill supposed to transition you to something else? What is the point of having it if you are not going to make it do the transition to that to which it is intended to transition? Why leave it all for the next step—that is, the substantive bill? Because the government wants to bury its union payback in round 2—that is why. And, the more it can heap into that bill whilst playing the charade of getting rid of individual statutory agreements, the more chance it stands of hiding its union payback next time around.

In the context of a bill which otherwise progressively limits and then ends the rights of parties to make new individual statutory agreements, the ongoing availability to parties who so wish that a mechanism to continue to apply to a stream of individual statutory agreements, subject to a safety net, is critically important. To that end, that is an important measure in the bill and an important measure, in respect of which the government must keep its election promise.

Senator KEMP (Victoria) (7.46 pm)—As my colleague Senator Fisher has said, the coalition will not be seeking to oppose the passage of the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008. I commend my colleague on her speech and the remarks that she made. The coalition’s policy on this matter has been well stated on several occasions by the shadow minister for employment, Julie Bishop. Of course we have concerns with this bill, and so do many business groups, but the coalition recognises the political realities we now find ourselves in.

I congratulate the coalition senators on their report, which was tabled today, from the hearings conducted by the Senate Standing Committee on Education, Employment and Workplace Relations on this bill, chaired by Senator Gavin Marshall. As my colleague mentioned, Senator Marshall got himself into some serious trouble with his colleagues through one of his remarks. When he speaks, undoubtedly we will have the greatest backflip since Federation. We understand that, Senator Marshall, and that is the way the Labor Party operates—as I will say a bit later on in my remarks about the pipers and tunes.

My colleagues, in their report, describe this bill as fundamentally flawed, unduly complicated and, in many areas, difficult to understand. In my view they are absolutely right. The concerns of employers are extensively summarised in the coalition senators’ report. Many Australian business groups argued there were significant problems with this bill. For those who are worried about the challenges facing the Australian economy, this bill does not make happy reading. Let us not mince words. This bill is the first instalment of the Rudd government’s dividend to the unions for their unprecedented $30 million investment in the ALP’s election campaign. Let us not pretend, despite the title, that this bill has much to do with fairness or sound management of the economy; it has everything to do with the Labor Party dancing to the union tune. For all its claims of consultation and working with business, when the choice comes between business interests and union interests, there is no surprise who wins when the umpire is a Labor government. The outcome is always certain. The unions pay the piper and, therefore, they call the tune.

In a period where the Rudd government ministers speak incessantly about the threats of inflation to the Australian economy, is it not a little surprising that the first major bill
they present to the parliament will undoubt-
edly increase inflation? Some Labor senators
seem to constantly refer to the so-called
‘dark days’ of the Howard-Costello govern-
ment. These were not dark days; they were a
golden age—not only compared with the
Hawke-Keating government but compared
with governments in the post-war period.

Let me have a look at a couple of statist-
sics. There was unprecedented growth in the
economy during the Howard years and, by
every measure, as I said, it was a golden age
for Australian workers, Australian families
and Australian businesses. Real wages—this
is a very important statistic—increased by a
remarkable 21.5 per cent over the 11 years of
the Howard government. Contrast this real
21.5 per cent increase in real wages with a
negative growth in real wages of 1.8 per
cent, which occurred under the Hawke-
Keating years. Under the Howard govern-
ment, industrial disputes fell to their lowest
level for a century. Unemployment is cur-
rently the lowest for 33 years. Inflation, in-
terest rates, government debt—all of these
figures illustrate why the years from 1996 to
2007 can be considered to be a golden age.
Of course, this is quite contrary to the mes-
sage which is now being marketed by Mr
Rudd and his ministers.

One of the most flawed areas in the bill—
and this was extensively covered by my col-
league Senator Fisher—is the model award
modernisation request that has come under
attack from a number of areas, including
from Professor Andrew Stewart at the Uni-
versity of Adelaide. On the one hand the
ALP say they want to oversee the eventual
demise of individual statutory agreements
and yet, on the other hand, they are not pre-
pared to ensure the modernisation of Austra-
lia’s some 4,200 awards takes place prior to
pushing their legislation through the Senate.
This will leave many businesses in an unsat-
sfactory workplace relations abyss of confu-
sion and old-fashioned practices. The prob-
lem—and I will not go over this in detail
because it was so well covered by Senator
Fisher—that Professor Stewart identified is
that the model award modernisation request,
which was included in the explanatory
memorandum to the bill, contains statements
to the effect that the government instruct the
industrial relations commission to neither
disadvantaged any workers nor increase the
cost to any business. Of course, Professor
Stewart has said that, while it may be possi-
bile to modernise awards while minimising
the damage done to employees and employ-
es, it is not possible to standardise instru-
ments without someone being worse off than
under the previous system. Professor Stewart
has described the ALP’s bill as trying to
‘make an omelette without breaking any
eggs’.

It is ludicrous for the ALP to think that the
removal of adequate statutory agreements
within the existing time frame is achievable.
It is impossible for Labor to implement its
new laws without workers or employers be-
ing worse off—someone simply has to lose.
It will certainly be the employers who will
meet the additional costs and we all know
what that means. Higher costs mean less de-
mand for labour, which, in the end, means
higher unemployment. And not only will the
Rudd government boost inflation; it will
boost unemployment as well. Growth will
fall, unemployment will rise: are we heading
back to a period of stagflation?

As I said, this is the first instalment de-
manded by the unions. Not too far down the
road the unions will demand further divi-
dends from this government. The Australian
Building and Construction Commission will
be abolished in 2010 under Labor’s policy,
which, of course, is opposed by businesses in
the sector. The ABCC has been extraordina-
riously successful at ending the endemic corru-
pation and lawlessness which has plagued the
construction industry and brought about, in this sector, a new era of industrial peace. How long will it be before Anthony Albanese’s infrastructure plans effectively dump the building codes which have further underpinned the building industry’s success?

Then we come to the fact that there will be a rollback of unfair dismissal laws, which will have a huge effect on small business. How long before the right of entry laws, which I note Labor promises to maintain, will be overridden by the manipulations of occupational health and safety laws, as state Labor governments have done in Tasmania and Queensland? The alleged modernisation and simplification of awards will only further burden business by ratcheting up rates of pay and inspiring further wage blow-outs. Who, for a moment, can take Labor’s promises to modernise and simplify the awards when the so-called 10 award matters are really closer to 30—or so I am advised? How does this amount to modernisation and simplification? How is the award modernisation process meant to simplify and remove red tape from business when all it will achieve is to expand coverage and provide greater prescription on how businesses should run themselves? How long will it be before the union wish list is implemented? And what is this union wish list? Compulsory union dues, paid time off to perform union work, compulsory union training, compulsory bargaining fees for non-union members, restrictions on the use of contractors or labour hire arrangements and the threat of an influx of non-working union delegates to the workplace. We are already hearing stories of the MUA seeking the pay rates of engineers working on the North West Shelf for those who are labouring in the dredging ships of Port Phillip Bay. This is what we were told simply would not happen, but I am advised this is one of the current demands of the MUA. The truth is that the rollback of industrial reform will continue until employer groups say, ‘Thus far and no further.’

During the election campaign there were a number of employer groups that recognised the immense danger that Labor presented. Credit should go to the Australian Chamber of Commerce and Industry, the Business Council of Australia and the Australian Mines and Metals Association and a number of other groups. However, there were other business groups that thought, to be quite frank, this was a fight they could avoid. They were, in a sense, apolitical. Of course the leader of this particular group was the Australian Industry Group. During the election the union movement was firing on all guns, but the firepower of the employer groups was diminished by disunity and, in some cases, absenteeism. There is, I believe, a need for some heavy thinking amongst employer groups about the onward march of Rudd Labor and their union mates. Already the unions are collecting dues for the next campaign. Why would they be doing this? Why would the unions be collecting, having achieved what we were told were their goals? Why would they be collecting dues for the next campaign? The fact of the matter is we have a situation now where union power is triumphant. It is my view that it is time the employer groups started to recognise this. They can demonstrate their seriousness by establishing, for example, a fighting fund. This was done by the National Farmers Federation in the 1980s to deal with union excesses. There are some business groups that are settling for scraps from the ALP’s government table. If business groups are serious about halting the rollback of Labor’s actions then it is time for them to get real on what is to be done to stop the union paymasters from calling the shots.

Let us go back to the election. There has never before been an example, I believe, where more money has been spent by an in-
terest group, namely trade unions, on an election than either of the two major political parties. The unions’ $30 million-plus certainly outweighed the amount spent by the Liberal and National parties and outweighed the amount spent by the Labor Party. The business community contributed, I understand, a relatively paltry $8 million to fight this campaign. As I said, some business groups, and I have instanced publicly the AiG, seem to be more interested in negotiating the terms of surrender than fighting the battle to ensure that major labour market reform was not rolled back. Time will tell if business groups are serious about labour market reform. If they wait too long, it will take a generation to restore the gains that had been made under the Howard government.

Australian businesses now face nine Labor governments—one for every state, one for every territory and of course the national government—and each and every one of them is beholden to their union mates through the massive amounts of money they provide. How interesting it was to read information in the newspapers on the TWU and the union slush fund and the extortion from business. Mr Joe Ludwig recently was explaining to the Senate how they can conduct a political investigation of a former Liberal minister, but how loath they are to call for an investigation into this TWU slush fund. I just wonder, if the next election turns out the way I hope, whether some minister will follow the Senator Ludwig precedent and have an investigation into the actions of a former minister. It was a very unwise step, Senator, and the Labor Party and some ministers should be careful, in my view.

The former Prime Minister, John Howard, said before last year’s election that if Rudd Labor won the election the concept of lasting industrial relations reform in this country will be gone forever. To be quite frank, I hope that Mr Howard is wrong. But unfortu-
nately too few business organisations have come to realise this. They still think that the ALP legislation is balanced and workable. It is not balanced and it is not workable. It is regressive in its effect, I believe, on the Australian economy and ultimately on the living standards of Australian employees. As I said, this is the first major instalment that has been paid back to the unions for the unprecedented amount of money which they spent on the last campaign to elect a Labor government. We can complain about developers and the Wollongong council, we can complain about their money that was being spent to have an influence on local governments and maybe even a state government. That is bad and disgraceful. But it is nothing compared with the amount of money that the unions have paid to win an election and to get a seat at the table of government. We on this side will be monitoring what happens very carefully.

Senator WEBBER (Western Australia) (8.04 pm)—I seek leave to incorporate Senator Kirk’s speech.

Leave granted.

Senator KIRK (South Australia) (8.04 pm)—The incorporated speech read as follows—

WORKPLACE RELATIONS AMENDMENT (TRANSITION TO FORWARD WITH FAIRNESS) BILL 2008

Introduction
I rise today to speak on the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 ... the death-knell of the former Government’s Work Choices legislation.

For too long now, Australian working families have suffered under Work Choices. Stripped of protections for penalty rates, overtime, shift allowance and redundancy entitlements, just to name a few of the benefits taken away by Work Choices, the Australian public have made their
choice abundantly clear. In electing a Labor government, they have chosen a government to deliver on its promise to end the assault of Work Choices on working Families.

So, for whom, or should I say, for what, does this bell toll? It tolls loudly for the former Howard Government, that’s a given. It tolls for the end of AWAs, the so called fairness test (which was in fact never fair), the Work Choices fact sheet, the abuse of taxpayer funded advertising campaigns about workplace relations as well as the complicated and dated awards system and, most importantly, for the end of the deep and inherent imbalance in current workplace negotiations.

If ever a new government had a mandate for change, this was it—this government will abolish the damaging legacy of Work Choices and overhaul Australia’s industrial relations system for good.

Today the Rudd Labor Government delivers. Today, we go forward with fairness and flexibility in the workplace and say to the working families of Australia—we are listening to you.

Work Choices and the Opposition

Work Choices was a slippery, sneaky shift in workplace relations by the Howard Government to individualise employment and to stifle third party interventions from trade unions or industrial tribunals—the kinds of organisations that help keep the workplace fair.

The size and complexity of the Work Choices legislation was enormous. In fact, it totalled 762 pages and was recently described by Philip Adams in the Australian as “the longest suicide note in Australian history”.

There is no question that Work Choices also sucked money out of the public purse. It was “sold” to the Australian public under the guise of ensuring “freedom, choice and flexibility” in the workplace by using an outrageous multimillion dollar taxpayer funded advertising campaign.

The Howard government’s politically palatable proposal was a farce; it was presented as a scheme that was all about employers and employees sitting down to reach an agreement that suited both their needs where in actual practice it was quite different and manifestly unfair, placing employees in a “take it or leave it” situation with the pay and conditions of the jobs they applied for.

The Coalition has an appalling record when it comes to industrial relations. Its Work Choices reforms were a sneaky shift towards a national system of workplace relations which would ensure that the majority of employers would be exclusively subject to federal rather than state regulation. In Opposition, the Coalition has allowed the hardship on working families to continue with their indecision and dilly-dallying over whether or not they would support this legislation.

Labor’s Promise

Labor promised at the last election to provide a fairer and more flexible industrial relations system. We have consulted with those who will be affected by and have a role in the new workplace relations system and now, with this legislation, we deliver.

Fairer because ...

The first step this legislation takes towards making a fairer system for Australian workers is to abolish AWAs. Under the transitional legislation no new AWAs will be made and existing AWAs will be put out to pasture. No longer will individual agreements that undermine award conditions haunt Australian workers. This government supports working families and this government wants to ensure that employees are caught by the safety net. Therefore, Australian Workplace Agreements will not be a part of Australia’s industrial relations system’s future.

For too long, AWAs have tipped the balance of workplace relations in the wrong direction. We have heard time and time again how working families have been hurt by having to accept employment conditions below the award standard. There was evidence of this in the May 2006 Senate estimates which revealed alarming statistics about workers employed under AWAs:

- 100% of AWAs cut at least one protected award
- 64% cut annual leave loading
- 63% cut penalty rates
- 52% cut shift work loadings, and
- 51% cut overtime loadings.
The transitional period will feature the use of Individual Transitional Employment Agreements (ITEAs). These will cater for those already employed under an AWA as at December 2007 who may switch to an ITEA and to new employees or existing employees whose terms and conditions are governed by an AWA.

In creating these transitional, individualised agreements this government will ensure that no one is disadvantaged, as against those on a certified agreement or applicable award, and so therefore introduces the no-disadvantage test.

The Howard government’s so called fairness test failed to ensure fairness in the workplace despite its politically palatable name. It failed to actually protect award conditions at all and it also failed to ensure that employees received full compensation for the loss of the limited number of so-called “protected award conditions”. Therefore, it will no longer apply to new individualised or certified agreements and it will be replaced by the no-disadvantage test. The Rudd government supports a safety net for Australian workers and that is what the no-disadvantage test will provide.

The threshold test for the no-disadvantage test requires the industrial instrument, for example an ITEA, to not disadvantage an employee as against an applicable collective agreement or applicable award or standard. This is another of this government’s initiatives to ensure fairness in the workplace.

Collective agreements will continue to operate in the industrial relations system in accordance with the current rules, apart from the fact they will now be subject to the no-disadvantage test against the full applicable award. Further, they may no longer be terminated unilaterally following the expiry date unless there is an application before the Australian Industrial Relations Commission which satisfies the Commission that the termination is not contrary to the public interest.

This government recognises that business and industry will need time to adjust to the changes in employment arrangements and has therefore legislated for the transitional period by introducing these individual agreements. The industrial relations system is scheduled to be in full force by January 2010 and as such ITEAs have a nominal expiry date of 31 December 2009.

The government also recognises that such major workplace reform will impact on the economy. By legislating for a transitional period, rather than introducing a “big bang” change, the government has acted cautiously and responsibly. The transitional phase will soften the economic effects of the industrial reforms.

The transitional legislation will also modernise and simplify the award system, a further measure to ensure a fairer industrial relations system. Penalty rates and overtime will be fiercely guarded under the modernised award system.

There are currently 4,300 awards in operation in Australia. Pursuant to this legislation, upon request of the Minister, the President of the Australian Industrial Relations Commission will have the power to create awards which will:

- Protect 10 important entitlements including penalty rates and overtime.
- Provide industry specific detail on the 10 National Employment Standards.
- Ensure a faire safety net for Australian employees.
- Ensure minimum award entitlements are relevant to the Australian economy and workplace.
- Not be overly prescriptive, and
- Allow for flexible work arrangements for employers and employees who rely on awards as well as provide for an appropriate benchmark for making collective agreements.

I wish to make special mention of the National Employment Standards which will be introduced in accordance with this legislation. The NES will replace the current Australian Fair Pay and Conditions Standard when the new workplace relations system becomes fully operational in 2010. The standards will include minimum entitlements to guarantee basic working conditions, including hours of work, flexible working arrangements, parental leave, annual leave, personal, carers and compassionate leave, as well as long service leave, public holidays and information in the workplace regarding notice of termination, redundancy.
This legislation will now prevent the Australian Fair Pay Commission from conducting wage reviews other than to increase minimum wages which are paid under collective agreements or ITEAs during the transition period. The reason the Australian Fair Pay Commission will perform only this annual review of minimum wages is because any other decisions regarding pay scales and minimum wages has the potential to interfere with the AIRC’s award modernisation process. The AFPC will continue to set the minimum wage until Fair Work Australia is established, when it will then be incorporated into the umbrella body. This legislation also stands to protect the right of Australians to join together and bargain for fair pay and conditions.

**Flexible because ...**

Labor has also promised greater flexibility in the workplace; as such, there will be more flexible common law agreements for people earning over $100,000 per annum. This is because the award system will not apply to employees who have salaries which exceed this amount.

There will also be greater flexibility in the award system through a model flexibility clause—but with a strong safety net to ensure award conditions are not stripped away.

There will also be greater flexibility in enterprise agreements.

These are the measures that this government will put in place through this legislation to ensure flexibility in the workplace.

**How the Transition will work**

The full implementation of Australia’s new industrial system is on track to occur by 2010. In the meantime, the measures I have outlined today will be put in place to ensure a sensible and responsible transition.

Consultation with business, employer groups, the union movement and wider community has been an important aspect of ensuring that we get the transition right.

The Deputy Prime Minister and Minister for Workplace Relations, Julia Gillard, has convened two meetings of the National Workplace Relations Consultative Council, a body which encompasses peak employee and employer organisations from a range of industries. There has also been consultation with State and Territory workplace relations ministers.

This legislation was NEVER about ramming reform through the Parliament. It is about giving Australians the industrial reforms they voted for on November 24 and that is why such consultation has taken place.

Many businesses are currently using AWAs which have been entered into in good faith by employers, so to immediately repeal these laws could leave employees with uncertainty and cause unnecessary disruption to business. This is why this government will sensibly phase out the use of AWAs over time.

**Conclusion**

This government delivers on its promises; we have now commenced lasting workplace reforms which will ensure fairness and flexibility.

There will be no more Work Choices, no more AWAs, no more unfairness, complexity and confusion in the workplace.

I urge Senators to support this legislation.

Senator JOYCE (Queensland) (8.04 pm)—It is interesting to talk here on the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 tonight because things have changed over time. I remember that when this legislation initially came in I was very hesitant—I would say reticent—and so was Queensland, about the adoption of this bill. The issues at the time spoke to an economy that was robust, where opportunities were abundant, where the horizon had what a nation should have levelled out before it for its citizens.

That was some time ago in politics now. Economically the world has changed dramatically since then and it seems almost foolish, almost remmeng-like, that the discussions politically around this chamber and other chambers tonight ignore the realities of exactly where the world is. The IR changes came before the US pumped $200 billion to try and refoat the American economy, to no
avail. Even if we look today at the headlines in the papers, we see that the worsening credit crisis has heightened concerns about the liquidity of major investment banks after the US Federal Reserve was forced on Friday to bail out one of Wall Street's top five firms, using powers not exercised since the Great Depression.

We have to acknowledge in this chamber and in this parliament where the world is heading. We have to have a reality check about exactly what is in front of us. We have to confirm that the US, with 26 per cent of the world economy, and by default Australia, with about 1.5 per cent, are heading for a recession. I looked at this before I came in here and googled some words. This is four minutes ago. 'Shares plunge.' 'US bank crisis spooks investors.' Basically Asian markets have gone down four per cent, Europe has gone down two. 'Big Apple softening.' 'European investment bank shares dive as credit crisis fears spread.' Vancouver, with stories of people losing their homes in impending recession in the United States. This is the reality of where the world is now, so what on earth are we talking about? What on earth are we talking about in how we are going to deal with this problem, the major problem that is coming before our nation now, and calling for those with a bit of steel about them to deal with it? This problem is way beyond any of the minor nefarious imbroglio that surrounds this bill. This problem is the big deal of the day.

My position is entirely different to my position when, with hesitancy, I first voted for this bill. I think, to be honest, that my position now in supporting this bill is probably stronger than ever. We have an impending train wreck. It has been preceded by the sub-prime mortgage meltdown; it has been preceded by the $200 billion injection; and it has been preceded by the fact that the Australian market has gone down by, I think, 21 per cent since October last year. First and foremost, the thing that we need to do for people is to keep them in a job.

The Prime Minister, the Deputy Prime Minister and the Treasurer of this country today have an immense responsibility in front of them. I know they cannot stop it, but they need to try and mitigate the effects on the Australian people of what will happen—to soften the blow. Let us look at what levers they have before them. They have monetary policy, which they have exercised by basically saying nothing—by taking the rudder off the ship, putting it in full sail and seeing where it blows. And now Australian working families are at tipping point in what they can afford in their mortgage repayments. That is not an emotive statement; that is a statement of fact. Last weekend in Brisbane, in my home state, the clearance rate on the sale of houses was 26 per cent. That is astronomically low. In the major market of Sydney, it is less than 50 per cent. There have been a record number of listings in Melbourne, yet we sit back and pretend that there is nothing happening. We sit back and pretend that the world is just going on as per normal. We have reached tipping point for Australian working families. We are tipping them out of their houses and we are tipping them out on the streets. We need to take hold of some of the levers to try to mitigate the effects of this fall for our nation.

We have had statements by the Prime Minister and the Treasurer about fiscal restraints. But they are not quantifiable. We cannot pin them down. We cannot even at this point in time quantify exactly where the so-called two per cent efficiency dividend is.

Senator Marshall—Mr Acting Deputy President, I am reluctant to rise on a point of order—that of relevance—but Senator Joyce has been going now for just over five min-
utes. He has made one reference to the bill, but did not actually talk about it. There is nothing in the substance of his speech so far that goes even remotely close to the bill before us. I would ask you if you would draw his attention to the question before the chair.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop)—Thank you, Senator Marshall. I am sure Senator Joyce is aware of the bill before the chair, and I would ask him to direct his remarks to that bill.

Senator JOYCE—I know that we are arriving at the soft underbelly of exactly what the intrinsic issues are in this nation at this point in time. This is what the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 is all about: it is about taking away another lever to the control of our nation so as to mitigate that fall, so as to save Australia from the effects of an uncontrolled, unreasoned collapse.

I know the rhetoric that has been played around this place, but we must be strong and we must maintain some position. Although it may be unpopular, it is essential if we want to take hold of this nation. Our first job, even before guarding our own political skins, is to be a patriot to this nation. If this bill were not required, I would say, ‘So be it,’ but the original bill, now more than ever, is required. It will not be the panacea, but now, more than ever, we must start looking at an extensive and holistic view of the problems that are before this nation right now.

I believe, to be quite honest, Mr Swan is not up to the job. I am not making any personal assertions against his character but, for the job that is in front of our nation now, he is out of his depth. We have some major problems that are coming before us.

Senator Marshall—Mr Acting Deputy President, I rise on a point of order. Mr Swan is not even the minister that has carriage of this bill. I really think the senator needs to be talking about the bill. He is on some meandering rampage about economic policy that has got no link to this particular bill. You should bring him to the question before the chair.

Senator Bernardi—On the point of order, Mr Acting Deputy President Bishop: Senator Joyce has every right to fully expand upon the implications of this bill across the Australian economy. He is well within the brief and the subject matter. I do not think there is any point of order.

The ACTING DEPUTY PRESIDENT—Thank you, Senator Bernardi. On the point of order: it seems to me that Senator Joyce has been taking a very broad view in his contribution to the debate on the bill, but I am sure he is coming now to more pertinent comments as to the content of the bill.

Senator JOYCE—I return to exactly why it is pertinent: what we are going to see now is a wage-interest-inflation spiral. That is what is coming before us now. To take you back to the crux of what happens next, what happens next is wage-interest-inflation. We have that because of the centralised control that will permeate back into the direction of wages—and obviously unions must reflect the aspirations of their members. They will say that their interest rates have gone up because the government has failed to talk down interest rates, because the government did not have the courage to go out and publicly state that monetary policy is a blunt instrument and because the Prime Minister and the Treasurer refused to go into bat for the working families of Australia and put downward pressure on interest rates. Because they refused to do that, we now have the advent of what will be wage-interest-inflation. It will work quite simply. The workers will meet with their union rep, as they are entitled to do, and they will apply for a wage increase.
The wage increase will come about and then people will lose their jobs, because you cannot get blood out of a stone. This is what is going to happen. There is only a limited amount of money to go around.

We are heading for an economic squeeze like we have not had in the history of this nation and it has got absolutely nothing to do with our domestic economy, which has been left in entirely good shape. We could never be so conceited to think that we are the drivers of world economic policy. The drivers of world economic policy are nations that are far stronger than us, and that is what is driving the agenda of this nation. All you can do in this nation is mitigate the effects of it, because that is all you have the power to do. When you open our economy from the inside to wage and interest inflation, you do not mitigate the effects, you exacerbate them. You exacerbate the effects of the hurt and the pain that will come from what is already before us.

That is why, with a completely carte blanche ‘we are going to throw this out’ approach to politics, you may win a political point, you may be popular or a whole range of other things, but you are not a patriot and you are not doing the right thing by our nation. There has to be an ability to mitigate by having an extra lever in some way, shape or form—some control mechanism that is not determined from a centralised point, as this will be.

This government will be judged on its capacity to manage under a position of stress. And I will be honest, it did not bring about this position of stress; it was going to come regardless. If it does not have the capacity to manage it, the judgement will be for all to see, because there will be ramifications for every working family in the mortgage belts of Sydney, Melbourne and Brisbane, which this week had a 26 per cent clearance rate. Those people are under stress and under pressure. They cannot even pay back to the banks what they owe them. As those pressures come on board, this government will be judged on whether it has the capacity and the ability to steel itself to walk up to the line and deal with the issues.

Going back to the bill, the Deputy Prime Minister said that it will not jeopardise employment. Quite obviously, that is a statement that will not stand the test of fact. Anyone who has been in business will tell you that, when times become precarious, you will not take someone on full time if you do not have the capacity to disengage from that employment. Without a shadow of a doubt, in the real world if I am worried and I am under the pump because my nation is under the pump I will not take employees on. The only avenue I have is if I have the flexibility of negotiating with them in the best terms I possibly can so as to keep them in a job and to keep myself in business. But my business is my house mortgage. It also supports my family. I will not let it all go down the tubes by making a stupid decision. So, in small business, my decision is: if in doubt, rule out. I will not employ people; they will stay as casuals. More to the point, if I think that there is going to be some caveat placed on it by the government or some intrusion by the government, I will not employ them at all. I will do without. That is an impediment to the aspiration of the Australian people to go into the workplace.

You might say, ‘We’re at full employment now.’ We are, but as a resource nation, we lag behind the effects in the rest of the world. We have heard some ridiculous arguments in the past by a number of commentators about so-called ‘decoupling’. As I stated earlier, Asia today went down four per cent; so much for decoupling. The US is the nose of the plane and no matter where you are on
that plane you will follow where the nose of the plane goes.

The only thing that we can do to try to keep people in the workforce is to create some sort of flexibility of engagement. It is a fool’s errand to think anything else. You are talking not only to the employer but you are talking to a wife with a mortgage and she will not put the house at risk for the sake of taking on an extra employee. This is the reality of where we are now.

The Prime Minister and the Treasurer have the run of this nation for another two and a half years and God bless them and good luck to them, because they need it. But I look forward to a substantial statement of policy direction on how this nation is going to manage the impending threat that is absolutely apparent to anybody who has the capacity to google. As to why this nation is not dealing with it, I have no idea. I have no idea where this political debate has wandered to.

In summary, I believe there is more reason now for legislation to support the working families of Australia and to keep people in jobs, to deal with the reality of the position we are in now. Industrial relations laws change all the time, and six months ago it was a completely different situation to where we are now, and surely Labor must acknowledge that. We need to manifestly express that reality in the policies we put before the Australian people. The Australian people will understand that it is a hard statement but that the alternative is unemployment. The alternative is mortgage repossessions on their houses, loss of the payments on their cars and having them taken away, and kids not being able to go to the school of their parents’ choosing. They are the things that will come screaming in the door. If economic pundits in the United States are correct when they say that this is the biggest economic crisis since 1928, then what page are we reading from? Why hasn’t there been a statement that says that we are going to start to deal with this issue?

My belief is that this bill is now more pertinent to the security of our nation and the security of jobs and to mitigating the effects of the impending recession than has ever been the case before. Our nation has before it now a crisis that has not been seen by our government—and not by any government—for a long period of time. The strength, structure, policy development and courage of the government that is able to deliver those policies to see the Australian people through that period will be held in high esteem by the history books for a long period after all of us have left this chamber. But, if you take the rudders off the ship and you allow the Australian nation to venture forth in full sail at the behest of the storm, we will be crushed by the waves and you will be held responsible.

Senator MARSHALL (Victoria) (8.23 pm)—I thank Senator Joyce for his incredibly passionate support for the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008, which is before the Senate today. While I do not regularly look a gift horse in the mouth, when Senator Joyce claimed that this bill will save Australia from the impending disaster of collapse, I am not sure that I would have even gone that far myself. While this bill clearly will deliver productivity outcomes to this country, I am not sure that I actually agree with Senator Joyce’s assessment on just how good it is, but it is certainly a step in the right direction.

Senator Joyce—Mr Deputy President, on a point of order: going to the direction of the statement, I did not say this bill would save the nation. In fact, I said completely the contrary. Senator Marshall may be moving towards a position of misleading.
The ACTING DEPUTY PRESIDENT (Senator Mark Bishop)—There is no point of order. If you want to make a personal explanation, you can do it at the appropriate time.

Senator MARSHALL—I am sorry, Senator Joyce. I did not mean to misrepresent you, but I was listening quite carefully. I will enjoy reading your speech and I hope you do not try to change it too much before the rest of us get to have a look at it. I will leave your contribution to one side. I think that is probably the safest thing for all of us.

As chair of the committee that inquired into the impacts of this bill, I want to make some comments. Normally, as chair, I would probably have been a little bit higher up the list, but as the opposition and the minority party’s reports were only tabled not so long ago I wanted to have an opportunity to flick through at least those reports so I could have some constructive response to them. I have had the opportunity now to listen to a number of senators’ contributions. If I have time, I will try to wade through some of the issues that they have raised, to put some of their concerns to rest.

First, let me simply go to the conduct of the inquiry. I know it was said by Senator Fisher and some others that this was a rushed inquiry. I do not know by what standard they are actually judging this. If it is the way they acted while they were in government, it was a very leisurely inquiry. You could even imagine us as having put our feet up. We did not get that opportunity, but it was a very thorough inquiry. We had public hearings in Perth, Sydney, Melbourne, Brisbane and Canberra. This is for a roughly 100-page transitional bill, which had some very specific objectives and achieves them. Make the comparison to Work Choices itself, which was around 900 pages of incredibly complex legislation with an explanatory memorandum that went over 1,000 pages, as I understand it, and then on the very day we went into the committee stages, 30 pages or so of technical and substantive amendments were put on the table after we had gone through our inquiry. For the inquiry into Work Choices, for the extent and length of that bill and the issues that it went to, we were allowed two days in Canberra. Two days in Canberra! It never went anywhere else. If the opposition are actually making a claim that this inquiry was rushed compared to what they did while they were in government, I say they ought to hang their heads in shame and apologise for the way they abused the Senate processes. And it was not just Work Choices. There was bill after bill after bill, as I am sure everyone on this side of the chamber remembers only too well.

This was a comprehensive inquiry where we took 55 submissions from organisations and 268 individual submissions. While you will always get people who say they would like more time, it was important for this government to move quickly to remove some of the potential abuse that may be happening in the workplace at the moment. I will get to that a bit later if I have the time. The purpose of this transitional bill is to give effect to a major election commitment of the government to establish a new fair and flexible workplace relations system and to have sensible transitional arrangements to that system. This is a transitional bill. The short title of the bill is derived from the workplace relations policies released in Forward with Fairness and the 2007 Forward with Fairness policy implementation plan. I make that point because this bill, more than any other, has been subject to detailed consultation with employers, unions and other interested bodies through the consultative mechanisms that the new government has set in place. It was also detailed to minute levels in the policy platform that this government went to the
There are no surprises in this bill. There is nothing new in this bill. This was in the public domain as policy before the election. It was not in the detail or the form of the bill itself, but every policy issue was canvassed and was put before the Australian people before the election.

I think, after Senator Kemp’s contribution today about the golden years of the Howard-Costello government, one has to remind the new opposition that they actually lost the election. After hearing Senator Kemp’s contribution, I wonder how that could have been. Maybe these were not the golden years as he would like us to believe and, clearly, the Australian people did not think so.

Senator Bernardi—Leave it to the Australian people. Leave it to posterity.

Senator MARSHALL—We did leave it to the Australian people, Senator Bernardi, and the Australian people spoke. The workplace relations amendment bill would amend the principal act, the Workplace Relations Act 1996, to make a number of changes to the framework for workplace agreements and to enable the process of award modernisation to commence. The bill begins the implementation process and is the first step of a larger industrial relations agenda, which will involve further legislation. Again, I think we need to keep that in mind. If Senator Fisher actually understood the purpose of a transition bill, she would not be raising all sorts of issues that are not actually included in the transitional bill and be leaving those questions open. Many of the issues about the new industrial relations framework that is going to set this country up for the next two decades at a minimum will be contained in the substantive bill that will hopefully be before this parliament in the second half of the year.

It was actually the opposition that referred this bill for the Senate inquiry before the government had the opportunity to do it. The main reason they did that was that they wanted to specifically put their mark or stamp on the terms of reference. Within the opposition’s terms of reference there is an implication that the opposition persist in regarding industrial relations on the basis of an understanding of economic growth which completely overlooks the relationship between productivity and fairness. It is possible to achieve both, and this transition bill sets up the process for us to achieve both. You do not have to have fairness excluded, as Work Choices did, to achieve productivity outcomes. This bill and the substantive bill to come later in the year will be the productivity drivers for this economy. You can do it with fairness, and this legislation will ensure that fairness is enshrined.

An exploited workforce is not a productive workforce, and yet the insistence of the former government in regarding industrial relations solely for the purpose of driving down wages to increase productivity was ultimately damaging to economic progress. It also resulted in the most complex and highly regulated industrial system of any OECD country. When Senator Fisher gets up and says the transition bill and the substantive bill that is to come are not going to simplify workplace relations in this country, what is that compared to? The coalition government put in place the most regulated, cumbersome and complex industrial relations system of any OECD country. We, the government senators who did the report, regard the bill as a measure which takes the regulatory burden from both employers and employees and sets up a new system for agreement-making arrangements to drive productivity. That is what we are doing, and we are determined to see that through in a fair way.

When I was thinking about my contribution to the debate on this bill, I thought about how the coalition senators found it very difficult during the inquiry to give up on AWAs.
Given the flip-flop-flapping around—the Leader of the Opposition says one thing; the shadow industrial relations minister says another thing; one minute Work Choices is dead and then it is dead, less some other things—I thought it might be difficult to get the opposition senators, the previous government senators, to tell us what they really believe. But I did not have to wait very long; it is here in this debate. Senator Watson started off by saying there is nothing inherently wrong with AWAs; they allow for flexibility in the workplace. The conclusion to the coalition senators’ report says:

However, the bill reflects the regressive policy of the government in attempting to abolishing individual statutory agreements. This is a step too far...

Abolishing individual statutory agreements is a step too far. In case anyone is confused, you will see the language change from the coalition. They no longer talk about AWAs; they allow for flexibility in the workplace. The conclusion to the coalition senators’ report says:

At least, to give the opposition senators credit, they are going to hang on to AWAs and they are going to say so. I am happy to help them publicise that position. I think Senator Boyce went on to say that ‘killing’ AWAs is an ‘empty headed’ aim and that AWAs are ‘much needed’ in our system. She said she was ‘bitterly disappointed’ with the end of AWAs and then went on to tell us there is nothing unfair with the use of individual statutory agreements, which is AWAs. That is in direct contravention of all the evidence that was presented to the committee. No-one said that they were fair. All the individual submissions that came to us said that they were absolutely unfair.

Senator Fisher said the bill is flawed in its policy intent because it removes AWAs. She went on with a very interesting contribution and she said that ‘all these people are saying you could be worse off’. I say to Senator Fisher: if she wants to take evidence given on Senate committees out of context—pull out a sentence here and pull out a sentence there—and rely on that as the bulk of her argument before the Senate, she will not last very long in this place. It was very disingenuous to use some of that evidence completely out of context, picking individual sentences and putting words in people’s mouths. I do not mind when people do it to other senators, and she has done it to me as well, but I suggest that—

The ACTING DEPUTY PRESIDENT (Senator Murray)—Senator Marshall, please direct your remarks through the chair.

Senator MARSHALL—I apologise, Mr Acting Deputy President.

Senator Ian Macdonald—She’ll be here longer than you will be.

Senator MARSHALL—Good luck to her if she is. You will be over there longer than I will be here, too, I suggest.
Senator Fisher then went on and thought there was a problem with government senators actually challenging the position put by witnesses and the department, in terms of the policy. It is actually the role of the Senate committee process to not automatically accept the assumptions made by anyone. This is the purpose. We are actually there to challenge and scrutinise legislation before us. If something is not clear, government senators should do that. I suggest that if the now opposition had done that properly when they were in government they would not be in the position they are in now. I think everyone over there accepts that they should never have removed the no disadvantage test. Maybe they should have challenged their government’s legislation during that process—they should have. If they had, things may be quite different. Nonetheless, that was not done. It is not as if the then government coalition senators did not know. Everyone told them. The reports in the committee process told them that removing the no disadvantage test at the time would result in a spiral to the bottom, a race to the bottom, which is exactly what happened. I think Senator Murray in his contribution earlier today said that he told them. I know I certainly told them and I know nearly every senator now on this side of the chamber told them as well.

It was interesting that Senator Fisher, in her 20-minute contribution, talked for 10 minutes about the bill and the inquiry and then went on to the wage freeze for politicians. I am not quite sure about the link to complaining about a wage freeze for politicians. I know that those in the opposition are very bitter and twisted about that wage freeze. I heard a number of senators through the estimates process complaining about it.

Senator Boyce interjecting—

Senator MARSHALL—You say that, Senator Boyce, but I certainly have not heard anyone on our side complain about it.

Senator Boyce—They’re not game.

Senator MARSHALL—The opposition say they have heard people on our side complain about it, but then they say they are not game to complain about it. They really cannot have it both ways. This really shows the shallowness of the debate that they are having here tonight. The problem is—

Senator Ian Macdonald—Your salary’s gone up. You’re getting more now than you were three months ago.

Senator MARSHALL—There we go. See—

The ACTING DEPUTY PRESIDENT (Senator Murray)—Senator Marshall, the senators on my left know that interjections are disorderly, and it is made worse if you respond to them. I suggest you continue your remarks through the chair.

Senator MARSHALL—Yes. I will just finish by saying that I guess the interjections show the obsession that the opposition senators have with politicians actually leading by example and showing some wage restraint. Then again, I think that is something that they have to work out with their own consciences, but they will struggle with that.

Then we had Senator Kemp making a bizarre attack. I do not think he used the word ‘treacherous’, but he talked about employer organisations that I think wanted to ‘get into bed with the ALP’ or ‘get the crumbs’ or words to that effect. The problem was he commended a lot of the employer organisations and then went on to describe the one that he does not like, the AiG, as apolitical. I think that is probably a fair description of them. If the AiG is apolitical and all the others are not, but they were the ones who were supporting the coalition in the election, I
suggest he probably has not really argued that properly. It was fairly obvious, through the submissions, that many of the employer organisations that had invested so heavily politically in Work Choices were still very supportive of the coalition and would rather not have AWAs removed. But, on the whole, the evidence to the committee was that the transition bill and the substantive bill will be very workable—the policy has been accepted, people are working towards that, and there were no serious concerns raised with moving forward with fairness through this particular policy.

I understand that it is very difficult for the coalition after investing so heavily, politically and financially, in Work Choices. The introduction of Work Choices cost many hundreds of millions of dollars to implement. They also invested nearly $200 million in advertising to promote it. So they had an enormous commitment, politically and financially, to Work Choices, and I know it is incredibly difficult for them to give that away. One thing we can be absolutely assured of—given the coalition senators’ report and the contribution made by coalition senators to this debate—is that, if they are ever returned to government, there will be Work Choices mark 2, and that will include AWAs. They will have a new name for them by then—we have already seen the start of that. They have not let go of that failed policy. They do not care that it hurt working people, that it stripped them of wages and conditions and left them much worse off. They do not care that there was rarely any—if any—individual bargaining taking place, which is something I want to spend a couple of moments on. (Time expired)

Senator Joyce—Mr Acting Deputy President, I rise on a point of order. I want to make an explanation under standing order 191: explanation of speeches.

The ACTING DEPUTY PRESIDENT— I will remind the senator of the context. These are rarely raised in the Senate, so this is just for other senators who are here: A senator who has spoken to a question may again be heard, to explain some material part of the senator’s speech which has been misquoted or misunderstood, but shall not introduce any new matter, or interrupt any senator speaking, and no debatable matter shall be brought forward or debate arise on such an explanation.

Please proceed.

Senator JOYCE—I want to lay to rest any conjecture about the bill I was referring to when I said it is more relevant than it was at its implementation. That is obviously the initial Workplace Relations Amendment (Work Choices) Bill, which I feel is more relevant now than it was in initial implementation. My hesitancy is obviously cast against the current Workplace Relations Amendment (Transition to Forward with Fairness) Bill. To make a correction, the Australian share market has not gone down by 21 per cent since October—it has gone down by 24 per cent.

Senator CORMANN (Western Australia) (8.45 pm)—I rise to put forward both a Western Australian Liberal perspective on this bill and the perspective of a participating member of the Senate inquiry into the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008. The government has been very vocal in its argument that it has a mandate to rush this flawed legislation through the parliament. Never mind, incidentally, that it never respected the successive mandates of the previous government when it came to key economic reforms. But, as mandates go, the people of Western Australia have given a very clear mandate to those of us representing them and the Liberal cause in this parliament. We were faced with the most aggressive and well-funded scare campaign on our workplace relations reforms
ever by Labor and the union movement, and yet the Liberal Party and Liberal candidates in Western Australia received enough popular support to increase our representation in this parliament. Liberal members of parliament now represent 11 out of 15 lower house electorates in Western Australia, and we continue to be represented by six Liberal senators out of 12.

Representing the people of Western Australia, we have a clear mandate to speak up for Liberal values and principles, to speak up for freedom of choice, to speak up for choice and flexibility in the workplace and for the right of an employee to directly negotiate their employment contract with their employer without third-party involvement if that is what they choose—and, yes, subject to a no disadvantage test, which we support. We have a clear mandate to speak up for a workplace relations system that has helped lay the foundations for the unprecedented economic growth we have been experiencing over the past 15 years—in fact since, yes, the Keating reforms we supported in 1993 and since individual workplace agreements were first introduced into Western Australia by the Court government in 1993. In short, I would argue that we have a clear mandate to speak up for the economic prosperity and wellbeing of the people of Western Australia and that Labor most definitely does not have a mandate to destroy jobs and to damage the economy.

While we will not be opposing the government’s bill, we have a responsibility to point the finger at the many flaws that have been revealed during our inquiry into this bill. This bill is the first step in implementing Labor’s pre-election policy aimed at taking our workplace relations system back into the last century. Make no mistake: this bill will start the process which, over time, will put our prosperity and, in particular, our currently strong Western Australian economy at risk. It will not happen straightaway. The economy Labor inherited on taking office was too strong for that—so strong, in fact, that the CCI in Western Australia told us: There is almost nothing that can be done to improve the economy further.

But conversely, of course, there are things that can be done to do damage to our economy. There is no doubt in my mind that over time the impact of the government’s approach to workplace relations will, regrettably, become increasingly clear. As we get closer to where the government and its leaders in the union movement actually want to take us over time, Australians will start to see the impact on employment—that is, down; on levels of industrial disputation—that is, up; on productivity—down; and on inflation—up. The impact on our capacity to keep developing our economic prosperity and wellbeing will, indeed, become progressively clear.

The Western Australian economy—as you would know, Mr Acting Deputy President Murray—is the heartbeat of our nation, with a forecast economic growth rate of seven per cent this financial year, an unemployment rate of 2.8 per cent and a resource sector driving investment, jobs and wages growth and delivering to both state and federal governments a stack of cash in royalties. Labor would have you believe—and said so again during our inquiry into this bill—that it is all simply due to the mining and resources boom. All we need to do in Western Australia is dig it up, ship it out and sell it to the highest bidder—pretty simple really, isn’t it! The reality is much more complex. The reality is that we would not be in a position today to take advantage of increasing world demand and world prices for our resources if we had not done the hard yards and done what needed to be done to improve our productivity, to reduce levels of industrial disputation, to develop a better relationship between em-
ployers and employees and to become a more reliable supplier and exporter of our resources. There is no doubt that a more harmonious workplace relations system has been instrumental in attracting investment and helping get projects in Western Australia off the ground.

The thing about economic reform is that the impact becomes clear only over time. Yes, the workplace relations reforms at a state level in Western Australia in 1993 and federally by the Keating government in 1993—which I have already said we supported—and the Howard government in 1996 and beyond were the foundations of the economic growth we have experienced over the past 15 years. What we are passing here today—and the bills that will follow on from this one, going down the same path—will have an impact over the next decade, and the future will, no doubt, tell the story.

Western Australians have done well with an industrial relations system which offers flexibility and choice to employers and employees. Western Australians want to continue to benefit from such a system, and they said so loud and clear at the last election. In the majority report from the inquiry into this bill, government senators downplay the importance of a flexible industrial relations system to the economy in my home state of Western Australia. They say, essentially, that it does not really matter:

The committee noted an almost alarmist reaction from some quarters in Western Australia at the prospect of the demise of AWAs in that state. The committee went to Perth to find out more about this, but was underwhelmed by the import of what it heard.

The reality of course is very different. Businesses in Western Australia are worried. Even the Premier of Western Australia, Alan Carpenter, was worried when Labor released its Forward with Fairness policy in April 2007. In a very courageous moment of disarming honesty—a moment which was, sadly, much too short once the Labor Party machine managed to shut him down—he told the media that Labor’s plan to rip up AWAs could hurt WA’s mining industry and the Australian economy. That was the Labor Premier in my home state of Western Australia on reading the release of Labor’s industrial relations policy in April 2007. In fact, what Alan Carpenter said was that Labor:

... had to be “sensitive” to the fact that, in some parts of the economy, particularly in Western Australia, individual employment agreements had become “almost the norm” and were an integral part of industry.

Businesses in Western Australia are worried because they know that this bill is only the start of what will be a series of bills aimed at putting unions back at the heart of workplace relations arrangements across Australia.

Businesses in Western Australia are very disappointed that, under Labor’s reforms, they will eventually lose the option to enter into new individual statutory employment agreements. They know that it will reduce their options and flexibility to structure their workplace arrangements. But the reality is that business knows that they have to be pragmatic. They know that this legislation will pass and that this is what will happen. They know that they now have to deal with a government which told them before the election that they would get injured if they stood in their way. So of course what else is there for them to do but focus on the practical inadequacies in this legislation—not one of which has been taken up by government senators in their majority report, incidentally, despite soothing noises being made by the chair of the inquiry in particular in relation to
an issue for the construction industry. I am talking about the issue that, due to the transient nature of the workforce and the project nature of the work, some employees, in particular pre-existing employees, will not be able to access ITEAs, Labor’s form of AWAs.

Senator Marshall commented on his perspective of how the inquiry in Perth was conducted. As an aside, quite frankly in my view as a senator for Western Australia the committee’s Perth visit was an absolute farce. Despite the importance of the WA economy to the strength of our national economy; despite well-documented concerns from business and political leaders in Western Australia prior to the election, including not only Premier Alan Carpenter but also the mining and resources sector in particular; and despite Western Australia being the only state where the government cannot claim a mandate for its workplace relations reforms, just over three hours were allocated to hear from various witnesses. An hour and a half of that was taken up by Unions WA and a Labor-friendly academic.

The major employer organisation was scheduled for only 45 minutes of testimony. Only 45 minutes! There were eight senators present and this organisation was only given 45 minutes. After a five-minute opening statement, the chair Senator Marshall proceeded to ask questions for over 30 minutes. This was only interrupted by follow-up questions from Labor Senator Sterle. It was only after several protestations, including a gentle inquiry from Senator Murray, that we got an extension of time to ask at least some questions of the major employer peak body in Western Australia. In answer to one of my questions asking the CCI to expand on the proposition in their submission that AWAs had contributed to improved levels of productivity across Western Australia, Ms Kuhne of CCI said:

It is certainly the case that the opportunity for business to offer the full range of choice of agreements to their workforce has meant stability in industrial relations. There is actually a graph that shows that industrial disputation in WA has been reduced to almost nothing.

Later on the witness continues:

It coincides with the commencement of state workplace agreements back in 1993.

We argue that there is a correlation between the offering of individual agreements and stability in the workplace in terms of industrial disputation. We have had that stability, which has in itself, we would argue, assisted productivity because there have been so few working days lost.

A bit later I asked:

In an ideal world, moving forward, would there be a place for individual employment agreements from your point of view as part of the suite of options available?

Ms Kuhne on behalf of the CCI said:

If there was some means of individual agreement making, we would be satisfied.

How can the chair of the inquiry come into the Senate today and say that there was no significant concern expressed and that essentially business organisations were quite happy? How can government senators say in their majority report that business in Western Australia really is not as concerned as they would have thought they were?

As soon as we started to develop a line of inquiry at our committee hearings in Perth, the chairman shut the opposition questioning down. This was the case particularly in Western Australia. I have to concede that things improved greatly in subsequent hearings. It was really as if the chairman was worried about what business in Western Australia might have to say. Our request to hear from the CCI again in the afternoon was denied by the chairman even though a number of senators and the committee secretariat had gone to the effort of travelling all the way to Perth and had in fact planned initially to be
available for a full day of hearings. There is no way that the evidence at the inquiry in Perth can be seen as proving a case one way or the other. We did not have the time to get to the bottom of things. It was an absolute farce. From my point of view, the last thing government senators were interested in was finding out the truth; they were focused on protecting the Labor Holy Grail in what, they were worried, could be unfriendly territory for them.

This bill is only the start of Labor’s workplace relations reforms. I am very concerned about where these so-called reforms will lead us. I am particularly concerned about the impact on our economy and on jobs. I put it to the Senate, as I put to the inquiry in Perth, that unemployment is at an all-time low; industrial disputations are at a record low; productivity is higher; and wages increased at a faster rate than under the previous Labor government based on productivity gains and in the context of a low inflation environment. It sounds pretty good to me. So what is the problem the government is trying to fix? They say that they want to make the system fairer. Well, I say that that is fair enough. We agree that making things fairer is a good thing. If individual statutory agreements are available as one of the options with a no disadvantage test which makes them fair then what is the main objection to keeping them as an option long-term, if that is something that business tells us it is good for the economy, good for jobs and good for our prosperity moving forward?

I asked a series of unions giving evidence at the inquiry what their main objection was to making Labor’s AWAs, which they call ITEAs, a permanent feature of our workplace relations system now that the government has made them fair again by making them subject—quite appropriately, I believe—to the new no-disadvantage test. There were a range of answers, but principally the unions considered them unfair because of the capacity to negotiate away award conditions. But what about the no disadvantage test? Once you have the no disadvantage test, surely that is adequate protection. Some unions conceded that there were also union negotiated collective agreements which in fact negotiated away award conditions. ‘Yes, but the worker will be compensated,’ they say. ‘So what you are saying is that they will not be disadvantaged.’ ‘Yes, that is right,’ they say.

We had evidence to the inquiry from Professor Stewart that Labor’s new no disadvantage test, as it applies to individual statutory employment agreements, is actually stronger than that which applies to collective agreements. What is the main objection then? What is the problem? If business tells us that it is good for the economy, that it is good for jobs and that an individual statutory employment agreement is now at least as fair as a collective agreement, why wouldn’t we keep it available as one of the options? The bottom line that I heard from the unions was the ideological support for collective agreement-making ahead of individual agreement-making as well as the view that the unions should be involved in the process. The reality is that this is what this is all about; there is no doubt in my mind that the abolition of individual employment agreements is aimed at bringing back union dominance to the workplace over time. While I acknowledge that unions are not a bad thing, unions have an important role to play, and collective agreement making is an important part of the range of options available by way of industrial instruments, but so are individual statutory employment agreements used in the right way and, yes, subject to a no disadvantage test. I do not believe that what is emerging is good for the economy. It is not good for jobs.

I know that this bill will not change union right of entry. When I was asking some ques-
tions on the main objections to individual statutory employment agreements and we came down the path that unions thought that unions ought to be involved, one of the government senators interrupted me, saying, ‘This is not going to change union right of entry.’ I know that. But the abolition of individual statutory employment agreements will help to force the union movement back to the table in businesses where they have not had a role in recent years. The economy will once again be exposed to the risk of more strikes and increased levels of industrial dispute—perhaps not straight away, because that would be too damaging to the Labor cause, having only just been returned to government after 12 years of opposition, but over time that is highly likely. There is no doubt in my mind that over time we will see excessive wage demands from unions, which will put pressure on inflation. To that extent, this bill and the bills that will follow in its footsteps will clearly undermine the Prime Minister’s declared war on inflation. It provides further ammunition to the declared enemy of inflation.

In summing up, all Australians, business and the Australian economy deserve, in my view, to keep access to a form of individual statutory employment agreements. They have served Australia well as one of the options in our industrial relations system, subject to a fairer no disadvantage test properly monitored and efficiently enforced. Reducing flexibility in the workplace is bad for our economy, particularly in my home state of Western Australia. It is bad for jobs and it is bad for Australia. Thank you.

Senator WORTLEY (South Australia) (9.04 pm)—I rise to add my support to the government’s Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008. Every person present in the chamber today is more than familiar with the events leading up to the introduction of this bill. Since 24 November last year there has not been a moment’s hesitation, a moment’s ambivalence, in the government’s determination to fulfil its commitment to an electorate that voiced its opposition against WorkChoices so strongly at the ballot box, that was so unashamedly for fairness and balance in the workforce. However, those opposite through their words and actions before, during and after the election have revealed the true nature of the scheme inflicted on the working families of this country without consultation and without mandate. Even after the former Howard government railroaded its labour reforms through the parliament, the coalition ignored its own research, hurled more taxpayers’ money at a series of advertising campaigns and eventually backed down to the extent of introducing its so-
called fairness test. In reality, this was an acknowledgment of the unfair nature of its regime and the damage its terms had caused the coalition.

When the Howard government introduced the fairness test I spoke about Work Choices in this place on 18 June 2007. I highlighted that the introduction of Work Choices had already seen the removal of pay and conditions standards for tens of thousands of Australian workers that included penalty rates, holiday loading, redundancy pay, 38 hours per week of ordinary time and unfair dismissal protection for workers employed by an organisation with 100 or fewer employees. I outlined how Work Choices would facilitate and pave the way for industrial relations changes which would actively disadvantage Australian workers, not only the workers but also their families. And so it proved to be true. The Howard government crossed the line with its Work Choices, and the Australian people recognised it for what it really was: extreme, ideological, harsh and punitive legislation. Anti-worker and anti-family, Work Choices reduced people to factors in an equation based on the politics of fear and division. Anti-worker and anti-family, Work Choices reduced people to factors in an equation based on the politics of fear and division. Now those opposite apply a different spin. Let’s look quickly at some of those twists and turns.

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Murray)—Order! Senator Cormann was heard in silence. I think you should give the same courtesy to Senator Wortley.

Senator WORTLEY—Only recently, on the Four Corners expose of the former government’s last days, the present Manager of Opposition Business in the other place revealed that many ministers in cabinet were unaware that you could be worse off under Work Choices and that you could actually have certain conditions taken away without compensation. If further evidence of their disarray were needed, then the shadow minister for industrial relations informed us on the Insiders on 9 March that the opposition did not support the government’s bill but that it did not oppose it.

As a member of the Senate Standing Committee on Education, Employment and Workplace Relations, I was part of the Senate inquiry held into this bill in recent weeks. The hearings traversed the country, taking submissions from stakeholders. The report which stems from those hearings pulls no punches. Among its salient points is one I have spoken on in this place previously—that AWAs have given rise to a larger gender pay gap. The report highlights that individual workplace agreements, or AWAs, are less likely than collectively bargained agreements to appropriately address issues of employee training, occupational health and safety, and consultative mechanisms. Submission after submission uncovered cases of unfavourable working hours which led to negative effects on family and community life. Committee members heard that health complaints such as stress, depression and feelings of powerlessness and helplessness resulted from workplace changes imposed under AWAs. As the inquiry’s majority report states, the committee believes that the abolition of AWAs will go a long way to addressing the social effects for those vulnerable employees who have lost pay and conditions under the AWAs imposed upon them.

The Rudd government’s plan, which was arrived at after exhaustive consultations with all stakeholders, will restore fairness and balance in the Australian workplace—held as a basic tenet for 100 years, since the Harvester decision in 1907. On commencement, the bill before us—the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008—puts Australia on the path to restoring fairness in the workplace. It
prevents the drafting of any new Australian workplace agreements.

The Senate inquiry heard that many AWAs were designed by management for application to all employees at a particular site without consultation and without any input from the employees. Their only involvement in the AWA was to add their signature. Well this legislation draws a line in the sand when it comes to these Australian workplace agreements, thousands of which stripped pay and conditions from employees under the previous government. It honours an election commitment and it recognises the will of the Australian people. Indeed, the purpose of the government’s bill is to realise a major election commitment to establish the basis for a new, fair and flexible workplace relations system.

This bill is also designed to deliver sensible, manageable transitional arrangements as we move toward and look forward to that system. Certainly there is plenty of evidence that the Australian people are looking forward to regaining a sense of balance and fairness in their working lives. The Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 also provides the framework necessary to start the process of award modernisation. The bill starts things off as the first element, with additional substantial legislation to be introduced later this year to ensure that this government’s fair, equitable and productive workplace relations systems will be ready to roll by 1 January 2010.

I have argued previously that Work Choices was not Labor’s idea of a fair go, and its scheme epitomised the arrogant disregard with which the former government viewed and continues to view vulnerable employees, including those just starting out in their working lives and those workers who may come from non-English-speaking backgrounds and their families too.

The proposals we are discussing represent a fully articulated and strategic plan, revealed at the earliest possible juncture, discussed constantly and openly, and unequivocally endorsed by a majority of the voters. I look forward to the progression of the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 through this place and endorse and commend its terms.

Senator BUSHBY (Tasmania) (9.12 pm)—In any consideration of the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 I believe that regard must be had for how we arrived at where the national industrial relations law is today. The post-1983 approach by the Hawke government was based on an accord it had negotiated with the ACTU. The accord was designed to solve early 1980s economic problems and championed consensus between employers and employee organisations. Underlying the accord was the belief that the health of the economy could be restored by a centralised system of industrial relations regulation linking wage rises to inflation and administered by the Australian Industrial Relations Commission. Over the course of the 1980s it became apparent that this approach had failed miserably, leading to increasing unemployment, failure to achieve productivity gains, poor wage growth and contributing to the worst recession since the Depression, with over a million unemployed in 1990.

The concept of agreements negotiated between employers and employees outside the orbit of industrial relations tribunals gained
favour throughout this period, particularly in business circles, and was adopted by the coalition as policy in the late 1980s and refined throughout the early 1990s. The coalition took clearly articulated policies advocating individual workplace agreements to the 1996 election under the Better Pay for Better Work banner. That year the Workplace Relations and Other Legislation Amendment Act 1996 was passed, following compromises with the Democrats and despite it being opposed by the then Labor opposition. One of its objectives was to ensure that the primary responsibility for determining matters affecting the relationship between employers and employees rests with the employer and the employee at the workplace level. It took the prescriptive award system and gave businesses and workers greater choice in negotiating working conditions. For the first time ever employees were able to have their own individual agreements—Australian workplace agreements. Since then, over 1,300,000 Australian workplace agreements have been entered into.

The legislation also introduced freedom of association laws, guaranteeing workers the right to voluntary union membership. Unfortunately, this was too late for me; I had no hope of getting back the fees that I was forced to pay to the BLF, the Federated Clerks Union and the Storemen and Packers Union whilst I was at uni—and for absolutely no benefit whatsoever. But workers voted with their feet, leaving barely 15 per cent of the Australian workforce deeming the benefits received worth the membership fee. The Howard government then went on to seek to build on the success of the 1996 changes. Over the ensuing 10 years, it repeatedly attempted to pass into legislation further IR changes—over 40 attempts, relating to a number of matters intended to make a fairer, more flexible system such as exemptions to unfair dismissal laws for small business.

Following the 2004 election, the people granted the coalition a majority in the Senate. Using the mandate given by this majority, it sought to build on the success of the previous IR reforms, with major changes which replaced the system designed a century earlier, introduced a national system replacing over 4,000 awards and 130 pieces of legislation in six different outdated systems around Australia; vastly improved cooperation, lowering the average of working days lost through industrial unrest from an average of 193 days per 1,000 in 1996 to 15 in 2006; being much fairer, with small business finally given the confidence to employ people following the removal of Labor’s job-destroying and anti-employment unfair dismissal laws; and delivered both more jobs and higher wages due to the increased productivity the more flexible laws introduced and enabled.

The results of the Howard government changes were rapidly very readily apparent. As at late last year, the following could be said: working families were clearly doing better under this system, whether they were on enterprise or individual contracts. Real wages increased by 21.5 per cent between 1996 and 2007. Three per cent of this rise occurred after the introduction of the new workplace relations system. More than 430,000 jobs were created in the 18 months following the introduction of that system—nearly 80 per cent of them full-time jobs.

A key benefit of the changes made to the IR system since 1996, particularly including the most recent changes, is the improvement they made to adding to the economy’s supply-side capacity. Shortly after their win last year, the government came up with the plan to rewrite history on the economy, in an attempt to try to win some of the economic
moral high ground. The tool they have been using to do this is the fact that underlying inflation has exceeded three per cent in recent months. They have said that, because this figure is outside the target band agreed between the RBA and the Treasurer, the economy is in terrible shape. This is, of course, a total over dramatisation and nothing but an attempt to unnecessarily and cruelly scare the Australian population into believing we are facing disaster. The fact remains that the index for the target range for inflation is the headline rate of CPI, not the underlying rate, and that this remains within the target range of between two and three per cent, albeit trending towards the upper level of that band. As such, although action may be required to maintain the rate within that band, we do not currently face extraordinarily concerning levels of inflation—and certainly not in the sense that we have seen under Labor as recently as the 1980s, when it was well into double digits.

Be that as it may, the main criticism that has been levelled at us for failing to address this ‘inflation problem’ was that we failed to address supply constraints—particularly in respect of labour shortages. But, as confirmed by Treasury in the recent additional Senate estimates, the introduction of increased flexibility in the labour market is a key tool in addressing shortages in skilled labour. One of the primary reasons for the introduction of the new workplace changes was to deliver just that: increased flexibility that would allow more people to negotiate employment conditions that would suit them and allow them back into the workforce, while at the same time improving productivity through employers being able to hire employees on conditions that best suited their specific needs and thereby helping to alleviate the supply-side constraints in the economy.

Senator Chris Evans—We’ve done well in Tasmania.

Senator BUSHBY—We will get to that. Together we created a situation where everyone was a winner, including the economy—

Senator Chris Evans—It is called five million.

Senator BUSHBY—Actually, if you look—

The ACTING DEPUTY PRESIDENT (Senator Murray)—Order! Senator Bushby, do not respond to interjections; it is disorderly. Continue your remarks.

Senator BUSHBY—I would like to make one small point, and that is that the swing against the then government in Tasmania was the smallest of any state in the country; we just had very small margins. Of course, the unprecedented campaign against the new workplace changes by both unions and the Labor Party contributed significantly to the coalition’s loss last year. Never before have we seen anything like the third-party spend of $30 million on TV advertising alone. It is creating a huge precedent that I think is particularly concerning for the future of democracy in this country.

But the reality was that most—no, all—of that campaign constituted a scare campaign, leading to voters building a totally distorted and incorrect view of the reality of the effects of the new workplace system. The facts are that the system as it currently stands as enacted is actually more regulated and provides more protections than similar countries, such as the UK and New Zealand. At the same time, our system is giving people the option of having more flexible working arrangements which suit the modern workplace and help Australians balance work and family life. For the first time, in law, all employees have the following entitlements: a national minimum wage and minimum rates of pay according to award classifications;
four weeks annual leave per annum; 10 days personal carers leave, including sick leave, per annum—locked in, in law; up to 52 weeks unpaid parental leave, including maternity leave; maximum ordinary hours of work of 38 hours per week, which can be averaged; and a fairness test that ensures employees receive fair compensation—in most cases a higher rate of pay—if they agree to change protected award conditions, including penalty rates, shift and overtime loadings, monetary allowances, annual leave loadings, public holidays, rest breaks and incentives based payments and bonuses. All employees have the right to have a bargaining agent to assist them in negotiating a workplace agreement. A ‘bargaining agent’ can be a friend, a relative, a union representative or a lawyer. Employees cannot be forced to sign an agreement or change their existing agreements. It is against the law to force an employee to sign an AWA. What is more, employees under 18 years of age must have the written consent of a parent or guardian before signing an AWA.

All employees, regardless of business size, are protected against unlawful termination. You cannot be sacked for a temporary absence from work because of illness or injury or because of your trade union membership or participation in trade union activities. You cannot be sacked for nonmembership of a trade union. You cannot be sacked for seeking office as a representative of employees or for filing a complaint against an employer. You cannot be sacked because of your race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin. All of those are protected, and sacking for those would be unlawful termination. Similarly, you cannot be sacked for refusing to negotiate, sign, extend, vary or terminate an AWA, even if, as Senator Wortley was saying before, an employer chooses to draft one that is the same for every employee in the place. If an employee refuses to sign it, they cannot be sacked. You cannot be sacked for an absence from work during maternity leave or other parental leave. You cannot be sacked for temporary absence due to voluntary emergency management activity.

In terms of unfair dismissal, as opposed to unlawful termination, employees who have worked for at least six months for a business with over 100 employees have the right to bring an unfair dismissal case. Employees have the right to join—or, more importantly, not to join—a union. Equally, employees have the right to take lawful industrial action when negotiating an agreement. Employees cannot be sacked, demoted or be denied shifts because they have a certain type of agreement or have made an inquiry or a complaint about their rights at work.

The government now claims that it has a mandate under which the opposition has no choice but to support the government’s IR legislation. With respect, I do not agree. It is quite clear that the government is trotting out the old mandate catchcry to support its own political ends, when it has always been the worst serial ignorer of mandates delivered to governments other than its own. The most obvious is its rejection of the clear mandate provided to the Howard government following the 1998 GST election. Just 25 days after that election, then opposition leader, Kim Beazley, promised that Labor would oppose the GST lock, stock and barrel—25 days after the election, when the people had given us the mandate. He said, ‘We will manoeuvre tactically in whatever way we can to try to procure the defeat of this GST legislation.’ Prime Minister Kevin Rudd declared in 1999 that the introduction of the GST represented: … a day of fundamental injustice … the day when the parliament of the country said to the
poor of the country that they could all go and take a running jump.

This is despite the government having been given a clear mandate to introduce that legislation by the very people he was talking about. I note that Prime Minister Rudd is silent on the GST even though he now has the power to change it.

Throughout the Howard years, the Labor Party consistently voted against the privatisation of Telstra, despite the coalition winning the 1996, the 1998, the 2001 and the 2004 elections on a platform of privatisation. And of course in the Senate, Labor voted against the Howard government’s 40-plus attempts at unfair dismissal industrial relations reforms despite the party having taken this policy to the people and winning in 1996, 1998, 2001 and 2004. Where was Labor’s commitment to a mandate then? Why was Deputy Prime Minister Gillard not decrying any suggestion of Labor’s rejection of these measures as a slap in the face of democracy or of the people? They were nowhere, because a mandate means nothing to them unless it suits their own grubby political purposes. The fact is that the opposition has been provided with the level of representation it has in the Senate by the people. It is incumbent on the opposition to use that level of representation as it deems in the best interest of those people. Success of parties in the other place and the policies and platforms they espouse prior to their success should not constrict the ability of members of this place to consider decisions before them on the merits. It would be wrong to do so and the fact is that so-called ‘mandates’ should be only one of the factors considered by members of this place when deliberating over matters before them.

This bill purports to remove AWAs, a measure introduced by the Howard government 12 years ago and, as noted, working very well with over 1,300,000 people having taken them up. But the reality is that, despite the Deputy Prime Minister saying she would remove individual contracts, this bill includes individual contracts which, although labelled as temporary, will run indefinitely in effect for those who have entered into them. It also remains to be seen how much of the 2006 new workplace changes they retain. It is almost certain that much of that which they campaigned against in the last election will be retained and I look forward to examining future IR legislation in that regard.

But the fact remains that the IR changes introduced by the Howard government were intended to promote reduced unemployment, better and more flexible conditions for workers and employers, better pay in return for higher productivity, greater flexibility and productivity in the overall workforce—thereby addressing significant supply-side constraints in the macro economy and reducing inflationary pressures—and were driven by a desire to deliver real, practical outcomes for the benefit of all Australians. And it is also a fact that these changes delivered these benefits and more. The opposition to this could only have been driven by ideological dislike and to protect the patches of unions and their apparatchiks, yet the most recent changes did provide much ammunition to inaccurately and dishonestly feed a scare campaign against them.

In time, the wind back of any of these changes will prove to be to the detriment of the people of Australia. It is particularly sad that this bill purports to remove that which was introduced almost 10 years prior to the new workplace reforms and which had been working brilliantly at that time. The fact that AWAs got caught up with the hysteria dishonestly created over Work Choices is a great shame. IR laws need to have the flexibility to deliver what is required by the circumstances at the time. Economic theory states that full employment can be achieved
where there are no restrictions or regulations placed on employment, but in such a case the conditions to employ the last of the unemployed will be less than what we as a nation are prepared to accept. As such, as a nation, we all agree on the need for some regulation to protect workers from exploitation, but we need to ensure that an appropriate and fair balance is struck. In times of high unemployment the balance needs to lean more towards employees who are more susceptible to exploitation in such circumstances. Similarly, in times of low unemployment, the balance needs to shift in favour of employers to avoid unwelcome economic consequences such as excessive wage inflation, low productivity in a tight labour market and general inflationary pressures. I have concerns where the passing of this bill will lead, but I understand and accept that it is likely to be passed. I will not object to that course.

Senator FIELDING (Victoria—Leader of the Family First Party) (9.29 pm)—Family First wants to get the industrial relations balance right by making sure that workers and their families are not ripped off, that businesses can be competitive and that the economy can continue to grow. Back in 2005, Family First was in fact the first political party to expose the holes in the Howard government’s Work Choices laws because we understood the effect this legislation would have on ordinary Australians and their families. That is why Family First voted against Work Choices, because the balance was wrong and workers could be easily ripped off.

In considering the Rudd government’s Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 Family First is back on the case again, asking the tough questions to ensure that this time we get the balance right. The transition to forward with fairness bill is principally designed to stop new Australian workplace agreements being made, but it also sets up the arrangements for moving forward to the Rudd government’s new workplace relations regime.

Family First has some concerns about the structure of the new workplace relations system as it may not adequately protect all workers and it may not adequately protect family time from the ever-encroaching demands of work. Family First has long been concerned that there are not adequate safeguards in place to help protect family time from the time demands of work. Time is so important to family life and many parents struggle to find that time with their kids when they work more hours than they want. Last year a report by Relationships Forum Australia concluded that Australia’s economic prosperity has come at a price. Australia is now the only high-income country in the world that combines long average working hours, a strong tendency for weeknight and weekend work and a relatively large proportion of the population in casual jobs. All this results in relationship breakdown and dysfunction, which in turn leads to health problems, strained family relationships, parenting marked by anger and ineffectiveness and reduced child wellbeing.

The industrial relations system proposed by the government sets 10 basic working conditions which form the National Employment Standards. In addition, the proposed industrial relations system allows modern awards to have up to 10 additional minimum standards. However, the National Employment Standards do not include meal breaks and penalty rates. Instead, meal breaks and penalty rates are left to be bargained for in modern awards. This means there is a real danger that workers and their families not employed under awards will be left exposed because they are not guaranteed meal breaks and penalty rates.
Family First asked at a Senate committee hearing for an estimate of the number of workers outside the award system earning less than $100,000. These workers would therefore be reliant on the proposed 10 basic working conditions that form the National Employment Standards. An officer from the Department of Education, Employment and Workplace Relations stated that the number of workers outside the award system earning less than $100,000 would be ‘tens of thousands, and I think 100,000 would be very much the upper limit’. That means that up to 100,000 Australians may fall through the cracks and could be exposed to having their penalty rates and meal breaks stripped away. There is real concern that the government will not be able to find a way to fill in these cracks. In fact, the Shop Distributive and Allied Employees Association and Unions New South Wales told the Senate committee they were not convinced it could be done.

We know awards do not cover every worker. That is why the National Employment Standards are there to ensure all workers are guaranteed basic working conditions. And those basic working conditions should include meal breaks and penalty rates. Why would any government not have meal breaks and penalty rates as part of basic working conditions for all Australians? Why should we allow working at 2 am in the morning to be treated just the same as working at 2 pm in the afternoon? Why should any worker have to bargain for a meal break? If National Employment Standards are designed to be the bare-bones safety net guaranteed for all workers, why would the National Employment Standards not include such basic working conditions as meal breaks and penalty rates?

We should remember that penalty rates were introduced to help achieve the eight-hour day. They were not introduced to reward workers for working longer or antisocial hours. Family First is concerned that conditions such as penalty rates for working weekends and anti-family hours, along with meal breaks and rest breaks, can be simply traded away for more money. Penalty rates are about family time, not about money. They were never intended to be traded away for dollars. Working long hours is good for the market. Working on weekends is good for the market and having temporary work also suits the market. But none of this suits the family, which is why family life is under threat. Family First is concerned about vulnerable workers who do not have bargaining power and who are not covered by awards. Family First is also concerned about the subtle pressures that may convince employees to trade away conditions for money.

Family First was in fact the first political party to expose the holes in the Howard government’s Work Choices laws because we understood the effect this legislation would have on ordinary Australian families. Family First voted against Work Choices, and went a step further and introduced legislation to give back to workers and their families their public holidays, meal breaks, penalty rates and overtime and to protect their redundancy, all of which the Howard government had taken away.

There were also questions raised during the Senate inquiry about a key ‘flexibility clause’ that the government’s changes depend on and employers were also looking at depending on. The award rationalisation process involves ‘modern awards’, and all modern awards will be required to include a flexibility clause. But no-one knows what those flexibility clauses will be and that will not be determined for some months yet. Given that the wording of the flexibility clauses will not be available for some time, it
is difficult to make a decision on the legislation before the Senate without being able to consider the nature of such a flexibility clause.

In conclusion, as we stand at the dawn of a new and fairer workplace system, Family First still wants to ensure we get the industrial relations balance right by making sure that workers and their families are not ripped off, that businesses can be competitive and that the economy can continue to grow. As I said, back in 2005, Family First voted against Work Choices because it got the balance wrong and workers could easily be ripped off. Today Family First will be supporting the transition to forward with fairness bill because it is important to begin the process of dismantling Work Choices. However, Family First will continue to fight to guarantee basic working conditions such as meal breaks and penalty rates for all Australian workers and their families, not just those covered by awards. Therefore, I now move Family First’s amendment to the second reading motion on sheet 5458 revised:

At the end of the motion, add:

"but the Senate notes the Government’s proposal for a strong safety net of ten legislated National Employment Standards for all employees is inadequate because it does not provide for:

(a) meal breaks; and
(b) penalty rates;

for all workers and their families”.

Senator ABETZ (Tasmania) (9.38 pm)—Tonight we are debating the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008. The fundamental principle that the coalition and I operate under is that the best welfare any government can provide to its citizens is a job. Indeed, we as a government never accepted five per cent as full employment. One of my colleagues said, ‘Let’s be brave and dream of an unemployment figure that commences with a three in front of it.’ Today we are in fact actually celebrating that because, as I understand the official figure, whilst we accept it at four per cent, it is in fact 3.97 per cent—something that people never thought could or would be possible. Indeed, I recall being on the other side of the chamber when the unemployment rate was still above five per cent. The Labor opposition of the time used to goad and joke about what we thought might happen if the employment relations system in this country were to be altered. Today we do have a dividend of an unemployment rate of 3.97 per cent.

Our record in providing jobs, and thus in fact creating the much vaunted working families, is clear. There are a lot more working families in Australia as a result of our policies, because we wanted to get people into work. The social data is overwhelming: an individual’s self-esteem and health—physical, emotional, social, in every aspect—is enhanced; the socialisation into society of the children who live in the family unit is enhanced; and, of course, there are the huge benefits to the community at large. You name it—there are positive benefits from employment.

Labor went to the last election claiming that our legislation went too far. We accept that some Australians accepted that notion and that it had an impact, amongst others, on the decision by our fellow Australians. As we have said on a number of occasions, we accept their verdict and that is why we will not be opposing the bill. But what I do say to the Labor Party is: be very careful that you do not actually get that for which you wish; be careful for what you wish. Labor did not go to the people promising to destroy jobs and damage the economy, so I again say to Labor: be careful what you actually wish for. The reality is now dawning on some, especially some opposite, that the good sound
bite of the last election campaign is very difficult to translate into sound policy.

A residual fear I have is that Labor will turn their much vaunted working families into welfare families. I think Labor realises this as well, because let us not forget that six days before the election, on 18 November 2007, the then Leader of the Opposition said, ‘We will be recalling the parliament before Christmas.’ There was so much work to be done, and, of course, Work Choices, amongst I think eight or nine other things, was his first priority. How they could all be first priorities, beats me, but it was his top priority. So after the parliament did not resume, as promised, before Christmas, I was expecting an early start—early January, mid January, late January. It was not to be. Indeed, the parliament started on the equal latest date that this parliament has started in this millennium. So much for the rush to get this legislation into the parliament to turn over Work Choices.

It seems it is no longer urgent. Indeed, with all the time that Labor have now had, you would have assumed that they could have overcome the technical difficulties that so many people pointed out to the Senate committee inquiry. Indeed, you would have thought—and I accept Senator Murray’s comments in his report—that with all this time Labor could have brought in their changes to the unfair dismissal laws that they promised as well. It is a very easy, very simple amendment. If all these workers around Australia were being treated so harshly, so unfairly, where was the warm-hearted Mr Rudd in getting rid of this obscenity? Well, it was not before Christmas, was it. They delayed the recommencement of parliament to the latest date possible and then the first bill dealing with these matters did not even refer to unfair dismissals. Methinks Labor are starting to realise that the sound bites of the last election do not translate into sound policy very easily. That is why they are now trying to defer a lot of these impacts until after the next election. So we will be watching that very carefully as well.

We are witnessing a very bizarre approach by Labor to this. They promised to rip up Work Choices lock, stock and barrel. What was the lock? The constitutional lock was the corporate affairs power. Remember how the state Labor governments wasted millions upon millions of dollars of taxpayers’ money in taking a challenge to the High Court for and on behalf of the federal Labor opposition, only to have it thrown out lock, stock and barrel by the court—a complete and utter waste. But having spent so much time and effort in opposing the use of the corporate affairs power, guess what Labor have found? They will now use this constitutional lock of the corporate affairs power and they have accepted it.

The stock of course was the need for a national system. Strangely enough, that is also now accepted by the Australian Labor Party. And the barrel, as far as we were concerned, was the harsh unfair dismissal laws—introduced by Paul Keating—that Labor had refused to amend on 40 separate occasions. It is interesting that these very harsh unfair dismissal laws—the barrel of the Work Choices legislation—are now in fact accepted by those opposite.

The only argument we seem to have is on the quantum. We who have an unashamed bias in favour of small business say that the number ought to be 100. It stands to reason that those who favour small business would seek to balloon it out in favour of small business up to the 100. Those that are anti small business would of course seek to minimise that figure as much as possible. That is why Labor is now arguing, if I understand the latest iteration, for the figure of 15. So the
only issue we are talking about is not the principle any more; it is simply the quantum.

When Labor says, ‘We will rip up Work Choices,’ do you know what they are doing? They are getting a little bit of one millimetre of the top right hand corner of Work Choices, ripping it off and saying ‘Look at this, we’ve ripped up Work Choices.’ But of course they have not and they are very slow in going about it. I think we know why. It is because they accept that their rhetoric, aided and abetted by a $100 million trade union campaign, is something that they can no longer deliver on. The slick campaign—the smart sound bite—does not make smart, sound policy when in government.

When I asked the minister at Senate estimates, ‘Can you give us an assurance that under your legislation—the legislation we are debating here tonight—there will not be a single worker worse off in this country as a result?’ she was unable to give that guarantee. It is a guarantee that the trade union movement, in a $100 million campaign, demanded of the former Prime Minister and of the former government. They said it was an outrage that the Prime Minister would not give that assurance and that he was letting down the working families of this country. Well, guess what? Now that the need for a sound bite for the election has passed and the need for sound policy has come about, they are unable to give to their much vaunted working families the same assurance that they required from the then Prime Minister and government.

There is no doubt that as a result of the passing of this legislation—which I have said we will not oppose because we accept that Labor ran a campaign on this—there will be losers. Labor has admitted as much. There will be losers as a result of this legislation and we will be championing the cause of those losers. The Prime Minister so proudly boasted ‘the buck stops with me,’ and when he turns working families into welfare families we will be reminding him that the buck stops with him.

Indeed, the Australian workplace agreements, which were pilloried as being so obscene and so evil, are going to be allowed to continue forever under this legislation. They are not going to be abolished. Sure, you cannot make new ones, but the ones that are in existence today can continue, not just until 2012 but even beyond 2012. There were those—and especially those opposite in the government—who ran around the countryside saying to people: ‘Australian workplace agreements are obscene and evil. We are going to rip them up lock, stock and barrel. Under us there will be no Australian workplace agreements.’ Well, those who believed that mantra were unfortunately misled because Labor is now going to keep AWAs if the parties to them want them to continue. If I were the ACTU, chances are I would be asking for my $100 million back because the Labor Party, whilst continuing with their mantra, have adopted a large swag of that which we were asserting.

In the time left, I will quickly make reference to the Senate committee. The report does no justice to those government senators who put their name to the majority report. But you only have to turn the page and ask, ‘Who was the chairman?’ It was a member of the Electrical Trades Union—one of Dean Mighell’s mates. Then there was Senator George Campbell of the AMWU, then Senator Glenn Sterle of the Transport Workers Union and finally Senator Wortley of the Media Entertainment and Arts Alliance—all trade union officials. In their pathetic 30-page report, guess who they refer to as the great academic? I must say I laughed when I read this. It was none other than Professor Peetz, the trade union bard who writes poetry
for trade unions online—the independent academic; give me a break!

Others, including me, have highlighted the bizarre nature of Professor Peetz and some of his commentary. Did the Labor Party rely on Professor Peetz once, twice or three times? No. There was such a wealth of academic evidence in favour of the Labor Party report that—guess what?—they had to quote him 30 times: once per page, on average. I wonder why there is this overreliance on Professor Peetz. Of course, it is quite obvious. The majority report is, quite frankly, a disgrace to the system. It is pejorative and it is partisan in a way that does no credit to the Senate’s committee system. Paragraph 1.1 of the majority report states:

Yet the insistence of the former government in regarding industrial relations solely for the purposes of driving down wages to increase productivity was ultimately damaging to economic progress.

That is an absolutely false assertion and, because it is such a false assertion, guess what? The committee was unable to footnote it, because there was no evidence before the committee for that untruth. When members of the majority of a Senate report go about putting those sorts of sentences into reports without even the decency of a footnote to suggest where the evidence might have come from, you realise that something foul is at play. There was something foul at play. This was a political speech rather than a Senate report and it does the Senate committee system no good whatsoever.

On page 11 we have a very interesting table telling us how overtime, penalty rates and annual leave loading had somehow been absorbed or abolished and, moving along, how things have changed. That is very interesting. The Media, Entertainment and Arts Alliance negotiated to get rid of— you have guessed it—annual leave loading, penalty rates and overtime in their award. So it is quite okay for the trade unions to do it, but somehow it was not right for people to be able to do that in their Australian workplace agreements.

The list goes on. Indeed, on page 23 of the majority report, it quotes the Shop, Distributive and Allied Employees’ Association. On a previous occasion I was able to point out that the Shop, Distributive and Allied Employees’ Union was responsible for getting rid of penalty rates et cetera in the award for shop workers back in, I think, the 1970s. It was a long, long time ago. But, of course, the Shop, Distributive and Allied Employees’ Association does not refer to that at all.

The coalition report has highlighted that the bill is fundamentally flawed and that there are many difficulties with it. I commend those people who are genuinely interested in this legislation to read that report. If they think that the coalition senators might be a bit biased, I would invite them to read today’s additional remarks of Senator Andrew Murray, where he says:

The more things change, the more they stay the same.

That is interesting, but then he goes on:

It beggars belief that, when a range of witnesses make a case for amendments that would improve the bill—including recommendations from such reputable and experienced witnesses—

And I differ a bit from Senator Murray there but, for the sake of the argument, I will accept it—

as the Australian Industry Group, the Australian Council of Trade Unions, and Professors Buchanan and Stewart—the majority could not find even one change to formally recommend. It beggars belief. It is a steamroller, arrogant attitude to try and get this legislation through, irrespective of what common sense might dictate.

We will not stand in the way of this legislation, but I remind those opposite that, when
the GST came in, they opposed it lock, stock and barrel. They now accept it lock, stock and barrel. When they opposed our budget surpluses, they had people from the other side breaking down the front doors of this Parliament House to oppose them. Today, they say they have always been economic conservatives whilst they have still got the splinters of the front doors of this House under their fingernails. (Time expired)

Senator Wong—I raise a point of order. I would ask you, Mr Acting Deputy President Bishop, to reflect on some of the comments Senator Abetz made at the conclusion of his speech in which he seemed to assert—and I could be wrong; I was not listening closely—that members on this side had been involved in activities such as breaking down the doors to Parliament House. If that is the case, it is clearly a reflection on those on this side of the chamber and it is also incorrect.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop)—I will take advice of the Clerk in due course and come back to the chamber.

Senator Wortley (South Australia) (9.58 pm)—I seek leave to incorporate a speech by Senator McEwen.

Leave granted.

Senator McEwen (South Australia) (9.59 pm)—The incorporated speech read as follows—

It is with great pleasure that I speak today on the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008.

On November 30 2005, I spoke against the Workplace Relations Amendment (Work Choices) Bill 2005. I said I couldn’t wait for the day that Labor would tear up that legislation and put it in the bin. And now that day has come.

Australian workers were wronged by the previous Government and I am proud to be part of the Rudd Government that is cleaning up the mess, working towards a better future for all Australians.

Ratifying Kyoto was the first act of this Government. We made a commitment to cleaning up the planet while at the same time cleaning up one of the previous Government’s failings. Another mess left by the previous Government is the economy. The previous Government failed to show fiscal discipline, failed to deal with the skills shortage, failed to prepare for an ageing population, failed to make the most of the best terms of trade in 50 years and failed to address inflation. It also failed to keep its promise of record low interest rates as we saw over and over again. The previous Government was too busy pushing through its ideological agenda, too busy punishing hard working Australians, to address these major issues.

Australia is facing the highest underlying inflation rate for 16 years and it is predicted by the Reserve Bank to stay there for two years. To assist families during this difficult time Labor will introduce low tax First Home Saver Accounts, help to build thousands of new rental properties leased at 20 per cent below market rents, cut out-of-pocket child-care costs and provide a 50 per cent education tax refund to eligible families to cover the cost of education for their children. We are committed to helping families while we deal with the issue of inflation. This is in stark contrast to the former Government which not only paid little attention to inflation, but also introduced Work Choices, cutting the pay and conditions of workers when most needed.

The recent announcement by the Australian Bureau of Statistics that Australia’s unemployment rate fell to 4.0 per cent in February 2008 was exciting news worth celebrating. But to continue celebrating strong jobs growth, we must control inflation and lift productivity. To this end, the Government has developed a five point plan to fight inflation, while boosting productive capacity of the economy and effective labour supply.

We will be working to lift the nation’s productivity as the average annual productivity growth over the last five years has been lower than in any equivalent period in at least the last 16 years. Unlike the previous Government, we have recognised the destructive skills shortage facing our country and its implications for the economy.
have recognised this and have a plan to deal with it. Skillling Australia for the Future is the Government’s commitment to address skill shortages. This commitment includes establishing Skills Australia. Skills Australia will bring together economic, education and industry expertise to provide Government with advice about the future skill needs of this country.

We will also provide an extra 450,000 Vocational Educational and Training places, including 175,000 for those who are not working or marginally attached to the labour force. The first 20,000 of these places will be available from April 1 this year.

Today we are tackling the disaster that is, soon to be was, Work Choices.

For months leading up to the election last year, Labor presented a workplace relations policy that resonated with Australian workers and their families. The disastrous effect the previous Government’s IR laws had on workers is real and must be recognised. Work Choices was a mistake and it has been refreshing to hear some members of the previous Government now admit to that, just as it has been disappointing to see others desperately trying to hold onto the ideological dream that was Work Choices.

Labor gave the Australian people an alternative. An alternative that would restore workers’ rights and conditions. An alternative that the Australian public came out in droves to support. Work Choices was not an issue at the margins of this campaign, it was right at the centre, those who voted for Labor voted for these changes. This legislation represents the mandate that the Labor Government was provided with to repeal Work Choices.

Labor’s main pledges in regard to workplace reform were and remain:

- Abolishing AWAs, but respecting existing contractual arrangements;
- Providing 10 National Employment Standards;
- Creating a fast and simple unfair dismissals system;
- Simplifying and modernising some 4,300 awards;
- Limiting the ability to take protected industrial action to bargaining periods, supported by a mandatory secret ballot and prohibiting industry wide strikes;
- Retaining existing right of entry arrangements; and
- Creating a new independent umpire – Fair Work Australia.

Unlike the previous Government, we were straightforward and honest with the Australian public. During the 2004 election campaign, the then Prime Minister announced the Coalition’s industrial relations policy and then once elected, introduced something completely different. The public did not get to vote on Work Choices that election, their voices were not heard by the Coalition. But in November last year they finally got the chance to vote on it and their voices were definitely heard. Australians voted for change and change is what they are getting. We are a Government that stands by its principles and promises. Today is another example of this.

When Work Choices was first introduced into Parliament, debate was quickly gagged. As a new Senator, it was disenchanting to see this kind of behaviour happening so readily. We wanted to represent the views of our constituents who were incredibly angry by the way they had been treated during the election.

For the next two and a half years, the Howard Government misled Australians about the impact Work Choices was having on workers. One such example was when the Government forced high paid public servants onto AWAs so it could claim that AWAs delivered wage increases. In reality, low paid workers often didn’t get any wage increase at all under their AWA. The true situation once the legislation had been passed was misrepresented.

We then saw $60 million of taxpayers’ money being used by the previous Government to campaign against Labor on workplace relations. The public saw through their obfuscation of the facts. The true facts have been provided by the Workplace Authority. After analysing a sample of over 1700 AWAs lodged between April and October 2006, the Workplace Authority compiled a sig-
significant amount of data. The previous Government claimed this data didn’t exist.

The analysis of the 1748 AWAs shows that;

- 89 per cent excluded one or more so-called protected award conditions;
- 83 per cent excluded two or more so-called protected award conditions;
- 78 per cent excluded three or more so-called protected award conditions;
- 52 per cent excluded six or more so-called protected award conditions.

The analysis also revealed the so-called protected award conditions that were most frequently removed:

- 70 per cent removed shift work loadings
- 68 per cent removed annual leave loadings
- 65 per cent removed penalty rates; and
- 63 per cent removed incentive based payments and bonuses.

The data also revealed that 75 per cent of the 1487 AWAs sampled did not provide for a guaranteed wage increase.

These are the statistics the former Liberal Government didn’t want to tell the Australian people. These are the individual statutory agreements that the Liberal Party brought to Australian working families.

This transition Bill is the beginning of the end for Work Choices. We know from the length and complexity of Work Choices what happens when legislation is implemented without full debate and consultation. Therefore we have facilitated much discussion on this Legislation and are introducing our changes in stages. We have struck a balance between addressing the urgency of the Bill as well as the need for research and scrutiny.

Changes that will be implemented by this Legislation include: preventing the drafting of any new Australian Workplace Agreements, putting arrangements in place for the making of individual transitional employment agreements, and providing the Australian Industrial Relations Commission with the resources and clear direction it needs to get on with the award modernisation process.

As already stated, Australian Workplace Agreements were forced upon many workers, stripping them of their basic rights. Following International Women’s Day on the 8th of March, it is particularly pertinent to speak of the impact Howard’s IR laws had on women. The Women’s Electoral Lobby and National Pay Equity Coalition have spoken on the impact Australian Workplace Agreements had on workers saying that ‘the inclusion of appropriate work and family standards into these Agreements was rare and was to the detriment of women trying to balance their work and family responsibilities.’

Since the introduction of Work Choices, a majority of AWAs have been made within the areas of low-paid employment. Such people include many women, young people and workers of non-English-speaking background, and this is the reason that AWAs have had a negative impact on equal pay for women. AWAs provide little flexibility to workers, thus tipping the scales of a good work and life balance. This will no longer be possible following the Bill’s commencement date. No one will be able to sign a new AWA which is fantastic for all Australians now and for generations of workers to come.

Those already on AWAs will work under that AWA until its expiry, and then new employment arrangements can be made. For those employers who currently have staff on AWAs, transitional arrangements need to be made. The transition to Forward with Fairness amendment does this through the creation of individual transitional employment agreements, ITEAs.

ITEAs can be made until 31 December 2009 by employers who had at least one employee on an AWA as at 1 December 2007. These agreements are designed to assist employers in adjusting to the new workplace relations system and will expire no later than 31 December 2009. By this stage employers would have gained a greater understanding of the new system and as of the 1st of January 2010, Labor’s new National Employment Standards and modern simple awards will be up and running.

The ITEAs for employees, employers and union greenfields agreements must be lodged with the Workplace Authority Director. If an ITEA fails the no disadvantage test, introduced in this legis-
lation, the agreements would cease to operate and in some circumstances compensation may be payable to employees. This is a big change from what occurred under Work Choices.

With so many Award conditions lost by workers during the time of Work Choices, it is clear that the Government’s ‘fairness test’ was unsuccessful. This view was supported by The Women’s Electoral Lobby and national Pay Equity Coalition in their submission to the Senate Inquiry. They ‘support the abolition of the ‘Fairness test’ and its replacement with a more effective ‘No disadvantage test’ that ensures that rights and entitlements contained in collective agreements and awards cannot be avoided through the use of AWAs.’

In November last year the number of agreements failing the fairness test more than tripled, with almost 5,000 workers found to have had their wages and conditions cut without adequate compensation. What is even more disturbing is that there were almost 150,000 workers in the queue to have their job contracts scrutinised. With many of the agreements failing the test, it is likely that a large proportion of those 150,000 workers waiting to have their agreements checked, were also suffering under poorer working conditions.

The number of AWAs that failed the fairness test is indicative of the confusion caused by Work Choices. It shows that the millions of taxpayer dollars spent trying to inform employers and the public about ‘Work Choices’ was a complete waste of taxpayers’ money. The Bill today repeals the requirement for employers to provide a copy of the Work Choices workplace relations fact sheet to their employees. We saw the requirement that companies had to distribute Government propaganda at the expense of the taxpayer as the outrageous waste that is was.

With this legislation, Labor is introducing a new no disadvantage test for collective and individual workplace agreements. The test will apply to all collective and individual agreements made after the commencement of this legislation. Under this legislation, only workplace agreements, agreement variations and terminations that meet fundamental requirements will come into operation.

Another important aspect of the Bill is that it begins the process of award modernisation for the establishment of a modern award system for Australia. The Bill stipulates that the Australian Industrial Relations Commission must give regard to an awards system that is simple and easy to understand and that reduces the regulatory burden on business; that provides a fair minimum safety net of enforceable terms and standards; that is economically sustainable and promotes flexible work practices; and that is in a form that promotes collective bargaining. Labor expects that the vast bulk of award modernisation will be conducted by the end of 2009.

I look forward to the introduction of a more detailed workplace relations Bill which will be introduced into Parliament later this year. This Bill will ensure that by the 1st of January 2010, Labor’s fairer and more flexible workplaces relations system will be in full operation. Until such a time, it is with great pleasure that I commend the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008 to the house.

**Senator WONG** (South Australia—Minister for Climate Change and Water) (9.59 pm)—I rise to make some comments in reply in this debate on the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008. At the outset, I thank senators for their contributions to the debate, particularly the senators who participated in the Senate committee inquiry process into this bill.

At the 2004 election, the Australian people did not vote for their pay and conditions to be stripped away through individual Australian workplace agreements. They did not vote to exchange the safety net for a limited number of protected award conditions that could simply be eradicated, without compensation, from a workplace agreement by the flick of a pen.

The opposition now say that they made a mistake with Work Choices. Perhaps, if they had sought at any time to tell the Australian people of their plans, the Australian people could have warned them about the mistake they were making. The member for North
Sydney, the former Minister for Employment and Workplace Relations, said:

... I don’t think many ministers in cabinet were aware that you could be worse off under Work Choices, and that you could actually have certain conditions taken away without compensation ...

That is a quote from a minister commenting on cabinet deliberations, confirming that Howard government cabinet ministers were not actually aware of the impact on working families, on ordinary Australians, of the legislation they endorsed. The member for Menzies, who was the Minister for Employment and Workplace Relations at the time the Work Choices legislation was introduced, said in his speech during debate on this bill, ‘I have said before that I believe we did make a mistake in relation to Work Choices.’

At no stage has anyone in the opposition apologised for making that mistake. In fact, what we saw tonight from Senator Abetz was yet another rearguard defence of Work Choices, because he cannot help himself. He is still in this chamber defending Work Choices with every breath. The reality is that he is another one of those on the other side who want these extreme laws to stay in place and who have not accepted that these laws are not good for Australian working families.

I am not sure what is worse: a government that deliberately sought to reduce the rights and entitlements of Australian workers in the workplace or a government that did so accidentally, asleep at the wheel, blindly allowing pay and conditions to be slashed whilst ignoring that it was even occurring—the former Prime Minister insisting that it was merely a perception on the part of some people, saying, ‘We haven’t had people coming up and saying, “I’ve been affected,” but they have this general idea that others might have been.’ These are the same people—that is, the opposition who are now calling on the government to provide the economic modelling of the effects of the transition bill—who did not do any proper modelling on their own Work Choices bill; who refuse to release the limited modelling they did conduct; and who withheld key data of the effects of Work Choices from the Australian people.

Prior to last year’s election, we on this side of the chamber made our workplace relations policy crystal clear. In November last year, the Australian people voted for a fair, balanced and productive workplace relations system for the future. We made it clear that we would act immediately to prevent any new Australian workplace agreements being made. This bill delivers on that promise. We made it clear that we would allow workplaces using Australian workplace agreements as at 1 December 2007 to use individual transitional employment agreements in limited circumstances only in order to assist with the transition to the government’s new workplace relations system. This bill delivers on that promise. We made it clear that we would introduce a genuine no disadvantage test against the full safety net for all agreements. Again, this bill delivers on that promise. We made it clear that we would immediately commence the process of award modernisation, and this bill delivers on that promise.

ITEAs will only be available for a limited transitional period until the government’s new workplace relations system is fully operational from 1 January 2010. Under this government, there will be no scope for any individual statutory agreement to be made after 31 December 2009 and, under this government, there will be no need for any individual statutory agreement to be made after 31 December 2009. That is because this government will deliver on its promise to put in place a fair and flexible safety net of 10 legislated national employment standards and a further 10 minimum conditions contained in simple, modern awards for employees earn-
ing $100,000 or less. This will be a safety net that cannot be ripped away. Where an employer and employee choose to make an individual arrangement, it will be underpinned by the safety net. Where an employer and employees agree to make a collective agreement in the government’s new workplace relations system, employees must be left better off overall when compared with the safety net.

I want to turn now to an issue that had some focus in the debate today, and that is the relationship between workplace flexibility and productivity. There is no evidence that having Australian workplace agreements has made any difference to inflation, productivity or industrial harmony. What they did do was assist in stripping away Australian workers’ pay and conditions. Whilst this government is tackling the inflation challenge and the productivity challenge for this nation, the fact is that the former government simply ignored multiple Reserve Bank warnings about the inflation risks arising from skill shortages and infrastructure gaps. What they focused on was introducing a system which enabled workers’ pay and conditions to be stripped away. This is what they did instead of rising to meet the productivity challenge. Instead of meeting the productivity challenge, the former government created a workplace relations system that combined the greatest regulation this country has ever seen while reducing job security and basic protections for employees. Unsurprisingly, productivity growth did not increase with Work Choices changes. While aggregate data is of limited value in determining the impact of AWAs on productivity growth, the most recent national accounts data shows that productivity growth in the market sector was flat between March 2006 and September 2007 compared with the annual average wage growth over the past two decades of 2.3 per cent.

I listened with interest tonight to Senator Abetz claiming credit for the unemployment rate, a bit like Mr Costello in the other place. I wonder whether he will also claim credit for the flatlining of productivity that I have outlined and for the consecutive interest rate rises that we saw under the Howard government, and the last two. Will the opposition also claim credit for that? I wait for those on the other side to actually be consistent about which aspects of their economic legacy they wish to take credit for, because somehow I do not believe—

Senator Johnston—We’ll just take credit for the $20 billion cash in the kitty.

Senator Wong—Unless, Senator, you are going to be different, I think we will continue to see the opposition ducking its head when it comes to inflation, productivity and interest rate increases.

I have listened to opposition claims that the absence of new statutory agreements from 2010 onwards will reduce labour market flexibility. This is clearly not the case. The focus for determining wages and conditions of employment under Labor’s system will remain at the enterprise level through collective enterprise bargaining. Bans on pattern bargaining remain. Indeed, on 19 February the Reserve Bank’s Assistant Governor said:

Over a period of 20 years or so, the labour market has become much more flexible than it used to be. I do not see that changing in any significant way. I think that we should expect to see that low unemployment can still be sustained without generating a significant lift in inflation.

The opposition is simply on its own in the scare campaign it is attempting to run when it comes to workplace relations.

The government welcomes the opposition’s statements apparently in support of the government’s genuine no disadvantage test. It is not clear to me, however, whether the
opposition really supports the no disadvantage test or whether it merely does not oppose it and would be prepared to see it again eroded at some time in the future. After all, the opposition’s original plan, when it was in government, was for workplace agreements to not be tested at all. It was only after more than a year of this approach and the approach of an election that the former government was forced into considering the introduction of a test for agreements, but what they introduced was not a no disadvantage test. It could not be called a no disadvantage test because it still allowed employees to be disadvantaged under workplace agreements when compared with the award. Important award entitlements, such as long service leave, redundancy pay and rostering protections could simply vanish without employees receiving anything in return. The benchmark for Labor’s no disadvantage test will be the full range of entitlements in an earlier award, an ITEA or an earlier collective agreement, if there is one, not merely the handful of conditions that formed the benchmark of the previous government’s so-called fairness test.

The creation of modern awards was a key election commitment by the Rudd Labor government. Along with the new National Employment Standards, modern awards will form an integral part of a fair minimum safety net for employees in the new workplace relations system from 2010. This bill provides the means for the award modernisation process to commence by setting out the Australian Industrial Relations Commission’s award modernisation function and specifying requirements for modern awards. Unlike the former government’s provisions in its legislation, the provisions in this bill are actually going to be used to ensure that this important and significant reform takes place. The commission will undertake award modernisation in accordance with the terms of an award modernisation request. The explanatory memorandum to this bill contains the award modernisation request the Deputy Prime Minister proposes to make to the president of the commission upon passage of the bill. There is no secrecy here and there is no delay. Throughout the award modernisation process, the commission will publish quarterly progress reports. These will keep the public updated about how the process is developing.

Concerns were raised before the Senate inquiry into the bill about the requirement for the commission to ensure that modern awards do not contain state based differences. I would like to note that this does not prevent the commission including in awards terms and conditions that are appropriate and based on objectively ascertainable regional circumstances, based on the evidence of the parties that such a term or condition is necessary to ensure a fair minimum safety net. It is appropriate, though, that new modern awards operating in a national system should not replicate state based differences from old awards which exist merely as a matter of historical circumstance.

This bill will extend the end date for notional agreements preserving state awards, or NAPSAs, and transitionally registered associations to coincide with the commencement of modern awards. Under the current act, NAPSAs and transitionally registered associations would end on 26 March 2009—three years after the commencement of Work Choices. The former government seemed to be entirely unconcerned about the possibility of employees being left entirely without award protections from 27 March 2009. If this government had not moved to extend the operation of those instruments, the employees covered would have been entitled to the five minimum conditions under the previous government’s fair pay and conditions standard but nothing more. Such employees will be covered by a modern award from 1 Janu-
ary 2010 when modern awards will commence and the government’s new workplace relations system will be fully operational.

The government has set out a clear plan for workplace relations. We did so before the election. Nevertheless, we remain engaged in genuine consultation on the detail of our proposed legislation. In framing the bill, the government has sought the views of employer, union and state and territory representatives. The government’s preparedness to listen to and act on a range of views has resulted in better legislation and contrasts starkly with the way in which Work Choices was developed. The government has also listened carefully to the matters raised by stakeholders during the Senate inquiry and the very useful contributions made by senators during the inquiry hearing.

Before I conclude, I want to make some brief comments in relation to Senator Fielding’s second reading amendment. Can I note that one of the central aspects of this bill is to restore a full safety net to ensure that agreements are assessed against the totality of awards. In general, matters such as meal breaks and penalty rates are contained in the full safety net, including awards. The primary issue, therefore, covered by Senator Fielding’s amendment appears to be award-free employees. Can I say on this issue, as Senator Fielding would be aware, the National Employment Standards discussion paper invites comments on a range of issues, including how to best deal with these issues in respect of award-free employees. I would also draw the Senate’s attention to evidence by Professor Andrew Stewart which goes to the difficulty associated with setting into a national employment standard some of the issues raised by Senator Fielding—in particular, to have a single national standard for penalty rates. Given the way in which penalty rates are generally construed, that is obviously extremely difficult to define. For these reasons, the government is not intending to support Senator Fielding’s second reading amendment.

In conclusion, the blueprint for Labor’s new system was detailed before the election. It was endorsed by voters. It will be developed in an open, consultative and rigorous way and it will get the balance right between flexibility and fairness.

Debate (on motion by Senator Wong) adjourned.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop)—Order! I have received letters from party leaders seeking variations to the membership of committees.

Senator WONG (South Australia—Minister for Climate Change and Water) (10.14 pm)—by leave—I move:

That senators be discharged from and appointed to committees in accordance with the document circulated in the chamber.

Economics Committee—

Appointed, as a substitute member:


Housing Affordability in Australia—Select Committee—

Appointed, as participating members: Senators Abetz, Adams, Barnett, Bernardi, Birmingham, Boswell, Brandis, Bushby, Chapman, Coonan, Cormann, Eggleston, Ellison, Fierravanti-Wells, Fisher, Heffernan, Johnston, Joyce, Kemp, Lightfoot, Ian Macdonald, Sandy Macdonald, McGauran, Mason, Minchin, Nash, Parry, Patterson, Ronaldson, Scullion, Troeth, Trood and Watson
State Government Financial Management—
Select Committee—


Question agreed to.

ADJOURNMENT

Senator WONG (South Australia—Minister for Climate Change and Water) (10.15 pm)—I move:

That the Senate do now adjourn.

Ireland

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (10.15 pm)—It is St Patrick’s Day today, and I want to wish you, Mr Acting Deputy President, and everyone else here in the chamber a happy St Patrick’s Day. Isn’t it wonderful to have a day when the Irish can talk to themselves about themselves, no matter where they are?

It does not matter that St Patrick’s arrival in Ireland happened a long time ago, because, in fact, we are known for our long memories, so each year we revisit his story: how he was chased from port to port when he tried to land with his message of Christianity; how he banished the snakes and toads from Ireland; and how he explained the difficult concept of the Trinity to the simple country folk by drawing their attention to the shamrock beneath their feet. I can still remember Miss Kelly telling us all this when I was in first class. In fact, I remember her waxing eloquent as she described how such a talented person as Patrick, so highly educated and well bred, with so much going for him, was obliged to spend half his life on the side of a mountain in the middle of nowhere minding sheep. Poor old Miss Kelly was very Irish. She filled our heads with myths and legends interspersed with the catechism, and she never forgot an injury. Once she hit one of my older sisters so hard that she raised blisters, and my mother dared to visit the school and confront her about it. But back in Ireland in the sixties attitudes were not quite as democratic as they are now. Forever afterwards, all seven of us were known not simply as ‘the Clarke children’ but as ‘the Clarkes whose mother keeps trotting down to the school to complain’.

Yes, that famous Irish long memory has a lot to answer for, and today I want to talk about the business of remembering and forgetting and the importance of finding a balance between the two. I was very young when we moved to Australia, and some of the so-called memories I have are not exactly my own memories; they are part of a nostalgic picture of Ireland that is kept alive in legends and songs, often of loss and pain and the wrongs that had been done to us. They are also fed by hearing the grown-ups talk, often harking back generations to the experiences of relatives and neighbours, which was usually about what they had suffered.

I was entranced by all this while growing up. Of course, as a child—and even later—I did not question why I was so in love with this Irish heritage. I yearned for the time when I had *Four Green Fields*; I wished I was in Carrickfergus or the green glens of Antrim or the Wicklow Hills or at the Ring of Tara—anywhere over there among the mists of time. So I am very conscious of the power of the traditional image of Ireland and how deeply it is planted in so many hearts. This is the Ireland of St Patrick’s Day celebrations around the world—the ‘Erin’s green valley’ in *Hail glorious St Patrick*, the hymn.
of the day. And, if you have ever been to Ire-
land, can’t you see it in your mind’s eye—
the land of tradition and poetry and straight-
armed dancing; the country of fiddles and
harps—and other brands of lager—that pro-
duced Yeats, Joyce, Patrick Kavanagh and
Seamus Heaney, among countless others.
And there is also the singing: The Dubliners,
Christy Moore, John McCormack and Mary
Black—songs that hang suspended in our
minds.

Mr President, you and I both visited Ire-
land a year or so ago and found ourselves in
a very different country, a new Ireland—
much more worldly, outward-looking and
economically successful. Although proud of
its traditions, instead of being preoccupied
with its past it is a nation looking to the fu-
ture that has finally put an end to centuries-
old rivalries with the north and with England
and is confident enough to consider itself a
partner of its European neighbours. We saw
booming cities and young, well-educated
professionals. The new affluence marks a
country that has virtually reinvented itself as
a more pluralistic and open society. It is a
country that has self-consciously positioned
itself and moulded its government’s policies
to take advantage of globalisation and an
internationalised political economy.

How did this change happen? Despite its
fondness for the old ways, Ireland took a
long, hard look at itself and its prospects and
came up with a new model of growth, focus-
ing on taxation, technology, talent and tole-
rance. Tax related incentives were part of the
successful plan to actively recruit high-tech
companies such as IBM, Dell, Intel and Mi-
crosoft. These incentives were enhanced by
the pool of talent emerging from the coun-
try’s world-class universities and colleges.
Since the sixties the Irish government has
invested heavily in higher education, and in
particular it has fostered the growth of tech-
nical skills in electronics and computer-
related disciplines through a system of re-
gional technical colleges. So today 60 per
cent of Irish university graduates major in
engineering, science or business, and with
the growing job market they do not need to
leave the country to find opportunities or
future prospects any more.

These economic developments alone, of
course, do not explain the changes in Ireland.
Ireland also took a conscious decision to en-
courage and promote tolerance—to build on
the legacy of culture, art and music to create
an environment where the software geek and
the sharp businesswoman were not excluded
but could feel as much at home as the artist,
the shop assistant, the office worker and, dare I say, even the politician! The best of
the past, including the history and architec-
ture, has been kept to enhance the best of the
present. Now we find that 53 per cent of new
immigrants to Ireland are Irish citizens re-
turning there from Australia and other coun-
tries. And how Ireland values and cultivates
its diaspora—something we could certainly
learn from here.

This is an example of how change can
happen if we are prepared to let things go—
not the things of lasting value, but the habits
and hurts that are kept alive by feeding on
themselves. So here in Australia on St Pat-
rick’s Day we should be remembering and
celebrating all things Irish without being
dragged back into unhealthy memories or
sentimental versions of a life that was grim
and hard for most people. Let us enjoy the
prosperity at home and abroad—whichever
country you call home—and enjoy the fact
that we can move between one place and the
other with an ease that our parents and
grandparents could never have imagined.

What does it mean to be Irish? Certainly it
includes the ability to hold on to a triumph or
a grievance long past its use-by date. We are
told that ‘to err is human and to forgive di-
vine’ but that does not mean that we leave all the forgiveness to the divine—and that it is not necessary for us to do a bit of forgiving and forgetting ourselves. Surely the energy we expend on thinking, holding and remembering grievances is energy that we do not have to spend on other more important issues like making poverty history, strengthening community values or nurturing our young people. This is Ireland’s new agenda: a social inclusion agenda we can learn from, one that is based on foundation principles about caring and sharing, acting honourably, loving tenderly and saying sorry when we should.

Last week Minister Noel Dempsey, the Irish Minister for Transport, visited us here in Canberra. He talked about Ireland’s next stages: reinvesting in infrastructure and education, addressing skills shortages and having an active antipoverty agenda. He talked about tackling homelessness and binge drinking and the challenges that come from becoming such a wealthy country in such a short time. It made me proud to be Irish, and it all sounded so familiar—the Rudd government’s agenda for building the Australia we want to see.

I hope St Patrick showers his blessings down on you today, and that they help all of us here in the chamber let go of any grievances that we have been holding onto for too long. I want to take this opportunity to say to my colleagues and staff how grateful I was for the support and care shown to me by those on both sides of the Senate when Dad passed away in the last sitting week before the election. I was very touched by your concern for us all. He would have loved to be listening today—although, as the Irish would say, of course he is. So ‘Go n eiri an bothar leat’.

Australian Defence Force Parliamentary Program

Senator ADAMS (Western Australia) (10.23 pm)—Tonight I take the opportunity to speak about the 2008 Australian Defence Force Parliamentary Program, which was launched last Wednesday by the Parliamentary Secretary for Defence Support the Hon. Dr Mike Kelly AM, MP. As a keen supporter of the ADF Parliamentary Program, I would like to congratulate all those involved in arranging such an impressive range of options for the 2008 program—namely, Commodore Trevor Jones, Head of the Australian Defence Force Parliamentary Program; Mr Lynnton Dixon, ADF Parliamentary Program Executive Officer; and Mr Alex Ruiz, also of the ADF Parliamentary Program executive. The 2008 program has a choice of 15 options. Option 1 is with the Navy in exercise RIMPAC 2008. This is a biennial maritime based combined joint exercise conducted with the United States out of Pearl Harbor in Hawaii. I was very fortunate to attend the 2006 exercise RIMPAC. This exercise had a choice of 15 options. Option 1 is with the Navy in exercise RIMPAC 2008. This is a biennial maritime based combined joint exercise conducted with the United States out of Pearl Harbor in Hawaii. I was very fortunate to attend the 2006 exercise RIMPAC. This exercise had a choice of 15 options. Option 1 is with the Navy in exercise RIMPAC 2008. This is a biennial maritime based combined joint exercise conducted with the United States out of Pearl Harbor in Hawaii. I was very fortunate to attend the 2006 exercise RIMPAC. This exercise had a choice of 15 options.

Option 2 is Navy exercise Kakadu IX. This is a maritime exercise conducted with regional defence forces out of Darwin in the Northern Territory. This attachment provides the opportunity to engage with Australia’s Navy in an important exercise with a large number of our regional allies and coalition partners, drawn from Brunei, France, India, Indonesia, Japan, Malaysia, New Zealand, Pakistan, the Philippines, Papua New Guinea, the Republic of Korea, Singapore, Thailand and Vietnam. It is a very large exercise with over 20 vessels participating. Once again I would encourage my colleagues to look at this option.
Option 3, again with the Navy, is a tour of the east coast naval establishments. I believe this is one of the most important options to take up because it really shows what is behind keeping our ships and our people at sea. I did this option in my first year in the Senate. The aim of this option is to provide a five-day broad overview of Navy capability through operationally focused visits to Navy ships and establishments located in the greater Sydney region. This includes visits to HMAS Kuttabul; Fleet Base East; HMAS Waterhen, the clearance divers’ and mine-hunters’ home; HMAS Penguin; and then sailing to HMAS Creswell down in Jervis Bay, onto HMAS Albatross and then back to Sydney. This program really lets you know exactly what is behind keeping our people at sea—it is very important.

Option 4 is the Army option of NORFORCE, which I am going to do. NORFORCE supports the Northern Territory intervention. As with a number of us who have been involved in Aboriginal issues, I am very keen to go out on the patrols with them to Pine Gap; Uluru; the Olgas; Mutitjulu; Kaltukatjara, which is near Docker River; and Alice Springs, to really see firsthand what is going on in these communities and the approach taken by NORFORCE in the work that they do.

Option 5 is with the Army mission rehearsal exercise. Mission rehearsal exercises are conducted by the combat training centre to prepare our battle groups for deployment on operations in either Iraq or Afghanistan. The mission rehearsal exercises are designed to test the battle group by putting it through a series of activities and incidents similar to those they may face in country. Members of parliament will be part of the enemy force so they will certainly be very active in that exercise.

Option 6 is another one with the Army—this time with the Special Air Service regiment selection course. An SAS trooper is a soldier trained to a high degree in basic infantry skills who is qualified in one or more specialist skills. The Special Air Service regiment selection course is a rigorous program designed to identify those soldiers, sailors and airmen with the special qualities required of an SAS trooper. This option is a very special opportunity to gain a unique insight into the extraordinary physical and mental hardships endured by the course participants as they strive for selection in this elite group.

Option 7 is with the Air Force at RAAF Base East Sale. This base is probably best known for its Central Flying School—the home of the famous Roulettes aerobatic display team. Members and senators will mix with the pilots and all those who support the team. On this option they will learn what goes into planning a mission from planning to execution and all the factors to be considered so that the crowd is entertained and safe practices are still adhered to.

Option 8 is another Air Force option at RAAF Base Wagga Wagga. The centrepiece of trade training at RAAF Base Wagga is the RAAF School of Technical Training, which caters for up to 60 courses and an annual throughput of 3,500 students. Members and senators will join the recruits at initial recruit training, and experience firsthand the changes that our young people go through to become the backbone of our Air Force.

The ninth option is another Air Force one, this time at RAAF Base Amberley, which is the largest operational base in the Air Force employing approximately 3,000 service and civilian personnel. This option will provide an overview of the behind-the-scenes work that goes on at the Combat Support Group. Members and senators will also join person-
nel at the RAAF School of Fire and Security, which is the primary training facility for firefighters as well as airfield defence guards, security police, military working dog handlers and airfield engineering personnel.

The tenth option is Operation Catalyst, which involves operations in support of Australian Defence Force activity in the Arabian Gulf and Iraq. I was very fortunate to go on this last year. It is an excellent opportunity to join our men and women of the ADF in execution of their mission in the Middle East by spending time with the AP3C Orions, and also this time members of parliament will be with HMAS Arunta. I was fortunate to spend my time in HMAS Toowoomba.

Option 11 is Border Protection Command’s Operation Resolute, which is Defence’s contribution to the whole-of-government approach to protecting Australia’s offshore maritime interests. Members and senators arrive at Thursday Island on the northern tip of Cape York and, after a series of briefings and an assimilation tour of the area, find themselves on board one of the Navy’s patrol vessels as well as a customs vessel. That is a five-day tour that I am hoping to do in July.

Option 12A is at the Centre for Defence and Strategic Studies, or CDSS, part of the Australian Defence College in Canberra, where selected senior Australian military and civilian officers together with senior foreign military officers undertake a 12-month course. This option will give our members of parliament a very good idea of the senior operational issues that our Defence Force meet. Option 12B is an opportunity to go to ADFA, the Australian Defence Force Academy, also in Canberra. There are up to 1,000 students at ADFA comprising cadets from the three services who, together with foreign military cadets, undertake a three-year university degree under the auspices of the University of New South Wales. We then have option 12C, which is a combination of the CDSS and ADFA.

The 13th option, which is a fascinating one, is the Young Endeavour Youth Scheme. This gives members of parliament an opportunity to go with 23 of Australia’s young people and nine Royal Australian Navy crew on a journey from Townsville to Hamilton Island.

I would quickly say in closing, since its inception in 2001 there have been more than 70 parliamentary participants in the ADF program. We also have an exchange program which allows 12 defence personnel, four from each of the services, to come and join us in Parliament House. Last year I was fortunate enough to host Captain Peter Leavy, who is now the Director of Sea Power and who was the captain of HMAS Stuart on two of the operations that I was attached to. It shows how a program like this gives us all an opportunity to join with the young people on these ships, aircraft and in the Army and to really appreciate what they do.

(Time expired)

Federalism

Senator FIELDING (Victoria—Leader of the Family First Party) (10.34 pm)—Federalism—have you noticed how it is the new buzz word? Nearly every day, someone, somewhere is talking or writing about federalism. Prime Minister Kevin Rudd has made a lot about federalism, and this week opposition leader Brendan Nelson will speak about federalism in a ‘headland’ style speech from the National Press Club. So federalism must be important. But for all its importance I have a sneaky suspicion that most of us are left wondering what federalism will do for the average Aussie family. My dictionary defines ‘federalism’ as:
... a political system in which several states or regions defer some powers to a central government while retaining a limited measure of self-government.

More gobbledygook, but hold on to the word 'self' in 'self-government' because we will come back to that in just a minute.

So let’s see if we can break it down. Currently Australians are governed by a federal government that works, sometimes cooperatively with six state governments and two territory governments. In each of those states and territories there are vastly different laws, regulations and standards that regulate and guide our lives. So depending on where you live, you might be governed by some really good laws. And every so often these six states and two territories get together with the big daddy of governments, the federal government, and have a big powwow and normally a spat over money. That is called COAG, the Council of Australian Governments. Just like a family, I suppose.

They wrangle and they wrestle with their self-interest at the forefront to get a bigger slice of the family allowance, which is made up of our taxes. And just like in any family, we have the older brother who thinks that he is entitled to the whole inheritance, the middle child who complains about getting squeezed and never getting what he wants, and the youngest child who seems to get everything she wants and has never had to work a day for it. ‘It’s not fair,’ is the catchcry of the sibling states as the parent federal government tries not to play favourites but everyone knows who the favourite is anyway; the youngest, who apparently cannot fend for themselves. All sound familiar? Well that is how federalism currently works. It is a lot about self-interest, which translates to state interests over anything else.

So how should new federalism work, given that for the first time we have the same Labor family in government in all states and territories? Firstly, it is okay to have different laws in different states and territories. However, in my book, a ‘fair dinkum’ federalism would be where common sense overrides stubbornness—where the states are encouraged to put ‘best practice’ ahead of best interest or self-interest. Surely, federalism should be about the states adopting models or laws that are already acknowledged to be best practice for the good of Australia as a whole. This new federalism should come in and stop the squabbles and self-interest. It should allow each state to benefit from policies that have been proven to work in other states, rather than allowing petty jealousies to define the relationships between our sibling states.

For example, here are three big issues that the states could agree on at next week’s COAG meeting. First is the alcohol toll. Today, across Australia, we have a $15.3 billion annual alcohol toll. That is right; it costs $15.3 billion to mop up after alcohol. A lot can be done and should be done at the federal level, and Family First will be working with the current Senate inquiry into Family First’s Alcohol Toll Reduction Bill 2007 to recommend some common-sense action on alcohol labelling and advertising. But we do not need to wait for the Senate inquiry to adopt some other best practice laws. Already New South Wales has laws in place to address the alcohol toll that the other states and territories would do well to implement right now. Under New South Wales state laws, parents are not allowed to serve alcohol to under-age kids, thereby reducing the incidences of kids getting drunk at their mates’ parties. This is an example of good practice, an example of best practice, and could be adopted by the other states around Australia. But, guess what; it is not—and the culture of binge drinking continues unchecked.
Secondly, what about drink container recycling? Did you know that South Australia has a scheme that offers a 5c refund on bottles and drink containers, resulting in an up to 85 per cent recycling rate for these products, compared to just a 38 per cent recycling rate elsewhere in Australia? This is undoubtedly best practice. So until the rest of the states agree to adopt a national drink container recycling scheme such as that contained in Family First’s Drink Container Recycling Bill 2008, every state, except South Australia, groans under 40 per cent more litter in their waterways, parks and streets because of their refusal to turn trash into cash.

Thirdly, let us tackle the pokies plague. Best practice here is found in Western Australia, where the state government has refused to get blindly addicted to the millions of dollars of revenue from pokies and has kept them out of the pubs and clubs and restricted them to casinos—that is, a dedicated gambling venue. The other states are now so hopelessly addicted to the taxes they glean off the backs of our problem gamblers that the only way forward is for the Poker Machine Harm Reduction Tax (Administration) Bill 2008, introduced into the Senate by Family First, to be adopted federally.

These are just three examples that are best practice but are being ignored by other states. If COAG were really fair dinkum about a new federalism, it would agree, when it meets again on Friday 28 March, to adopt these ideas and look for other laws that are best practice.

Senate adjourned at 10.41 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/BEECH 200/33—Pilot and Co-Pilot Seat Back Pan [F2008L00751]*.
AD/CESSNA 210/39—Pre-Certification Requirements – Modifications [F2008L00739]*.
AD/CESSNA 525/F—Structural Corrosion [F2008L00736]*.
AD/CL-600/97—Enhancement to Takeoff Operational Safety Margins [F2008L00732]*.
AD/CL-600/98—Enhancement to Takeoff Operational Safety Margins [F2008L00752]*.
AD/ECUREUIL/67 Amdt 2—Rear Bench Cushions [F2008L00727]*.
AD/ERJ-170/14—Escape Slide Installation [F2008L00726]*.
AD/J4100/23—Nose Landing Gear Wheel Outer Cone [F2008L00724]*.
AD/JETSTREAM/105—Nose Landing Gear Wheel Outer Cone [F2008L00723]*.
AD/R44/18 Amdt 1—Main Rotor Blades [F2008L00720]*.
AD/TAYLORCRAFT/1 Amdt 1—Wing Struts [F2008L00719]*.
AD/TECNAM/6—Vertical Fin Spar [F2008L00717]*.
106—AD/THIELE/7 Amdt 1—High Pressure Fuel Line Bracket [F2008L00715]*.
Commissioner of Taxation—Public rulings—


Currency Act—Currency (Royal Australian Mint) Determination 2008 (No. 2) [F2008L00710].

Customs Act—Tariff Concession Orders—
0720928 [F2008L00684].
0717718 [F2008L00686].
0720892 [F2008L00685].
0720949 [F2008L00681].
0720950 [F2008L00678].
0720953 [F2008L00679].

Defence Act—Determinations under section 58B—Defence Determinations—
2008/10—Post indexes – amendment.
2008/12—CDF-recognised dependants, and long service leave – amendment.

Federal Court of Australia Act—Select Legislative Instrument 2008 No. 18—Federal Court (Bankruptcy) Amendment Rules 2008 (No. 1) [F2008L00709].

Financial Sector (Collection of Data) (Reporting Standard) Determinations Nos—
28 of 2008—Reporting standard ARS 231.3a International Exposures: Consolidated (Domestic Entity) [F2008L00451].
29 of 2008—Reporting standard ARS 231.3b International Exposures: Consolidated (Foreign Entity) [F2008L00452].
34 of 2008—Reporting standard ARS 320.4 Bill Acceptances and Endorsements [F2008L00457].
35 of 2008—Reporting standard ARS 320.5 Securities Subject to Repurchase and Resale and Stock Lending and Borrowing [F2008L00458].
36 of 2008—Reporting standard ARS 320.7 Deposits and Loans Classified by State and Territory [F2008L00460].
40 of 2008—Reporting standard ARS 323.0 Statement of Financial Position (Licensed ADI) [F2008L00470].
42 of 2008—Reporting standard ARS 326.0 Offshore Banking Units [F2008L00474].
44 of 2008—Reporting standard ARS 330.1 Interest Income and Interest Expense [F2008L00479].

Higher Education Support Act—Higher Education Provider Approval (No. 2 of 2008)—ICHM Pty Ltd [F2008L00743].


Public Service Act—Determination under section 24, dated 13 March 2008 [F2008L00797].

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Coal

(Question No. 91)

Senator Allison asked the Minister for Climate Change and Water, upon notice, on 12 February 2008:

(1) Is the Minister aware that the International Energy Agency (IEA) considers that coal-fired power stations which are more than 10 years old may not be able to be retro-fitted with clean coal technology without expensive upgrades.

(2) How many coal-fired power stations in Australia are: (a) between 10 and 20 years old; (b) between 20 and 30 years old; (c) between 30 and 40 years old; and (d) more than 40 years old.

(3) Is the Minister aware that the Owen Inquiry into Electricity Supply in New South Wales (Owen inquiry): (a) suggested energy losses of up to 30 per cent if greenhouse gases are captured and stored; and (b) indicated that clean coal technology is unlikely to be ready before 2020.

(4) Does the Government have any evidence that contradicts the IEA and the Owen inquiry advice; if so, what is that evidence.

(5) Will criteria for the proposed $500 million National Clean Coal Fund take into account views of the IEA and the Owen inquiry; if so, in what way.

Senator Wong—The answer to the honourable senator’s question is as follows:

(1) Yes. According to the Intergovernmental Panel on Climate Change report, IPCC Special Report on Carbon Dioxide Capture and Storage (2005), a number of factors will affect the deployment of retrofit carbon dioxide capture and storage (CCS) technologies, including:

- cost;
- plant efficiencies;
- availability of land for capture equipment; and
- the remaining life of the plant.

While it is true that older plants tend to have lower efficiencies, it is economics rather than age that will most affect decision making. With carbon dioxide capture and compression needing 10-40 per cent more energy than an equivalent plant without capture, the net output of a low efficiency plant will be more greatly affected if fitted with a capture system, which will have a greater impact on the plant’s competitiveness in the market.

(2) According to the Energy Supply Association of Australia’s report, Electricity Gas Australia 2007, coal-fired power stations in Australia are of the following age:

(a) 6 are between 10 to 20 years old.
(b) 9 are between 20 and 30 years old.
(c) 9 are between 30 and 40 years old.
(d) 4 are older than 40 years.

6 coal-fired power stations are less than 10 years old.

(3) (a) and (b) Yes. I am aware that the Owen Inquiry reached these conclusions.
(4) There have been a range of views expressed on possible timeframes. The Government is committed to a National Clean Coal Fund (NCCF) to support the accelerated deployment of clean coal technologies. With approximately 80 percent of our electricity coming from coal, the deployment of these technologies will play a key role in meeting Australia’s emission reduction targets.

(5) A whole range of environmental, economic and social factors, including energy consumption and power plant efficiency, will need to be considered before Commonwealth funding is approved for any clean coal project under the NCCF.

The NCCF will provide funding for development and demonstration of clean coal technologies to ensure Australia is commercially ready to roll out the technology by 2020, which corresponds to the time estimates of the Owen Inquiry.

Clean coal technologies incorporating CCS are still in pre-commercialisation stage, so funding from the NCCF will be aimed at scaled-up demonstration projects which have lower energy requirements and less disruption to a plant’s current operations than a full scale commercial retrofit.

The Minister for Resources and Energy, the Hon Martin Ferguson AM MP, has portfolio responsibility for the NCCF.

**Centrelink**

*(Question No. 108)*

**Senator Allison** asked the Minister for Human Services, upon notice, on 12 February 2008:

(1) Can the Minister confirm that Centrelink provides all job seekers, including those not in receipt of unemployment benefit, with free access to JobSearch facilities; if so, why is it that unemployed job seekers are required to provide personal details about their marital status and dependents and are denied access to those services if they refuse.

(2) What advice are Centrelink officers instructed to give job seekers in these circumstances.

**Senator Ludwig**—The answer to the honourable senator’s question is as follows:

(1) Yes, Centrelink provides job seekers with access to JobSearch facilities in each Centrelink Customer Service Centre.

Centrelink provides all job seekers with access to JobSearch facilities and makes referrals to employment services and programs funded by various Government departments, including state and local governments. This also includes information about accessing Providers of Australian Government Employment Services.

As part of providing access to Providers of Australian Government Employment Services, Centrelink staff register job seekers, which involves asking a range questions as part of the interview. These questions include marital status, and if there are any dependants in care. Asking these questions guide the job seeker and Centrelink staff member in making an appropriate referral to the program or agency that can best address the job seeker’s needs. Failure to answer these questions does not exclude job seekers from accessing JobSearch facilities in the Customer Service Centre.

(2) Centrelink is required to provide up to date, accurate, timely, and easy to understand information about Providers of Australian Government Employment Services and JobSearch facilities. The provision of these facilities should maximise the job seeker’s access to, and participation in, employment, education and training.

---

**QUESTIONS ON NOTICE**
Centrelink has a responsibility to advise any job seeker about the availability of JobSearch facilities provided on behalf of the Department of Education, Employment and Workplace Relations. Centrelink is also obliged to tell job seekers how to access these facilities, and ensure their understanding of these services is adequate.

Centrelink JobSearch facilities include telephones and touch screen kiosks.

**Climate Change**

*(Question No. 111)*

**Senator Allison** asked the Minister for Climate Change and Water, upon notice, on 12 February 2008:

1. Is the Government aware of recent studies suggesting that: (a) sea levels are currently rising at a rate of 3 centimetres per decade; (b) if warming slows down at about +3°C, sea levels will continue rising by several metres in subsequent centuries; (c) a rise of approximately 2°C, which is forecast within the next several decades, could result in extensive melting of large parts of the Greenland and West Antarctic ice sheets, raising sea levels by several metres; (d) glaciers and ice caps fringing Greenland and West Antarctica are already showing rapid ice melt rates and decreasing snow falls; (e) sea levels were between 13 and 27 metres higher than today in the Pliocene era, 3 million years ago when temperatures were 2 to 3°C higher; and (f) approximately 130 000 years ago, when temperatures were 2°C higher, sea levels were between 6 and 8 metres higher than current levels.

2. What evidence, if any, does the Government have to suggest that these sea levels, which occurred at temperatures well within the projections of the fourth assessment report of the Intergovernmental Panel on Climate Change report, would not result with similar temperatures in the future.

3. How does the Government regard the risk, expressed by many scientists, of global warming reaching ‘tipping points’ involving the release of methane and a decrease in the ocean’s capacity to absorb carbon dioxide, which would result in the acceleration of climate change out of human control.

4. For the purposes of informing its policies on greenhouse abatement and climate change mitigations and adaptation, what levels above the pre-industrial age is the Government using as objectives for the years 2020, 2050 and 2100 for: (a) atmospheric concentrations of carbon dioxide; (b) global average near-surface air temperature; and (c) the scale of sea level rise.

5. If levels have not yet been identified: (a) when will they be identified; and (b) by what process.

**Senator Wong**—The answer to the honourable senator’s question is as follows:

1. The Government is aware of recent studies about sea level rise projections and the potential contributions of Greenland and West Antarctic ice sheets. I am aware that there are significant uncertainties in the range of published projections because they rely on climate models which currently do not include the dynamic processes associated with rapid ice sheet melting. Hence there are uncertainties in projecting the timing or the magnitude of accelerated ice sheet melt. We anticipate that a better understanding of these processes will be developed in the future and the Government is supporting this area of research under the Australian Climate Change Science Program.

2. Research into past sea levels shows that these have fluctuated above and below current levels in glacial and interglacial periods associated with different global temperatures. As noted above, projections of future sea level rise are uncertain because of the uncertainties in climate models and in future global greenhouse gas emissions.
(3) The Government is aware of the views of leading climate change scientists that there is a risk of climate “tipping points” such as those potentially arising from a release of methane from the tundra or deep sea sediments, as well as the conclusion in the IPCC’s Fourth Assessment Report that abrupt climate changes such as large-scale changes of ocean circulation, are not considered likely to occur in the 21st century. The Government is also aware that the science community is working to increase confidence in our understanding of these “tipping points”.

(4&5) Climate change is a major policy focus for this Government and we will introduce a range of policies and measures to reduce emissions and contribute to global solutions. The Government is committed to cutting Australia’s greenhouse gas emissions by 60 per cent on year 2000 levels by 2050. A review of the impacts and costs of climate change being undertaken by Professor Garnaut, along with Treasury modelling and other inputs, will guide future actions and setting of mid-term targets.

Jetstar Airways
(Question No. 273)

Senator Bob Brown asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 13 February 2008:

Is it the case that flight attendants on domestic and international flights for Jetstar Airways may be required to work 12 hour shifts or, in extenuating circumstances, 24 hour shifts; if so, what are the implications for passenger safety; if not, what time limits apply to the shifts of flight attendants and flight crews on: (a) domestic flights; and (b) international flights for airlines in or entering Australia.

Senator Conroy—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

Legislation administered by the Civil Aviation Safety Authority (CASA) does not impose requirements on duty times worked by flight attendants. Civil aviation safety legislation governing flight and duty times only apply to flight crew. Flight crew are defined as a ‘licensed crew member charged with duties essential to the operation of an aircraft during flight time’ (Part 48, Civil Aviation Orders). This definition covers positions including pilots, flight engineers, flight navigators and flight radio operators, all of whom have flight time limitations imposed on them under Civil Aviation Orders 48.0 to 48.4.

CASA is currently considering issues of fatigue faced by flight attendants as an element of operator Fatigue Management Systems. Fatigue Management Systems are a system of management where the likelihood of becoming fatigued while operating is determined and treated and the risk from operating in a fatigued state is determined and treated.

Proposed Pulp Mill
(Question No. 274)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 13 February 2008:

With reference to the proposed Gunns Limited pulp mill: will the mill burn wood to produce electricity; if so: (a) what quantities of greenhouse gases will be produced by the mill’s furnace; and (b) will the electricity produced be sold as ‘green power’ or as environmentally friendly; if so, will native forest wood be used.
**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(a) Greenhouse gas aspects of the Gunns pulp mill proposal are described in detail in the Pacific Air and Environment Greenhouse Gas Report, part of the Integrated Impact Statement Supplementary Information produced on behalf of Gunns. The main points are also summarised in the Preliminary Documentation produced as part of the Environment Protection and Biodiversity Conservation Act 1999 assessment of the proposal. All of these documents are available at the following website: http://www.environment.gov.au/epbc/notices/assessments/2007/3385/documents.html

(b) The references above indicate that the proposed mill will burn biomass to produce electricity and heat for on-site use. It is also stated that electricity in excess of the needs of the mill will be exported to the Tasmanian grid. The mill will need to obtain the necessary permits from the Office of the Renewable Energy Regulator to sell electricity as ‘green power’. The mill will be sourcing timber under the existing Tasmanian Regional Forest Agreement.

**Proposed Pulp Mill**

(Question No. 275)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 13 February 2008:

With reference to the proposed Gunns Limited pulp mill:

(1) Over the life of the mill, how many tonnes of greenhouse gases, including carbon dioxide, will be produced.

(2) Can the Minister specify how this production of gases will be offset, either by activities outside the premises of the pulp mill or other means.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

(1) & (2) Greenhouse gas aspects of the proposed Gunns Limited pulp mill are described in the Pacific Air and Environment Greenhouse Gas Report, part of the Integrated Impact Statement Supplementary Information produced on behalf of Gunns. The main points are also summarised in the Preliminary Documentation produced as part of the Environment Protection and Biodiversity Conservation Act 1999 assessment of the proposal. Greenhouse issues were also considered in the Recommendation Report prepared by the then Department of the Environment and Water Resources. All of these documents are available at the following website: http://www.environment.gov.au/epbc/notices/assessments/2007/3385/documents.html

**Proposed Pulp Mill**

(Question No. 276)

Senator Bob Brown asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 13 February 2008:

(1) What agreements were made between scientists on the panel which assessed Gunns Limited’s pulp mill and the Government.

(2) If an agreement of concurrence on any other matter relating to the Chief Scientist’s report to the Minister was made: (a) what were the full terms of the agreement; (b) who signed it; and (c) when was it signed.
**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

1. My Department has been advised by the Department of Education, Employment and Workplace Relations that the Chief Scientist, Dr Jim Peacock, is appointed under a deed of contract with the Commonwealth to provide specialist advice to the Prime Minister, the Minister for Education, the Minister for Innovation, Industry, Science and Research and other relevant Australian Government Ministers on matters affecting science, engineering and innovation as the Prime Minister and the other Ministers request.

   Members of the panel were invited by the Chief Scientist.

2. These matters are not within my knowledge as they relate to the administration of the previous government.

**Proposed Pulp Mill**

*(Question No. 277)*

**Senator Bob Brown** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 13 February 2008:

1. (a) What discussions have taken place between the Minister and the Prime Minister, or their relevant offices or departments, relating to the involvement of the Chief Scientist, Dr Jim Peacock, and his appointment or the assessment of Gunns Limited’s pulp mill; and (b) when did these discussions take place.

2. In what way, and when, was the Prime Minister informed of Dr Peacock’s role, after his appointment to assess Gunns Limited’s pulp mill.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

1 and 2 The honourable senator is referring to discussions between members of the previous Government and are not within my knowledge.

**Ex-Military Aircraft**

*(Question No. 278)*

**Senator O’Brien** asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 13 February 2008:

1. (a) How many ex-military aircraft are registered in Australia, by aircraft-type, by State/Territory; and

   (b) how many of these aircraft are engaged in commercial operations, by aircraft-type, by State/Territory?

2. Can an outline be provided of the regulatory regime that governs the operation of ex-military aircraft registered in Australia engaged in:

   (a) non-commercial; and

   (b) commercial operations?

**Senator Conroy**—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

1. (a) See attached.

   (b) CASA has advised that this information is not available because an operator is not required to hold an Air Operators Certificate to conduct commercial flights in limited ex-military aircraft (see below).
(2) I have been advised by CASA that an ex-military aircraft may be issued with a special certificate of airworthiness in the limited category for one or more special purpose operations. These special purpose operations include operating historic or ex-military aircraft in adventure style operations, mock combat, aerobatic flights or exhibition flights. Civil Aviation Regulations (CARs) do not require an operator to hold an Air Operators Certificate to conduct commercial flights in limited category ex-military aircraft but the regulations do require the pilot of such an aircraft to hold a commercial pilot (aeroplane) licence (or an Airline Transport Pilot Licence) if he receives any commercial consideration from some other person for such flights (outside of the “shared cost” private operations). If it is a private operation, the pilot need only hold a private pilot (aeroplane) licence. The CARs applying to the operation of limited category ex-military also impose restrictions on where certain types of limited category ex-military aircraft may fly.

<table>
<thead>
<tr>
<th>Manufacturer</th>
<th>Type</th>
<th>State/territory registered operator is located</th>
<th>Number of aircraft per type and state/territory</th>
</tr>
</thead>
<tbody>
<tr>
<td>AERO VODOCHODY</td>
<td>L-29</td>
<td>SA</td>
<td>1</td>
</tr>
<tr>
<td>AERO VODOCHODY</td>
<td>L-39</td>
<td>NSW</td>
<td>5</td>
</tr>
<tr>
<td>AERO VODOCHODY</td>
<td>L-39</td>
<td>QLD</td>
<td>3</td>
</tr>
<tr>
<td>AEROSTAR AIRCRAFT CORPORATION</td>
<td>YAK-52</td>
<td>NSW</td>
<td>2</td>
</tr>
<tr>
<td>AEROSTAR AIRCRAFT CORPORATION</td>
<td>YAK-52</td>
<td>NT</td>
<td>1</td>
</tr>
<tr>
<td>AEROSTAR AIRCRAFT CORPORATION</td>
<td>YAK-52</td>
<td>QLD</td>
<td>2</td>
</tr>
<tr>
<td>AEROSTAR AIRCRAFT CORPORATION</td>
<td>YAK-52</td>
<td>VIC</td>
<td>4</td>
</tr>
<tr>
<td>AEROSTAR AIRCRAFT CORPORATION</td>
<td>YAK-52</td>
<td>WA</td>
<td>1</td>
</tr>
<tr>
<td>AMT HELICOPTERS PTY LTD</td>
<td>AMT</td>
<td>NSW</td>
<td>5</td>
</tr>
<tr>
<td>AMT HELICOPTERS PTY LTD</td>
<td>AMT</td>
<td>QLD</td>
<td>5</td>
</tr>
<tr>
<td>AMT HELICOPTERS PTY LTD</td>
<td>AMT</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>BELL HELICOPTER CO</td>
<td>209</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>BELL HELICOPTER CO</td>
<td>OH-58</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>BELL HELICOPTER CO</td>
<td>TH-1</td>
<td>QLD</td>
<td>2</td>
</tr>
<tr>
<td>BELL HELICOPTER CO</td>
<td>UH-1</td>
<td>NSW</td>
<td>3</td>
</tr>
<tr>
<td>BRITISH AIRCRAFT CORPORATION</td>
<td>167</td>
<td>NSW</td>
<td>4</td>
</tr>
<tr>
<td>BRITISH AIRCRAFT CORPORATION</td>
<td>167</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>BRITISH AIRCRAFT CORPORATION</td>
<td>167</td>
<td>WA</td>
<td>1</td>
</tr>
<tr>
<td>BRITISH AIRCRAFT CORPORATION</td>
<td>JET PROV</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>BRITISH AIRCRAFT CORPORATION</td>
<td>JET PROV</td>
<td>TAS</td>
<td>1</td>
</tr>
<tr>
<td>BRITISH AIRCRAFT CORPORATION</td>
<td>JET PROV</td>
<td>VIC</td>
<td>2</td>
</tr>
<tr>
<td>BRITISH AIRCRAFT CORPORATION</td>
<td>JET PROV</td>
<td>WA</td>
<td>1</td>
</tr>
<tr>
<td>CANADIAN CAR &amp; FOUNDARY</td>
<td>HARVARD</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-12</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-13</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-16</td>
<td>NSW</td>
<td>2</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-16</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-16</td>
<td>VIC</td>
<td>2</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-17</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-18</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-18</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-18</td>
<td>VIC</td>
<td>4</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-19</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-25</td>
<td>NSW</td>
<td>6</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-25</td>
<td>QLD</td>
<td>6</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-25</td>
<td>SA</td>
<td>2</td>
</tr>
<tr>
<td>Manufacturer</td>
<td>Type</td>
<td>State/territory registered operator is located</td>
<td>Number of aircraft per type and state/territory</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>------</td>
<td>------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-25</td>
<td>VIC</td>
<td>13</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-25</td>
<td>WA</td>
<td>3</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-27</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-28</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-28</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-3</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-3</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-4</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-7</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>COMMONWEALTH AIRCRAFT CORP</td>
<td>CA-8</td>
<td>VIC</td>
<td>2</td>
</tr>
<tr>
<td>CURTISS WRIGHT CORP</td>
<td>P-40</td>
<td>NSW</td>
<td>2</td>
</tr>
<tr>
<td>CURTISS WRIGHT CORP</td>
<td>P-40</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>CURTISS WRIGHT CORP</td>
<td>P-40</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>DE HAVILLAND AIRCRAFT PTY LTD</td>
<td>DH-82</td>
<td>ACT</td>
<td>4</td>
</tr>
<tr>
<td>DE HAVILLAND AIRCRAFT PTY LTD</td>
<td>DH-82</td>
<td>NSW</td>
<td>68</td>
</tr>
<tr>
<td>DE HAVILLAND AIRCRAFT PTY LTD</td>
<td>DH-82</td>
<td>QLD</td>
<td>43</td>
</tr>
<tr>
<td>DE HAVILLAND AIRCRAFT PTY LTD</td>
<td>DH-82</td>
<td>SA</td>
<td>17</td>
</tr>
<tr>
<td>DE HAVILLAND AIRCRAFT PTY LTD</td>
<td>DH-82</td>
<td>VIC</td>
<td>51</td>
</tr>
<tr>
<td>DE HAVILLAND AIRCRAFT PTY LTD</td>
<td>DH-82</td>
<td>WA</td>
<td>16</td>
</tr>
<tr>
<td>DE HAVILLAND AIRCRAFT PTY LTD</td>
<td>DHC-1</td>
<td>SA</td>
<td>1</td>
</tr>
<tr>
<td>DE HAVILLAND CANADA</td>
<td>DHC-1</td>
<td>NSW</td>
<td>12</td>
</tr>
<tr>
<td>DE HAVILLAND CANADA</td>
<td>DHC-1</td>
<td>QLD</td>
<td>12</td>
</tr>
<tr>
<td>DE HAVILLAND CANADA</td>
<td>DHC-1</td>
<td>SA</td>
<td>5</td>
</tr>
<tr>
<td>DE HAVILLAND CANADA</td>
<td>DHC-1</td>
<td>VIC</td>
<td>11</td>
</tr>
<tr>
<td>DE HAVILLAND CANADA</td>
<td>DHC-1</td>
<td>WA</td>
<td>9</td>
</tr>
<tr>
<td>DOUGLAS AIRCRAFT COMPANY</td>
<td>B-26</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>FAIREY AVIATION</td>
<td>FIREFLY</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>GARLICK HELICOPTERS INC</td>
<td>TH</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>GARLICK HELICOPTERS INC</td>
<td>UH-1</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>GARLICK HELICOPTERS INC</td>
<td>UH-1H</td>
<td>NSW</td>
<td>2</td>
</tr>
<tr>
<td>HAWKER SIDDELEY AVIATION LTD</td>
<td>FURY</td>
<td>WA</td>
<td>1</td>
</tr>
<tr>
<td>HAWKER SIDDELEY AVIATION LTD</td>
<td>HS 748</td>
<td>NSW</td>
<td>3</td>
</tr>
<tr>
<td>HAWKER SIDDELEY AVIATION LTD</td>
<td>HUNTER</td>
<td>QLD</td>
<td>3</td>
</tr>
<tr>
<td>HAWKER SIDDELEY AVIATION LTD</td>
<td>HUNTER</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>HAWKER SIDDELEY AVIATION LTD</td>
<td>SEA FURY</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>HAWKER SIDDELEY AVIATION LTD</td>
<td>SEA FURY</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>HILLER AVIATION</td>
<td>UH-12</td>
<td>NSW</td>
<td>6</td>
</tr>
<tr>
<td>HILLER AVIATION</td>
<td>UH-12</td>
<td>QLD</td>
<td>3</td>
</tr>
<tr>
<td>HILLER AVIATION</td>
<td>UH-12</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>LAWRENCE ENGINEERING AND SALES PTY LTD</td>
<td>DH-82</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>LAWRENCE ENGINEERING AND SALES PTY LTD</td>
<td>DH-82</td>
<td>QLD</td>
<td>2</td>
</tr>
<tr>
<td>LAWRENCE ENGINEERING AND SALES PTY LTD</td>
<td>DH-82</td>
<td>SA</td>
<td>2</td>
</tr>
<tr>
<td>LAWRENCE ENGINEERING AND SALES PTY LTD</td>
<td>DH-82</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>Manufacturer</td>
<td>Type</td>
<td>State/territory registered operator is located</td>
<td>Number of aircraft per type and state/territory</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>LAWRENCE ENGINEERING AND SALES PTY LTD</td>
<td>DH-82</td>
<td>WA</td>
<td>1</td>
</tr>
<tr>
<td>LOCKHEED AIRCRAFT CORP</td>
<td>12</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>LOCKHEED AIRCRAFT CORP</td>
<td>12</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>LOCKHEED AIRCRAFT CORP</td>
<td>414</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>LOCKHEED AIRCRAFT CORP</td>
<td>C-121C</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>LOCKHEED AIRCRAFT CORP</td>
<td>SP-2H</td>
<td>NSW</td>
<td>2</td>
</tr>
<tr>
<td>LOCKHEED AIRCRAFT CORP</td>
<td>SP-2H</td>
<td>WA</td>
<td>1</td>
</tr>
<tr>
<td>MCDONNELL DOUGLAS CORP.</td>
<td>C-47</td>
<td>NSW</td>
<td>3</td>
</tr>
<tr>
<td>MESSERSCHMITT A. G.</td>
<td>BF-109</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>MIKOYAN GUREVICH</td>
<td>MIG</td>
<td>NSW</td>
<td>4</td>
</tr>
<tr>
<td>MIKOYAN GUREVICH</td>
<td>MIG</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>MIKOYAN GUREVICH</td>
<td>MIG</td>
<td>WA</td>
<td>2</td>
</tr>
<tr>
<td>NANCHANG AIRCRAFT MANUFACTURING</td>
<td>CJ-6</td>
<td>ACT</td>
<td>8</td>
</tr>
<tr>
<td>NANCHANG AIRCRAFT MANUFACTURING</td>
<td>CJ-6</td>
<td>NSW</td>
<td>4</td>
</tr>
<tr>
<td>NANCHANG AIRCRAFT MANUFACTURING</td>
<td>CJ-6</td>
<td>NT</td>
<td>1</td>
</tr>
<tr>
<td>NANCHANG AIRCRAFT MANUFACTURING</td>
<td>CJ-6</td>
<td>QLD</td>
<td>6</td>
</tr>
<tr>
<td>NANCHANG AIRCRAFT MANUFACTURING</td>
<td>CJ-6</td>
<td>SA</td>
<td>7</td>
</tr>
<tr>
<td>NANCHANG AIRCRAFT MANUFACTURING</td>
<td>CJ-6</td>
<td>TAS</td>
<td>2</td>
</tr>
<tr>
<td>NANCHANG AIRCRAFT MANUFACTURING</td>
<td>CJ-6</td>
<td>VIC</td>
<td>8</td>
</tr>
<tr>
<td>NANCHANG AIRCRAFT MANUFACTURING</td>
<td>CJ-6</td>
<td>WA</td>
<td>5</td>
</tr>
<tr>
<td>NANCHANG AIRCRAFT MANUFACTURING</td>
<td>YAK-18</td>
<td>WA</td>
<td>1</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>AT-6</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>P51</td>
<td>SA</td>
<td>1</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>T-28</td>
<td>NSW</td>
<td>3</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>T-28</td>
<td>QLD</td>
<td>5</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>T-28</td>
<td>SA</td>
<td>1</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>T-28</td>
<td>VIC</td>
<td>4</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>T-6</td>
<td>NSW</td>
<td>8</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>T-6</td>
<td>QLD</td>
<td>6</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>T-6</td>
<td>SA</td>
<td>3</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>T-6</td>
<td>VIC</td>
<td>9</td>
</tr>
<tr>
<td>NORTH AMERICAN AVIATION INC</td>
<td>T-6</td>
<td>WA</td>
<td>4</td>
</tr>
<tr>
<td>OSBORNE AVIATION SERVICES PTY LTD</td>
<td>OH-58</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>OSBORNE AVIATION SERVICES PTY LTD</td>
<td>OH-58</td>
<td>TAS</td>
<td>2</td>
</tr>
<tr>
<td>OSBORNE AVIATION SERVICES PTY LTD</td>
<td>OH-58</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>POTEZ AIR FOUGA</td>
<td>CM-170</td>
<td>WA</td>
<td>2</td>
</tr>
<tr>
<td>PZL WARSZAWA-OKECIE</td>
<td>TS-11</td>
<td>ACT</td>
<td>2</td>
</tr>
<tr>
<td>PZL WARSZAWA-OKECIE</td>
<td>TS-11</td>
<td>NSW</td>
<td>2</td>
</tr>
<tr>
<td>PZL WARSZAWA-OKECIE</td>
<td>TS-11</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>S.C. AEROSTAR S.A.</td>
<td>YAK-52</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>S.C. AEROSTAR S.A.</td>
<td>YAK-52</td>
<td>SA</td>
<td>1</td>
</tr>
<tr>
<td>S.C. AEROSTAR S.A.</td>
<td>YAK-52</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>SUPERMARINE</td>
<td>SPITFIRE</td>
<td>NSW</td>
<td>2</td>
</tr>
<tr>
<td>SUPERMARINE</td>
<td>SPITFIRE</td>
<td>QLD</td>
<td>3</td>
</tr>
<tr>
<td>SUPERMARINE</td>
<td>SPITFIRE</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>TAMARACK HELICOPTER INC</td>
<td>UH</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>Manufacturer</td>
<td>Type</td>
<td>State/territory registered operator is located</td>
<td>Number of aircraft per type and state/territory</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-----------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>TAYLORCRAFT - ROBERT J KUHLOW</td>
<td>AUSTER</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>TAYLORCRAFT - ROBERT J KUHLOW</td>
<td>AUSTER</td>
<td>WA</td>
<td>1</td>
</tr>
<tr>
<td>THE BOEING COMPANY</td>
<td>PT-17</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>UTAH STATE UNIVERSITY</td>
<td>UH-1</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>WILLIAMS HELICOPTER CORPORATION</td>
<td>UH-1H</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>WILLIAMS HELICOPTER CORPORATION</td>
<td>UH-1H</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YA5-50</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YA5-50</td>
<td>WA</td>
<td>1</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-18</td>
<td>NSW</td>
<td>6</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-18</td>
<td>QLD</td>
<td>2</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-18</td>
<td>SA</td>
<td>1</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-18</td>
<td>VIC</td>
<td>4</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-3</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-50</td>
<td>NSW</td>
<td>1</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-50</td>
<td>QLD</td>
<td>4</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-50</td>
<td>VIC</td>
<td>2</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-52</td>
<td>NSW</td>
<td>11</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-52</td>
<td>QLD</td>
<td>10</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-52</td>
<td>SA</td>
<td>2</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-52</td>
<td>VIC</td>
<td>8</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-54</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-55</td>
<td>VIC</td>
<td>1</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-9</td>
<td>QLD</td>
<td>1</td>
</tr>
<tr>
<td>YAKOVLEV AIRCRAFT FACTORIES</td>
<td>YAK-9</td>
<td>VIC</td>
<td>1</td>
</tr>
</tbody>
</table>