INTERNET
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the Senate and committee hearings are available at

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SITTING DAYS—2008

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

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FORTY-SECOND PARLIAMENT
FIRST SESSION—THIRD PERIOD

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

Senate Officeholders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson
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 Fiona Joy Nash
Leader of the Australian Greens—Senator Robert James Brown
Leader of the Family First Party—Senator Steve Fielding
Government Whips—Senators Kerry Williams Kelso O’Brien, Donald Edward Farrell and Anne McEwen

Liberal Party of Australia Whips—Senators Stephen Shane Parry and Judith Anne Adams
The Nationals Whip—Senator Fiona Joy Nash
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

Printed by authority of the Senate
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(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.
(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

PARTY ABBREVIATIONS
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—A Thompson
RUDD MINISTRY

Prime Minister
Hon. Kevin Rudd, MP

Deputy Prime Minister, Minister for Education, Minister for
Employment and Workplace Relations and Minister for
Social Inclusion
Hon. Julia Gillard, MP

Treasurer
Hon. Wayne Swan MP

Minister for Immigration and Citizenship and Leader of the
Government in the Senate
Senator Hon. Chris Evans

Special Minister of State, Cabinet Secretary and
Vice President of the Executive Council
Senator Hon. John Faulkner

Minister for Finance and Deregulation
Hon. Lindsay Tanner MP

Minister for Trade
Hon. Simon Crean MP

Minister for Foreign Affairs
Hon. Stephen Smith MP

Minister for Defence
Hon. Joel Fitzgibbon MP

Minister for Health and Ageing
Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and
Indigenous Affairs
Hon. Jenny Macklin MP

Minister for Infrastructure, Transport, Regional Develop-
ment and Local Government and Leader of the House
Hon. Anthony Albanese MP

Minister for Broadband, Communications and the Digital
Economy and Deputy Leader of the Government in the
Senate
Senator Hon. Stephen Conroy

Minister for Innovation, Industry, Science and Research
Senator Hon. Kim Carr

Minister for Climate Change and Water
Senator Hon. Penny Wong

Minister for the Environment, Heritage and the Arts
Hon. Peter Garrett AM, MP

Attorney-General
Hon. Robert McClelland MP

Minister for Human Services and Manager of Government
Business in the Senate
Senator Hon. Joe Ludwig

Minister for Agriculture, Fisheries and Forestry
Hon. Tony Burke MP

Minister for Resources and Energy and Minister for Tour-
ism
Hon. Martin Ferguson AM, MP

[The above ministers constitute the cabinet]
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<tr>
<td>Minister for Home Affairs</td>
<td>Hon. Bob Debus MP</td>
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<tr>
<td>Assistant Treasurer and 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>
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<tr>
<td>Minister for Housing and Minister for the Status of Women</td>
<td>Hon. Tanya Plibersek MP</td>
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<tr>
<td>Minister for Employment Participation</td>
<td>Hon. Brendan O’Connor MP</td>
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<tr>
<td>Minister for Defence Science and Personnel</td>
<td>Hon. Warren Snowdon MP</td>
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<tr>
<td>Minister for Small Business, Independent Contractors and the Service Economy and Minister Assisting the Finance Minister on Deregulation</td>
<td>Hon. Dr Craig Emerson MP</td>
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<tr>
<td>Minister for Superannuation and Corporate Law</td>
<td>Senator Hon. Nick Sherry</td>
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<tr>
<td>Minister for Ageing</td>
<td>Hon. Justine Elliot MP</td>
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<tr>
<td>Minister for Youth and Minister for Sport</td>
<td>Hon. Kate Ellis MP</td>
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<tr>
<td>Parliamentary Secretary for Early Childhood Education and Childcare</td>
<td>Hon. Maxine McKew MP</td>
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<tr>
<td>Parliamentary Secretary for Defence Procurement</td>
<td>Hon. Greg Combet AM, MP</td>
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<td>Parliamentary Secretary for Defence Support</td>
<td>Hon. Dr Mike Kelly AM, MP</td>
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<tr>
<td>Parliamentary Secretary for Regional Development and Northern Australia</td>
<td>Hon. Gary Gray AO, MP</td>
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<tr>
<td>Parliamentary Secretary for Disabilities and Children’s Services</td>
<td>Hon. Bill Shorten MP</td>
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<tr>
<td>Parliamentary Secretary for International Development Assistance</td>
<td>Hon. Bob McMullan MP</td>
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<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>Hon. Duncan Kerr MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Hon. Anthony Byrne MP</td>
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<tr>
<td>Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion</td>
<td>Senator Hon. Ursula Stephens</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Trade</td>
<td>Hon. John Murphy MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
<td>Senator Hon. Jan McLucas</td>
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<tr>
<td>Parliamentary Secretary for Multicultural Affairs and Settlement Services</td>
<td>Hon. Laurie Ferguson MP</td>
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SHADOW MINISTRY

Leader of the Opposition  
Hon. Brendan Nelson MP  
Deputy Leader of the Opposition and Shadow Minister for Employment, Business and Workplace Relations  
Hon. Julie Bishop MP  
Leader of the Nationals and Shadow Minister for Infrastructure and Transport and Local Government  
Hon. Warren Truss MP  
Leader of the Opposition in the Senate and Shadow Minister for Defence  
Senator Hon. Nick Minchin  
Deputy Leader of the Opposition in the Senate and Shadow Minister for Innovation, Industry, Science and Research  
Senator Hon. Eric Abetz  
Shadow Treasurer  
Hon. Malcolm Turnbull MP  
Manager of Opposition Business in the House and Shadow Minister for Health and Ageing  
Hon. Joe Hockey MP  
Shadow Minister for Foreign Affairs  
Hon. Andrew Robb MP  
Shadow Minister for Trade  
Hon. Ian Macfarlane MP  
Shadow Minister for Families, Community Services, Indigenous Affairs and the Voluntary Sector  
Hon. Tony Abbott MP  
Shadow Minister for Agriculture, Fisheries and Forestry  
Senator Hon. Nigel Scullion  
Shadow Minister for Human Services  
Senator Hon. Helen Coonan  
Shadow Minister for Education, Apprenticeships and Training  
Hon. Tony Smith MP  
Shadow Minister for Climate Change, Environment and Urban Water  
Hon. Greg Hunt MP  
Shadow Minister for Finance, Competition Policy and Deregulation  
Hon. Peter Dutton MP  
Manager of Opposition Business in the Senate and Shadow Minister for Immigration and Citizenship  
Senator Hon. Chris Ellison  
Shadow Minister for Broadband, Communications and the Digital Economy  
Hon. Bruce Billson MP  
Shadow Attorney-General  
Senator Hon. George Brandis  
Shadow Minister for Resources and Energy and Shadow Minister for Tourism  
Senator Hon. David Johnston  
Shadow Minister for Regional Development, Water Security  
Hon. John Cobb MP

[The above constitute the shadow cabinet]
SHADOW MINISTRY—continued

Shadow Minister for Justice and Border Protection; Assisting Shadow Minister for Immigration and Citizenship — Hon. Chris Pyne MP

Shadow Special Minister of State — Senator Hon. Michael Ronaldson

Shadow Minister for Small Business, the Service Economy and Tourism — Steven Ciobo MP

Shadow Minister for Environment, Heritage, the Arts and Indigenous Affairs — Hon. Sharman Stone MP

Shadow Assistant Treasurer and Shadow Minister for Superannuation and Corporate Governance — Michael Keenan MP

Shadow Minister for Ageing — Margaret May MP

Shadow Minister for Defence Science and Personnel; Assisting Shadow Minister for Defence — Hon. Bob Baldwin MP


Shadow Minister for Veterans’ Affairs — Hon. Bronwyn Bishop MP

Shadow Minister for Employment Participation and Apprenticeships and Training — Andrew Southcott MP

Shadow Minister for Housing and Shadow Minister for Status of Women — Hon. Sussan Ley MP

Shadow Minister for Youth and Sport — Hon. Pat Farmer MP

Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Cabinet Secretary — Don Randall MP

Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Parliamentary Secretary for Northern Australia — Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Health — Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Education — Senator Hon. Brett Mason

Shadow Parliamentary Secretary for Defence — Hon. Peter Lindsay MP

Shadow Parliamentary Secretary for Infrastructure, Roads and Transport — Barry Haase MP

Shadow Parliamentary Secretary for Trade — John Forrest MP

Shadow Parliamentary Secretary for Immigration and Citizenship — Louise Markus MP

Shadow Parliamentary Secretary for Local Government — Sophie Mirabella MP

Shadow Parliamentary Secretary for Tourism — Jo Gash MP

Shadow Parliamentary Secretary for Ageing and the Voluntary Sector — Mark Coulton MP

Shadow Parliamentary Secretary for Foreign Affairs — Senator Marise Payne

Shadow Parliamentary Secretary for Families and Community Services — Senator Cory Bernardi
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

BUSINESS
Rearrangement

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.31 am)—I move:

That consideration of the business before the Senate on the following days be interrupted at 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:

(a) Wednesday, 27 August 2008—Senators Pratt, Xenophon and Bilyk;
(b) Monday, 1 September 2008—Senators Cameron, Hanson-Young and Feeney;
(c) Tuesday, 2 September 2008—Senators Furner and Cash;
(d) Wednesday, 3 September 2008—Senators Farrell and Arbib;
(e) Monday, 15 September 2008—Senators Williams and Kroger; and
(f) Tuesday, 16 September 2008—Senators Ryan and Ludlam.

Question agreed to.

MIGRATION LEGISLATION AMENDMENT BILL (No. 1) 2008
Second Reading

Debate resumed from 25 June, on motion by Senator Carr:

That this bill be now read a second time.

Senator ELLISON (Western Australia) (9.31 am)—I rise to speak on the Migration Legislation Amendment Bill (No. 1) 2008. I indicate from the outset that the coalition will support this bill. It is an omnibus bill that makes a range of amendments to the Migration Act 1958, the Australian Citizenship Act 2007, the Australian Citizenship (Transitionals and Consequentials) Act 2007 and the Customs Act 1901. These amendments come about as a result in part of some court decisions last year and over a period of time since then. I think it is fair to say that, in some of the cases, the coalition when it was in government was looking at amendments of a similar nature to address these decisions.

I turn firstly to schedule 1. Schedule 1 of the bill will streamline the procedures for notifying the parties of a decision of the Migration Review Tribunal and the Refugee Review Tribunal. The current notification procedures have been the source of considerable litigation over some years. The coalition notes that schedule 1 of the bill was also intended to reinstate effective time limits for applying to the courts for judicial review of migration decisions. The current time limits in the Migration Act have been made largely ineffective as a result of the April 2007 High Court decision in Bodruddaza v Minister for Immigration and Multicultural Affairs and the July 2007 full Federal Court decision in the Minister for Immigration and Citizenship and SZKKC.

The government’s new amendments will remove schedule 1 of the bill. It has come to light that the bill as drafted would not have worked appropriately in relation to decisions which have no merit review rights attached. The coalition understands that further consideration is required to determine how best to reinstate effective time limits for all judicially reviewable decisions. That is a fairly straightforward process and one which the coalition supports.

Schedule 2 of the bill clarifies the requirement for operators of aircraft and ships to report on passengers and crew prior to entering Australia via the advanced passenger processing system and establishes an infringement notice regime. This is a very important part of border protection. When I was Minister for Justice and Customs I dealt
with it from the Customs angle and saw firsthand the very good system we have in place in relation to advanced clearing of incoming passengers to Australia. It is therefore very important, both from the immigration side and the customs side, that we have streamlining in relation to this and that we have an infringement regime which applies to noncompliance. The government’s amendments will insert a new subsection at the end of sections 64ACD and 245N of the Customs Act 1901 to make it clear that an operator of an aircraft or ship is liable to separate prosecution under these offence provisions in relation to each individual passenger and crew member rather than in relation to each journey not reported on prior to arrival in Australia.

Schedule 3 of the bill makes a number of minor amendments to the act to clarify immigration clearance of non-citizen children born in Australia, compliance with visa conditions and the operation of certain provisions relating to bridging visas. That again is a technical amendment and one which is needed.

Schedule 4 of the bill includes measures that aim to increase protection for clients who engage offshore migration agents, by enabling the department to refuse to communicate with those offshore migration agents when there are concerns about their professionalism, competence, conduct or character. Schedule 4 of the bill was not considered urgent at the time of the bill’s introduction; however, the legislation must now be passed quickly due to the full Federal Court’s decision on 17 July in Sales v Minister for Immigration and Citizenship.

In relation to migration agents offshore, the situation is one where we have an accreditation process but we do not have the jurisdiction, extraterritorially, to legislate as such. So it is important that we have in place an ability for the department to take some action where it thinks that the migration agent concerned is not competent or professional or where there is some question as to their character.

I mentioned the case of Sales v Minister for Immigration and Citizenship. The issue there was more to do with cancellation of visas, on the basis of character. Of course, it is important that the minister have an ability to cancel any visa on the basis of character. What happened in the Sales case was that, due to the technical interpretation of whether a visa was granted or held, there was a setting-aside of a decision in relation to Mr Sales. It is important that this is remedied, because the minister should have that ability. The coalition certainly support that and we support these amendments in the bill.

Schedule 5 seeks to clarify the meaning of certain provisions in the Australian Citizenship Act 2007 and the Australian Citizenship (Transitionals and Consequentials) Act 2007. The amendments also aim to ensure that Australian citizenship law is consistent with our international obligations under the United Nations Convention on the Reduction of Statelessness 1961, and that again is fairly straightforward.

For the range of reasons that I have outlined, the coalition supports this bill. In some part, it sets straight the situation as a result of previous court decisions where the interpretation of the courts was not as we had anticipated. I understand the government has some amendments to bring in relation to this bill. I will deal with those when we come to them in the committee stage. I can foreshadow that from what we have seen of the amendments they seem to be fairly straightforward, but best I leave my remarks to the committee stage in relation to them.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citi-
sanship) (9.40 am)—I indicate that I will be moving some government amendments to the Migration Legislation Amendment Bill (No. 1) 2008 that have been circulated. The shadow minister, Senator Ellison, has been briefed on them. I appreciate his contribution to the debate, his cooperation in this matter and his constructive contribution to ensuring we get it right. It is appreciated.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (9.41 am)—I table the supplementary explanatory memorandum relating to the government amendments to be moved to this bill. The memorandum was circulated in the chamber on 26 August 2008. I seek leave to move government amendments as circulated.

Leave granted.

Senator CHRIS EVANS—I move government amendments (1), (2), (4), (5), (7) to (11) and (13) on sheet PD344:

(1) Clause 2, page 2 (table item 7), omit the table item, substitute:

7. Schedule 5, items 1 to 16
   A day or days to be fixed by Proclamation.
   However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.

(2) Schedule 1, heading, page 4 (lines 2 and 3), omit “judicial and”.

(4) Schedule 1, item 37, page 11 (lines 16 to 19), omit subitem (4).

(5) Schedule 1, item 37, page 11 (line 20), omit the note.

(7) Schedule 2, page 15 (after line 18), after item 8, insert:

**8A At the end of section 64ACD**

Add:

(4) An operator of an aircraft or ship commits a separate offence under subsection (1) or (2) in relation to each passenger or member of the crew in relation to whom the operator contravenes section 64ACA or 64ACB.

(8) Schedule 2, page 17 (after line 12), after item 16, insert:

**16A At the end of section 245N**

Add:

(4) An operator of an aircraft or ship commits a separate offence under subsection (1) or (2) in relation to each passenger or member of the crew in relation to whom the operator contravenes subsection 245L(2).

(9) Schedule 5, page 30 (before line 6), before item 1, insert:

**1A Section 3**

Insert:


Note: The text of the Convention is set out in Australian Treaty Series 1974 No. 20. In 2008, the text of a Convention in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).
(10) Schedule 5, item 1, page 30 (line 8), omit “any country and the person”, substitute “any country, or if article 1(2)(iii) of the Stateless Persons Convention applies to the person, and the person”.

(11) Schedule 5, item 2, page 30 (lines 11 and 12), omit “any country”, substitute “any country, or if article 1(2)(iii) of the Stateless Persons Convention applies to the person”.

(13) Schedule 5, item 14, page 32 (line 9), omit “items 1 to 13”, substitute “items 1A to 13”.

Also, the opposition opposes schedules 1 and 5 in the following terms:

(3) Schedule 1, items 30 to 35, page 9 (line 6) to page 10 (line 18), to be opposed.

(6) Schedule 1, item 41, page 12 (line 21) to page 13 (line 37), to be opposed.

(12) Schedule 5, item 11, page 31 (line 32) to page 32 (line 1), to be opposed.

The government proposes amendments to the Migration Legislation Amendment Bill (No. 1) 2008 to ensure that measures contained in the bill operate effectively and as intended. The aim of the bill is to clarify and improve the effectiveness of the migration and citizenship legislation by addressing and rectifying a range of problems that have been identified in the legislation over the years.

Schedule 1 to the bill, amongst other things, sought to amend the Migration Act 1958 to reinstate effective time limits for applying to the courts for a judicial review of migration decisions. Without effective time limits, there is an incentive for unsuccessful visa applicants to take advantage of litigation delays and wait until removal is imminent before lodging an application review—something that is intensely frustrating to the minister, as I am sure it was to previous ministers.

Following introduction of the bill into parliament, it became apparent that the amendments in the bill did not cover all decisions which are judicially reviewable and which should be subject to time limits. I am committed to reinstating effective time limits for judicial review, and further consideration will be given to how best to do this for all judicially reviewable decisions. Therefore, amendments (2) to (7) propose to amend schedule 1 to the bill to remove the items that sought to reinstate effective time limits. This is to allow further consideration to be given as to how best to reinstate effective time limits for all judicially reviewable decisions.

Schedule 2 to the bill contains measures to strengthen the provisions of the Migration Act and the Customs Act 1901 relating to border protection, to ensure that the Commonwealth can take appropriate and unified action across departments when Australia’s border protection laws are contravened. An important new measure in schedule 2 to the bill relates to the existing obligations on operators of aircrafts and ships to report on passengers and crew prior to entering Australia. The amendments make it clear that an operator must report on each passenger and crew member individually.

To ensure that the government has in place practical methods for enforcing contravention of these reporting requirements, schedule 2 also establishes an infringement notice regime. This new regime is an alternative sanction to prosecution for failure to meet the reporting requirements. This will ensure that operators take greater care in ensuring that every person on board their aircraft or ship is properly accounted for.

Subsequent to the introduction of the bill in parliament it became apparent that the proposed amendments to the Migration Act and Customs Act as drafted would not achieve the policy objective of providing for airline and shipping carriers to be liable for separate prosecution for each and every individual not reported on prior to arriving in
Australia. Amendments (7) and (8) respectively insert a new subsection at the end of section 64ACD of the Customs Act and 245N of the Migration Act to make it clear that an operator of an aircraft or ship is liable to separate prosecution under these offence provisions in relation to each individual passenger and crew member not reported on prior to arrival in Australia, rather than in relation to each journey generally.

The amendments in schedule 5 to the bill seek to clarify the meaning of certain provisions in citizenship legislation and aim to ensure that Australian citizenship law is consistent with our international obligations and the United Nations Convention on the Reduction of Statelessness 1961. Subsequent to the introduction of the bill in parliament it was realised that certain persons such as war criminals, who are specifically excluded from the application of the United Nations Convention relating to the Status of Stateless Persons 1954, need not be accorded the special treatment reserved for stateless people in Australian law. To ensure that all amendments contained in the bill are consistent with both conventions, amendments (1), (9), (10) and (11) provide that if an applicant for citizenship by descent is a national or a citizen of any country, or is excluded from the application of the 1954 convention, need not be accorded the special treatment reserved for stateless people in Australian law. To ensure that all amendments contained in the bill are consistent with both conventions, amendments (1), (9), (10) and (11) provide that if an applicant for citizenship by descent is a national or a citizen of any country, or is excluded from the application of the 1954 convention, the minister must be satisfied that the applicant is of good character at the time of his or her decision on the citizenship application.

Schedule 5 of the bill also contained amendments to change references in the Citizenship Act from six months to 180 days respectively to achieve greater certainty in relation to when an applicant serving in the Naval, Army or Air Force Reserve meets the residency requirement. Subsequent to the introduction of the bill into parliament it became apparent that people serving in the Naval, Army or Air Force Reserve may take longer than six calendar months to have completed relevant defence service depending on the nature of a person’s service. Further consideration will be given to how best to give effect to the policy intent while giving greater certainty in relation to when an applicant who has an Australian defence service background meets the residency requirement for citizenship. Amendments (12) and (13) remove the technical amendments to subparagraph 23A(2) of the Citizenship Act to leave the requirement that an applicant must have completed at least six months service rather than 180 days in the reserves to meet the residency requirement.

These amendments are important and necessary to ensure that measures contained in the bill operate effectively and as intended, and that migration citizenship legislation can be clarified and improved. I commend the amendments to the chamber. I again want to acknowledge the contribution of the opposition spokesman, Senator Ellison, to ensuring the legislation is the best it can be.

This bill has again highlighted the concerns I have about the complexity of the Migration Act. The fact that it has grown over time, by having amendment after amendment added, has added to the complexity. The continuing judicial review has further added to the complexity of the legislation and confirms my view that a major root-and-branch review of the legislation is well overdue. I do not underestimate the enormous size of that task.

I also indicate that Senator Xenophon has approached me about a concern he still has with the bill as amended. Because of the shortage of time between circulation of the amendments and consideration in the chamber today we have not been able to completely satisfy those concerns. So, with the chamber’s indulgence, at the end of any debate today I might seek to adjourn the debate prior to ending the second reading debate, to
allow Senator Xenophon to have his concerns addressed. Then we will come back to it at some later stage, either today or tomorrow. I encourage other senators who have contributions to make them today, and then we will adjourn the debate and come back later, if that is acceptable. I urge the Senate to support the government amendments and the bill in total.

The TEMPORARY CHAIRMAN (Senator Marshall)—Senator Ellison, just before I call you I will clarify the question before the committee at the moment. The question is that government amendments (1), (2), (4), (5), (7), (8), (9), (10), (11) and (13) be agreed to and that schedules 1 and 5 stand as printed.

Senator ELLISON (Western Australia) (9.50 am)—Thank you for that clarification. At the outset can I just say that I understand what the minister says about the frustration in relation to the moving of the goalposts, it would seem, as a result of judicial interpretation. The area of migration is and has been a litigious area where people have—with great issues to address, I might add—taken action against the department and the minister and have taken issue with various aspects of the legislation and regulations. By its very nature this is a litigious area and as a result of that we have had decisions of the courts which have caused the previous government and this government to bring about amendments to the legislation. I think that describes how we have had these amendments occurring over time and how the legislation has been amended from time to time, largely driven, I would suggest, by judicial interpretation.

Of course, when you write legislation and you pass it, it is always subject to judicial review, and so it should be. There is no question about that, and that is how our system works, but, as I stated earlier and as the minister has said, there is a rectification here to ensure that the original policy intent is met. When you have a change in interpretation of the legislation it is quite proper for the government of the day to address that and say, ‘This now changes the policy intent and that is not what we intended when we passed it in the parliament.’ So an amendment is made. It is important for those listening to realise this. It is not with some sleight of hand that we are doing this; it is to make the legislation work, to improve its efficacy and also to achieve that policy intent which has been stated from the outset.

The time limits for judicial review have been squarely addressed. As the minister has said, this gives more clarity and definition to the time limits within which people can take action. Certainly, it is in no-one’s interests for someone who is about to be removed from Australia to then seek to take action to avoid that when they have had adequate time to do that previously—they have been on notice; they have had that. Throughout the common law, throughout the states and territories of this country, we have time limits on making an application for review, and quite properly so, because the court system would be in a mess if people could make an application for review at any stage. That is an essential basis of our judicial system and one which we are addressing with these amendments here today.

In relation to the other amendments dealing with schedule 2, these tighten the wing nuts, as it were, on that aspect of the advanced passenger clearance system. I mentioned earlier that this is an aspect of border control. I just want to take this opportunity to commend the liaison officers at the airports overseas who work for the department of immigration and work with our air carriers and overseas air carriers in relation to ensuring that the right person, with correct identity, is getting on a plane to fly to Australia. That identity check and other checks are car-
ried out. The department of immigration carries out a very good and important job in border control in that regard, but we cannot take away the responsibility of those carriers as well to ensure that those requirements are met in relation to the legislation. It is important that the carriers themselves have some integrity in their system in relation to the passengers who embark on their aircraft—this also applies to vessels, in shipping. That is straightforward.

In relation to the other amendments, the minister has outlined how these merely state the obvious in relation to our compliance with the stateless persons convention. Again I would suggest to the Senate that these are very straightforward and highly appropriate. With these amendments there is, I think, an improvement of the legislation to ensure it does what it sets out to do.

In relation to a review of the legislation as a whole, perhaps one is needed. It is important that people remember that this is a highly litigious area, much like taxation, and that is why you have amendment upon amendment—to meet court cases which have been handed down and which then change the interpretation. Where you see areas of litigation, you will see pieces of legislation which have been amended over time and added to, and that in itself causes issues. Again, the coalition supports these amendments.

**Senator CHRIS EVANS** (Western Australia—Leader of the Government in the Senate) (9.55 am)—As there are no further contributions at the moment, I intend to report progress in order to accommodate Senator Xenophon’s concerns.

Progress reported.

**HIGH EDUCATION SUPPORT AMENDMENT (REMOVAL OF THE HIGHER EDUCATION WORKPLACE RELATIONS REQUIREMENTS AND NATIONAL GOVERNANCE PROTOCOLS REQUIREMENTS AND OTHER MATTERS) BILL 2008**

*Second Reading*

Debate resumed from 15 May, on motion by Senator Sherry:

That this bill be now read a second time.

**Senator MASON** (Queensland) (9.57 am)—I rise to speak on the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008. The opposition will not oppose the passage of the bill at the second reading. We support the bill, but of course there is one important exception that I flagged in an earlier debate in this place. Therefore, I give notice that I will move an amendment on behalf of the opposition at the committee stage of the debate. I understand that the proposed amendment has been circulated for the benefit of honourable senators.

This is a debate about the level of accountability that universities owe to those who fund them—that is, the parliament and of course the Australian taxpayer. The coalition’s amendment that I will move at the committee stage of the debate will seek to ensure that universities and other higher education providers continue to meet what are termed ‘national governance protocols’ as a condition of their increased funding. In short, national governance protocols are protocols or standards of governance and accountability in the administration of universities that are required to be met as a condition of funding. The amendment will put back what should never have been taken away.
The opposition’s amendment that I will introduce will require universities and other higher education providers to keep meeting the national governance protocols as a condition of increased funding under the Commonwealth Grant Scheme. It will retain the provision that, for additional funding, the minister must be satisfied that the provider meets the requirements known as the ‘national governance protocols’. In the event that the minister is not satisfied that the protocols have been met, he or she can apply a penalty. This mechanism is necessary because the opposition believes that the protocols should be supported by the parliament with incentives, financial incentives, for universities and other higher education providers to strive for excellence and best practice in university governance.

Importantly, the coalition’s amendments in no way affect the government’s amendments to remove the Higher Education Workplace Relations Requirements from force. In fact, in a recent instrument the government has already removed the Higher Education Workplace Relations Requirements from the relevant regulations, and the opposition did in fact support that change. There was argument earlier on in this place about certain regulations being disallowed. Much of that debate is now irrelevant because those regulations have been removed—with, indeed, the opposition’s consent.

If the coalition’s amendments are not successful, the opposition intends to oppose the government’s bill currently under debate before the Senate—that is, if the amendment fails, we will oppose the entire bill. In essence, the opposition will not support any legislation that removes increased funding levels of 7½ per cent conditional on meeting National Governance Protocol provisions. It is fair to ask: why does the opposition believe in maintaining the National Governance Protocols for universities and higher education providers? The opposition is committed to retaining the National Governance Protocols because we are committed to ensuring accountability in the way the taxpayers’ money is spent and to encouraging professionalism and best practice in the way our universities are governed. The Commonwealth will provide nearly $9 billion to the higher education sector this year alone. The government, on behalf of taxpayers and the entire community, clearly has a stake in this debate, an interest in ensuring good management of universities and a responsibility to see public money administered and spent in a wise and transparent manner. This is about accountability.

Concerns about the standards of governance at universities were expressed as early as 1995 in the Hoare review. They were echoed in the 2002 Victorian government review of higher education and, most consequentially, in the 2002 review, conducted by the then Minister for Education, Science and Training and current Leader of the Opposition, Dr Nelson, called Higher education at the crossroads. All these reviews came to the conclusion that universities need not only to improve their internal governance but also to be seen to lift their standards so the public’s confidence in them can be maintained. This conclusion was born out of specific concerns that the old-style university boards, filled with politically appointed amateurs, were no longer coping with the demands of running modern universities in an increasingly globalised, business-savvy and, indeed, competitive world. Universities were not seen to be accountable for the increased public funding they were attracting. Internal university governance was not transparent and, indeed, not professional enough.

I have served on a university board and I know Senator Carr has as well, and I think we did our best. I am not sure I added a lot to
the process; perhaps Senator Carr added more. But this is not a partisan debate in that sense. I think that it is fair to say that professionalism was lacking from university governance until recent times. National Governance Protocols were instituted by the previous government in order to remedy this state of affairs by tying the increase in funding to universities that happened to improve their internal governance according to these protocols. The protocols ensured various things. For example, the protocols require that members of the governing bodies act in good faith and in the best interests of the university as a whole—that is in protocol 3—and mandate that the size of governing bodies must not exceed 22 members—that is in protocol 5. I think that when Senator Carr and I were serving on the board of the Australian National University the membership of that board was something approaching 40 or 50, which was not an appropriate figure for good governance. How the Vice-Chancellor, Professor Chubb, and the Chancellor, Professor Baume, made it work says more about their ingenuity, I think, than about my contribution.

The protocols also set out the appointment, induction and professional development of members—that is in protocols 4 and 6. This is all about governance, administration, transparency and, indeed, accountability. It is true that universities are not, of course, primarily businesses. However, the funding they receive, from both public and private sources, necessitates that they be run in a more professional way according to best practice, including by people with appropriate business and commercial expertise.

I note that the Minister for Education, Ms Gillard, in her second reading speech introducing this bill into the House of Representatives, said of the previous government’s approach that they were:

… the worst manifestations of the distrust that the Howard-Costello government had for our universities. They thought they knew best how to run workforce management in universities and how to govern those institutions. This was another manifestation of their born to rule mentality and their contempt for their fellow Australians.

I assure the Senate that this is not a question of distrust and certainly not a question of a born-to-rule mentality. This is a question of accountability.

The PRESIDENT—Senator Mason, on that brilliant note I ask you to seek leave to continue your remarks. I need to swear Senator Sherry in.

Senator MASON—Of course. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

SENATORS SWORN

The PRESIDENT (10.06 am)—As Senator Sherry was absent yesterday, I will now administer the oath or affirmation of allegiance as required by section 42 of the Constitution. I remind honourable senators that Senator Sherry’s certificate of election was tabled yesterday. Will the honourable senator please come to the table to make and subscribe the oath of allegiance.

Senator Nick Sherry made and subscribed the oath of allegiance.

HIGHER EDUCATION SUPPORT AMENDMENT (REMOVAL OF THE HIGHER EDUCATION WORKPLACE RELATIONS REQUIREMENTS AND NATIONAL GOVERNANCE PROTOCOLS REQUIREMENTS AND OTHER MATTERS) BILL 2008

Second Reading

Debate resumed.

The PRESIDENT (10.08 am)—Senator Mason, I thank you for your indulgence in letting us interrupt such a brilliant speech.
Senator MASON (Queensland) (10.08 am)—Thank you, Mr President; the pleasure was all mine. Mr President, can I add my congratulations on your election. I know you will do a terrific job as our President and it will be wonderful to work with you. I also congratulate Senator Sherry on his swearing-in.

Senator Sherry—Thank you very much.

Senator MASON—To continue the second reading debate on the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008, I say that this is not a question of distrust or a born-to-rule mentality on behalf of the opposition; this is a question about accountability for nearly $9 billion of public funds. The taxpayers who provide billions of dollars every year—as well as private donors—expect greater accountability for the way their money is spent.

I note that Ms Gillard, in her second reading, also said:

At the same time that it was ordering universities around, the previous government failed on the very matter it had direct responsibility for. It presided over a massive decline in public investment for our universities—and so on. I should just correct this. It paints a very misleading picture of the health of our university system and should be corrected. First of all, the previous government’s funding for the higher education sector increased significantly over its term in office, from $4.2 billion in 1995-96 to $6.7 billion in 2007-08, an increase of 60 per cent, or 13 per cent in real terms. But of course the government is stuck in the old socialist paradigm: unless it is public funding, it somehow does not count. In reality, universities today have access to far higher levels of revenue than ever before and from many different sources.

That is what has changed. It is estimated that the total revenue available to higher education institutions from all sources was $13 billion in 2004, almost $5.1 billion or 65 per cent more than in 1996. That is the change: the mix going into higher education has changed significantly. What this points to is that, because of government spending combined with the ability of Australian universities to attract funding from other sources, total tertiary education funding is actually above the OECD average—1.6 per cent of GDP in Australia versus 1.4 per cent, which is the OECD average.

Finally, I note that Ms Gillard also said in her second reading speech:

While the governance protocols will be removed as a condition of funding, the government will of course encourage universities to pursue good governance practices and increase productivity and efficiency.

You might ask: ‘How will the government ensure that universities continue to adhere to the best governance standards if it does not have any power to enforce those standards—in other words, if there is no sanction for following those standards?’ If the principle of self-regulation is so good and so worth while, will the government apply it, for example, to corporate regulation? After all, if it is good enough for universities, which receive nearly $9 billion a year of taxpayers’ funding, why should it not be good enough for corporations, which do not? And why is the Minister for Education rallying for the freedom of universities to manage their own affairs with respect to governance but at the same time trying to lock them into more rigid arrangements through university compacts which can set the agenda for universities for years ahead—certainly in the medium term?

The question you need to ask is: ‘Why is Labor against these governance protocols that ensure accountability?’ It is clear that it
is in the best interests of the government, the Australian taxpayer and business donors to ensure accountability, transparency and increased professionalism in the way university governing bodies spend money. Furthermore, universities have been supportive of the protocols in the past—surprise, surprise! Let me quote from a joint submission from the University Chancellors Council and Universities Australia to the review of national governance protocols just last year.

They said:
The view of the Chancellors and Vice Chancellors is that the existing National Governance Protocols have worked well and that little variation is needed at this stage.

They continued:
It is clear, however, that the effect of the Protocols has been positive overall and has prompted improvements in a number of areas, including in some cases the induction and continuing instruction of members of governing bodies. They have also been helpful in clarifying the respective roles of governing bodies and the executive in the governance framework.

It is highly supportive stuff. They went on to say:
The introduction of the Protocols has provided a useful focus for discussions among Chancellors and Vice Chancellors on governance issues. Some would also give them credit for a renewed focus on risk management and the relations with controlled entities.

On the question of whether the protocols have had any negative impacts on universities, the chancellors and vice-chancellors had this to say:
Not of any significance. They have increased the cost to Universities of compliance. However, to this point, Chancellors and Vice Chancellors have not seen this as a matter of major concern.

So we have a policy that has worked and has the support of all the stakeholders, yet Labor is hell-bent on abolishing it and turning back the clock for Australian universities. I think it is a good idea that when people serve on university boards they are, as the protocols say, ad personam—that they represent themselves and the university, not another governing body, not another professional body, not a trade union, but that they are there in the interests of the university and the university alone in a personal capacity.

If this is indeed the case then I am concerned about this bill. It represents an example, perhaps a scandalous example, of what the supposedly new Labor stands for, which just like old Labor puts the interests of unions and their finances above other interests—in this case the interests of universities, students, taxpayers and accountability to the public. Sure, some universities might like this idea because they, particularly, would not want accountability. That is not their major aim; their major aim is to spend money as they will. I am not as concerned about universities as I am about the taxpayer and making sure there is accountability to the Australian public and the Australian parliament. That is the issue here. It is far more significant than any other issue. The issue is accountability.

Senator MILNE (Tasmania) (10.15 am)—I rise today on behalf of the Australian Greens to support the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008. The bill effectively repeals a provision in the Higher Education Support Act which tied university funding to compliance with workplace relations requirements and governance requirements. The Australian Greens did not support this provision when it was introduced by the previous government; it was bad policy then and it is bad policy now.

I listened carefully to the contribution from the opposition. The point is not ac-
countability; the point is tying everything to funding. It is a punitive provision. It is a bullying provision. The best thing about this legislation, apart from the fact that it removes these punitive provisions in relation to university funding, is that it spells the end, I hope, of that meanness, of that awful culture, that has existed for the last 10 years whereby everybody was threatened with their funding if they did not behave and do as the government told them, regardless of whether it was in the best interests of their university, their school, their community or whatever it was. It became a feature of the Howard government years that people were afraid to speak out for fear of losing their funding. Artists were afraid to say anything because they were in fear of losing their grants money and so on and so forth. In this case it was universities who were told, 'Either you introduce the AWAs or you do not get your funding. You have these protocols or you do not get your funding.'

It is not an issue of accountability. There is not a single person in this chamber who does not want to make sure that taxpayers' money is used wisely, that whichever institution or individual receives that money is accountable for the way it is spent, and that it is transparent. I would be supportive of that regardless. This bill does not abolish the protocol that is there. What it does say is that it is no longer tied. There is not that punitive imposition of the government's will by holding universities to ransom to an ideological perspective. That was what it was about. It was simply holding universities to ransom to an ideological perspective.

Whilst I appreciate the opposition's contribution in relation to the vice-chancellors, I also draw attention to the fact that in the vice-chancellors review they said:

... it was not wise to apply a "one size fits all" governance model (that extends into areas of management), particularly when the stated object of the Government is to promote diversity ...

We can all quote from various reports about what vice-chancellors may or may not have said. It is quite clear there that they are not saying that the governance protocols en masse have been necessarily bad; what they are saying is that when you impose something and make it a condition of funding you take away the capacity for diversity.

What I hope this bill will signal is a more collaborative and cooperative approach. If there is one thing that I would welcome from this government—apart from a change of position on climate change, which of course I do not need to tell the Senate about—it is the education revolution. I long for this education revolution. We cannot move to a low-carbon economy, we cannot move beyond being a resource based economy where we dig up, cut down and ship away until we invest in education—and public education and in the public interest—and get rid of this notion that all research has to be tied to some commercial outcome. We have lost much investment in public interest research in the last decade and we are not going to get through this transition to a low-carbon economy, we are not going to get to where we need to be, unless we unshackle the brilliance of the minds in our universities to pursue their higher education research without being tied to a commercial objective by funding from some private entity. Yes, there is a role for private investment in universities; I could not agree more. But I am tired of the fact that so much of the research in the universities is now owned in partnership by commercial entities and we are not unshackling that brilliance to go out and pursue public interest research, which has led to some of the major breakthroughs we have seen in this past century and certainly will in the coming century.
I am excited by what I hope will be an education revolution. I am not encouraged at this point, I have to say, by the fact that the government has squibbed the issue of public school funding. There is a big report out today by an academic in relation to that, saying indeed that what we are getting for the next few years in public school funding is precisely the Howard government model and it is simply not good enough. That certainly does not suggest the education revolution is underway in the manner in which I understand revolution. Revolution to me means something exciting and something that throws over the old model; not something that maintains the old model until 2011 or 2012. So we will have plenty to say about the public education model. But in relation to this bill, as I indicated, under the previous government the workplace relations requirements included an obligation for universities to offer AWAs to university staff. In my view that was an unacceptable interference with university independence and a blatant attempt by the former government to impose its industrial relations ideology. We have never supported AWAs in any context and we are glad to see the back of them in this bill.

Similarly, the nexus between funding and governance has to be broken for all the reasons that I have given. I want to see a different culture. I want to see a collaborative, cooperative culture in which we go and talk to universities about how they might envisage the best way to manage their institutions given the changing requirements for how we deliver education in a carbon constrained world and how we deliver education in the transition to an economy no longer totally dependent on resource extraction, to move into a much more sophisticated and complex economy where knowledge and service industries become much more prominent. So I am looking forward to that kind of collaborative, cooperative effort to encourage good governance and more diversity in our university sector. I am pleased that the opposition at least has given up on the workplace relations requirements. I do not think that it is wise to hang onto imposing the governance requirements through those threats to funding and I indicate now that the Australian Greens will not be supporting the opposition amendments to be moved by Senator Mason.

What I most look forward to is a positive agenda for higher education and a big investment in education in the public interest and in Australia’s best interests. I am aware that the Prime Minister today is making a headland speech. He no doubt will be trying to tell the story of how Australia will look under a Rudd government. I would hope that in telling the story of how Australia will look he will talk about a healthier, happier Australia, an Australia in which everyone has access to high-quality, well-funded public education and where everybody is encouraged to achieve to their highest potential through higher education, whether that is in vocational training or through the university sector. What we need is a country which is innovative, where lifelong learning is encouraged and where we do not have the notion that you leave school and it is all over. Instead, you have an idea that through your whole life you can access education and you can change careers. More than ever before people are going to need to change careers to adapt to a different way of living and a different way of delivering education.

I have posed myself the question: how are we going to deliver education in a carbon constrained world? How are we going to deliver education when the oil price is $150 or $200 a barrel? How are we going to completely transform education delivery through information technology so that wherever you are in a country, no matter how big or how
small your community, you can access global learning opportunities. That is what I consider to be an education revolution. Putting computers in schools is a great start, but it is no use offering schools computers if you do not provide them with the funding to rewire and reconfigure their schools to actually make the best use of them. A lot of the costs associated with these things are going to be borne by fundraising efforts by councils and parents and friends bodies around the country. Anyway, what we are seeing with the computers is simply a substitution of the Howard government’s Investing in Our Schools Program, which was stopped. That money is being used for computers. So it is not actually an additional rollout of funding; it is a substitution. Again, it goes across all schools but it does not address that inequity in terms of the reduced share of Commonwealth funding that public schools are getting.

So let us hear the Prime Minister’s headland speech today. Let us hear the new narrative for the country. Let us hear that this country is going to be a kinder, more compassionate, more inspired nation, a country in which we encourage innovation and a massive investment in education from early childhood through to universities, where the old punitive ‘do as we say or we will take away your funding’ mentality is gone, where we have a government that goes out and says, ‘Yes, we want good governance. Yes, we want accountability. Yes, we want transparency. But we are coming to talk to you about it. We are going to collaborate with you about it. We are going to talk about how best to deliver education to the Australian community in this century and we are going to get rid of these awful AWAs and forget that we ever had to deal with them to the extent that is possible given the harm that they have done to the morale in universities and other workplaces around the country.’ I want to look forward and I am very supportive of this legislation. It just goes to show that a change of government can make a difference in some areas and that what was bad policy is now taken off the statutes. Thank you.

Senator JACINTA COLLINS (Victoria) (10.27 am)—I think that it is important that we focus our attention on the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008 today because it represents a critical stage in Labor’s program to remove Work Choices. I am pleased today that Senator Mason has acknowledged the mandate that we achieved in the last election in relation to the Work Choices component of the higher education arrangements, but there are also elements, which I will cover in a moment in responding to Senator Milne’s comments, that apply much more broadly than to just the workplace relations requirements that need to be removed here.

These arrangements, the higher education workplace relations requirements and the national governance protocols, were a core example of the excesses of the Howard government, a core example of their highly interventionist approach in attempting to shift the balance of workplace relations away from workers’ rights and entitlements. In some ways it is quite contradictory to their ideology that choice and flexibility should apply, and I note that in his contribution this morning Senator Mason referred to looking at corporations and what they do. I would like to see where we are requiring a certain board size or other prescription similar to that in relation to our corporations’ arrangements. Here we had perhaps the strongest interventionist approach by the former government in their attempt to shift the balance in workplace relations. I am pleased that to-
day at this stage of a Labor government we are able to deal with not only the workplace relations issues but also the less direct approach taken by the then government and their protocols to try to control the employment relations in higher education.

The bill will amend the Higher Education Support Act 2003, HESA, by repealing the section requiring that higher education providers meet any higher education workplace relations requirements and national governance protocols imposed under the Commonwealth Grant Scheme guidelines. Under section 33.17 a provider would have its basic CGS grant amount reduced by approximately 7.5 per cent if at 31 August each year it failed to satisfy the minister that it had complied with both the higher education workplace relations requirements and the national governance protocols in the previous year—highly interventionist and high level of monitoring of the behaviour of these institutions, in a very inflexible manner.

The higher education workplace relations requirements consist of the following five elements. There is the so-called choice in agreement making, including the requirement to offer Australian workplace agreements to all employees. The abolition of AWAs was a key promise of this government, as I have said; we received that mandate in the last election, and I am glad the opposition has seen that far in its approach today. The other elements are: direct relationships with staff, which prohibits automatic third-party representation; workplace flexibility; productivity and performance; and freedom of association provisions.

I will move on now to the national governance protocols, which are a set of standards primarily covering the size and composition of governing bodies and the duties of governing body members. Repealing the higher education workplace relations requirements and the governance protocols will remove only the conditions on CGS funding. Full funding will be retained by providers. While the national governance protocols will be removed as a condition of funding, the government will continue to encourage universities to adopt good governance practices. This will include pursuing options for a non-legislative focus on governance standards in response to the forthcoming report of the review of the national governance protocols by the Ministerial Council on Education, Employment, Training and Youth Affairs. We are still serious about looking at outcomes from our educational institutions, and that review process will ensure that it is done in a healthy and constructive environment. We believe that the removal of the requirements as a condition of funding will be welcomed by the higher education sector. As Senator Milne said, we could all sit here today and quote various comments from the sector about the applications of these provisions, and I look forward to further elaboration on some of those points.

I will cover generally the culture of the higher education sector. Senator Carr and I recall the review that the Senate did called Universities in crisis, and I am sure there are many updates that I have not followed as closely in recent years. But I want to touch firstly on Australian workplace agreements. Remember, this was the Howard government’s approach to trying to force growth in the number of Australian workplace agreements. In the early stages they were not particularly popular; they were not the greatest way for employers to manage their day-to-day affairs on the ground. So what the Howard government did next was seek to impose AWAs artificially through its institutional arrangements, such as its funding arrangements for higher education. Through the Senate and through Senate estimates we
spent much time trying to get details about the outcomes of AWAs, and the Office of the Employment Advocate had been constrained in the information that it would provide. There was very limited transparency. I recall Senator Mason saying how important he felt transparency should be.

At the end of the day, when we finally had access to the data about what AWAs were actually achieving on the ground, there were some outcomes that I will put before the Senate as a very tidy summary of the impact of AWAs, whether in higher education or across the board. Seventy per cent of them removed shiftwork loadings, 68 per cent of them removed annual leave loadings and 65 per cent removed penalty rates. With my occupational background, as someone who has worked in a sector where penalty rates often significantly supplement low rates of pay for part-time, predominantly female and young workers, I can say that 65 per cent losing penalty rates was an enormous impact on people’s take-home pay. This is why the Howard government was not re-elected.

**Senator Mason**—We supported their removal in July—why don’t you mention that?

**Senator JACINTA COLLINS**—Let me continue on the impact of AWAs: 63 per cent removed incentive based payments and bonuses, 61 per cent removed days to be substituted for public holidays, 56 per cent removed monetary allowances, 50 per cent removed public holiday payments, 49 per cent removed overtime loadings and 31 per cent removed basic things such as rest breaks from people’s employment arrangements. Senator Mason knows this story and has accepted the mandate we have to remove prescriptive arrangements in the higher education sector that helped roll out Australian workplace agreements. Compared to a system based on individual contracts, collective bargaining offers both fairness, in that it evens up employers’ and employees’ relative bargaining power, and a framework in which employers and employees can effectively negotiate productivity gains. That is the core of our approach. That is the approach we will take not only to the workplace relations aspects of higher education but also to the governance aspects.

It is worth noting the context within which these requirements were imposed by the Howard government in the first instance. Let me paint a different picture from the one that Senator Mason painted in his second reading debate contribution. There was a general decline in the funding levels and morale in the university sector under the previous government. In its report *Universities in crisis*, released in September 2001, the Senate Employment, Workplace Relations, Small Business and Education References Committee noted some of the key changes in the workplace environment at Australian universities. Between 1990 and 1999, the total number of students increased by around 70 per cent. During this period the number of international students quadrupled and the number of higher degree students tripled. Yet during this period the total number of academic staff was effectively static: 34,184 in 1990 and 34,926 in 1999. And, while overall academic job numbers did not increase much at all, there was an increase in the number of part-time academic staff. As these figures suggest, this period saw a fall in staff-to-student ratios. Along with other changes in the workplace, such as increased reporting obligations and technological change, the increased workload resulted in low morale and high stress levels.

I wanted to stress these factors that have particularly impacted on the university sector in recent times, since they have made that sector particularly unsuitable to the introduction of highly individualistic, confrontational workplace relations models such as Work
Choices. The requirements outlined also reflected the previous government’s relations with the university sector and were marked by distrust. Senator Mason said in his earlier contribution, ‘Trust us.’ What has occurred in this sector has been marked by a relationship of distrust.

One of the worst manifestations of this distrust and more general mismanagement of the university sector was the requirement that the universities abide by the requirements that this bill abolishes in relation to Australian workplace agreements. ‘Trust us,’ Senator Mason says, and yet it was the Howard government that introduced these arrangements involving Australian workplace agreements into the university sector. Why did they do it? I still believe they did it because they wanted to artificially pump up the number of Australian workplace agreements. It was nothing to do with good governance in the sector. These were requirements that forced universities to pursue the Howard government approach to workplace relations or suffer financial penalty.

The previous arrangements show that the Howard government thought it knew better than university leaders and staff how to run their institutions. The changes made by the bill will clear the way for the Rudd Labor government to develop healthy new relationships with our universities based on trust and mutual respect and the review I outlined earlier.

Senator Mason interjecting—

Senator JACINTA COLLINS—Senator Mason says these comments about Australian workplace agreements are not relevant, but I say they set the culture that has carried over into the government’s requirements. Senator Mason earlier quipped about a socialist approach to matters. Yet what could be a more socialist approach than prescribing the size of university boards, for instance?

The governance arrangements here, as I am sure Senator Carr will outline in a bit more detail, are all about the processes. They are not about measuring outcomes or performance on an outcome basis. This is what our review will ensure will be the case in the future. The end of the workplace relations requirements removed by the bill will clear the way for us to establish healthier and more mutually respectful relations with the higher education sector. This is vital if we are to improve the performance of the university sector. Full Commonwealth grant funding will now flow to the universities if this bill proceeds as it stands rather than as the opposition seeks to amend it. In the future, relations between government and universities should be based around negotiated funding compacts reflecting the distinctive missions of each university. We need that flexibility and we need that diversity.

Senator Mason says, ‘Trust us.’ I think the very nature of these requirements and the arrangements for Australian workplace agreements set the field so that, no, that trust could not occur in the first instance. He suggests an analogy with corporations, yet this could not be more different from the arrangements that would apply to corporations. Senator Mason accuses us of a socialist approach, yet these very arrangements are so interventionist and so prescriptive that they make that comment laughable. Senator Mason, I conclude my comments in this debate on the second reading with an interest in hearing you justify why these governance arrangements should remain, because they seem very contrary even to the principles that you have raised in your comments. I look forward to hearing you discuss them further, but my general point at this stage in the debate is that the previous government, now the opposition, have no track record here. Your form is appalling. The form demonstrated by what was established in both
these higher education workplace requirements and the governance requirements is appalling.

Senator Mason interjecting—

Senator JACINTA COLLINS—This is not about accountability; this is about the Howard government seeking to impose on universities its view on how universities should be managed. This is all about the Howard government believing it knew better than any of the governance arrangements in the higher education sector—that somehow, sitting here in cabinet in Canberra, you knew what size a university board should be, and that is simply outrageous. I encourage other senators to look closely at the opposition’s proposed amendments, because I think, indirectly, they simply seek to keep alive the prescription and the intervention in the administrative arrangements of universities in a way which undermines trust and improvements in the productivity and outcomes of those institutions.

Senator MOORE (Queensland) (10.42 am)—I am really pleased to be able to take part in this debate today because it demonstrates a serious point about the difference between the way our government will approach the area of higher education and communication in this sector and the approach of the previous government. We have already heard a range of issues put forward today in terms of how this piece of legislation, the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008, will be enacted to ensure that there will be a change to an ongoing process. What we must understand is that the issue of higher education in our community is an ongoing process. This is but one step, but it is a very important step, as you would know, Mr Acting Deputy President Trood, coming from that industry yourself.

We have heard that we are particularly looking at two elements: the issue of the protocols and the issue of the workplace relations requirements put in place by the previous government around 2005. This was after some discussion with the community and the industry, but all too little, because what we have heard is that, consistently over the last few years, there has been discussion about what the impact of this imposition of process would be on the operations of the universities and, perhaps more importantly than just the operations—and universities are businesses in some sense—on the expanse, the enthusiasm, the energy and the creative elements of universities as educational institutions. In her contribution Senator Milne touched on the importance in our community of having the freedom of academic expression, the freedom of creativity and the freedom to allow people to operate in their own way and work with their communities to come up with an education outcome which is best for all of us but allows individuals to express their own views and their own ways of operation.

When the then government were talking about introducing these limitations and imposing these processes in the 2005 period they talked a lot, as has Senator Mason today, about the issue of accountability. It is very clear that no-one is running away from the element of accountability, because we know that it is a strong responsibility of government to provide public funding for our higher education area. There will be further input during this debate about exactly how effectively funding is made to universities. We know that there is so much evidence on record about the role of public funding in universities and we know that the Howard government, who were insisting quite publicly and strenuously on the issues of ac-
countability, proper processes and effective operations, did not fulfil their own responsibility to the real economic needs and funding processes for education. No matter how you trot out the figures, Senator Mason—through you, Mr Acting Deputy President—no matter how you do the graphs and no matter what processes you put in place, there were cuts to the funding for public education in the higher education field in our community over the last few years. That is without question. I do take the point, though, that Senator Mason made earlier about the need for private investment as well as public investment. There is no argument about that.

What we are talking about, however, is the government’s responsibility for the funding program. There has to be an acceptance that the government of the day must take on the responsibility for effective funding of the higher education area—however, not alone. We are not saying that it is either/or. We need to encourage effective private investment in this area as well. All too often under the previous government when we were talking about this area of higher education, and in fact in other areas as well, it had been put forward that you had to have one model or another. There was no availability for flexibility and there was no availability for cooperation. If you did not follow a certain pattern you were flawed and wrong and, depending on the day, you could even be accused of being socialist in your view.

What we need to understand is that we have to engage our community effectively so that there is a wider engagement, ownership and excitement about how higher education can work. That means not just public investment, although the core responsibility of any government in this area must be public funding for universities; we also have to admit that we need to engage other parts of the community so that we can get private funding. We also need a sense that there is a flexibility in models so that people can experiment to an extent to see what best suits the needs of their own region, the needs of their own students and the needs of their own professional areas.

Coming from a regional part of Queensland, I know that it has been particularly difficult to look at the range of university campuses in Queensland, which vary greatly. There is no way that you can say that one model, one process or one set of rules can be applied to all the university programs in Queensland, let alone the whole of Australia. Working in the Darling Downs area with the University of Southern Queensland, I know there have been great difficulties—struggling with reduced funding, with varying campus responsibilities, and also with a focus on pushing students into a number of particular professional areas. Having the flexibility to offer and expand a range of programs and courses would be an incentive to get more people into the higher education area. The imposition of single models of restrictive funding and of particular philosophical approaches actually makes it more difficult for university governance bodies, who are trying to ensure that they can put in place models which best suit their needs locally and encourage more Australians into higher education. It surely must be one of the aims of any government to have more people benefit from the education process.

I will not go on with the term ‘education revolution’ because I think we have heard that on a number of occasions in this place. Nonetheless, the term ‘revolution’ does encourage people to have a certain excitement about the process. I am trying to get across the message that the process in the legislation imposed by the previous government tended to restrict that excitement and that engagement. It put more focus on universities meeting those rules than on their being
able to respond to their communities with effective education programs.

There will be discussion today about the range of industrial relations programs that were imposed on the higher education area as a step by the previous government, bit by bit, to ensure that their industrial relations program was rolled out across the higher education community. The higher education area was an easy target to pick on. The higher education area, as we know, has great dependence on the public purse for funding. It was a stroke of brilliance in many ways to say at that time, ‘As a government we have the responsibility to provide funding to the university sector,’ which was accepted, but at the same time use a sector of our community as an experiment in some ways—perhaps by using a scientific approach—in industrial relations policy.

There can be no doubt that the reforms that were rolled out in the higher education workplace relations legislation represented a list of core elements of the previous government’s industrial relations programs. There were snippets of the Work Choices program put in place in this industry. You could tick them off. You could have the focus on AWAs, the lack of flexibility in process, the lack of security, the lack of what was called by the previous government ‘intrusion of third parties’, which we all saw as the involvement of staff associations or workplace associations in helping members. That intrusion policy limited the number of people allowed on university governance boards.

I disagree, Senator Mason, with your assessment of the qualities that you brought to your role as part of a university governing organisation. I am sure that you brought great skills to this area—as indeed so many people did in working on the university governance panels. I know how valuable it was for a range of university areas to have people from the local community, such as local political figures—and local and state politicians were always involved in the universities—and student union people, involved in working on the governance of their university. It was ownership of their workplace.

However, that was one of the core areas that had to be reduced in the changes that the previous government imposed in their one-size-fits-all model. They told universities across the country what the size, shape, role, background and experience of their university governing panels must be. The same process of governance, ownership and imposition went through to the way that the workers were involved in those universities. This included workplace relations, conditions, how they could interact with their employer, whom they could involve when talking with their employer and how they could interact when developing workplace agreements—all those things that are part of the daily operations of a workplace.

Once again, the government of the day did that without any shame and without trying to hide it—there was no element of the previous government that tried to hide what they were doing. What they were doing through their workplace relations policy in the university and higher education sector was putting in place exactly what they hoped to do in the rest of the Australian community. However, at no time did we on this side of the chamber, the Labor Party, accede to that. We did not support it. We asked questions about the link between the workplace relations situation in universities and their funding. We consistently asked questions from the time that these reforms were first rolled out.

There is no surprise in this debate, either. We are working through exactly the same issues that we worked through when the previous government imposed this legislation.
What we are saying is that there is a key difference in the way that we believe that universities should be funded and how that is linked to their governance. There is a clear difference in the way we believe that workplace relations should operate on university campuses.

The time has come to put this clearly into our legislation. We have listened to all the issues, fears and complaints that were raised in the range of Senate committee inquiries that went on when this legislation was brought in. What is on the agenda today is to once and for all break the key linkage between funding and people imposing from outside what they think should occur in governance and in workplace relations. That is not running away in any sense from the core issue of accountability. There is not a single university governing body or community in this country that does not acknowledge their obligation to the government, to the student and to the community to have responsible practices.

Senator Mason pointed out that the protocols were put together by many of the universities. That is laudable. The kinds of things that they talked about will be, as Senator Collins pointed out, considered in the ministerial council response. However, that is not saying that the protocols should be linked to the funding. This is not an argument as to whether there should be protocols or special arrangements at individual campuses for how they interact with their communities. We do not say that that is not right. What we are saying is that linking the imposition of a set of rules on workplace relations with genuine funding that enables them to continue their job is wrong. That stifles the ability of the universities to be effective in their own way and has a punitive element to it.

We have heard already in the discussion today the word ‘trust’ mentioned many times. The previous legislation made a public statement that there was no trust between the government and the university governing bodies and communities around this country. The government basically said: ‘We felt that they could not be trusted to effectively implement their own arrangements on governance and on workplace relations. We felt that there had to be an intrusion from the government such that if you do not follow our model you will not be funded.’ And the government clearly understood that these universities—as they have told us many times—rely almost totally on the effective use of public funding to continue their operations.

If the people who are running the budget tell the universities—which are desperately trying to continue to operate—that unless they fulfil these rules they will not be funded, it is pretty easy to see that the response would have to be compliance. And that is what happened. Despite the concerns that were raised, despite the worries of the people who were working in the institutions and despite the concerns of people who had worked at different times in the area and came back and said that they did not like what was happening or the constraints that were being put on them or the fact that they were not able to make their own decisions—despite all that—the universities had to respond. Despite the public concern, despite the evidence that came to the Senate inquiries and despite the concern of people writing in the international press about how education could be maintained in a free and effective way, the universities and the vice-chancellors—to maintain their existence and to be able to continue operating—had to respond.

The opposition maintains that that is an argument in favour of keeping them—because all the universities worked to the
protocols and used the higher education workplace relations system. Of course they did, or they would not have been able to operate. It is an odd argument to say that they did it and so therefore they must keep operating in the same way, when you know that their only way of keeping their funding and continuing was to meet the requirements.

In terms of where we go next I think it is particularly important, as has been mentioned by previous speakers, that we maintain the professional respect that we have for the university sector in this country, that we acknowledge that they are effective managers in many cases and that they do know what the professional needs of their community, their students and their workplace are. That does not mean that we do not expect that there are responsible business operations and that people are responsible to the government for ensuring that they run their business well.

What we hope to have and what we hope we will be able to work effectively towards in a whole-of-government way is a dynamic relationship between the higher education sector, the government and the community. This means that we will be open to and that we will be encouraging wider community financing and wider community involvement, but that we will also recognise that the ongoing response of strong government is to ensure that there is an effective higher education sector in our community. If we do not do that, we are actually not fulfilling our responsibility to our community and to our young people. It will be a particularly challenging time so that our research, our education process and our ability to be a higher education nation can be done together not only with a degree of trust but also with an understanding that we are working together in this process.

In terms of where we go next it is important that there is an understanding that there is knowledge in our university sector, that they are not some kind of irresponsible group that do not understand how they should operate to ensure that they are doing their job effectively. If we do not have that trust, we will immediately go back to a situation where we are just issuing demands and orders and there is some kind of automatic response. That is not what we expect from the area that should be responsible for creative thought, creative industry and a dynamic future for our whole country.

It is important that these higher education workplace relations requirements and national governance protocols are removed from law. That is not to say that there is not an understanding that there need to be high results in the sector. What it says is that this punitive and, I think, very outmoded process of linking behaviour to money automatically—this constraint of individual and flexible approaches—should not be part of the education future for our country.

Senator CROSSIN (Northern Territory) (11.02 am)—I rise today to provide a contribution to the debate relating to the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008, which goes to the removal of the infamous HEWRRs—the higher education workplace relations requirements.

The main objective of this bill is to amend the Higher Education Support Act 2003 by repealing section 33.17, although there are some other minor technical changes too. Under the previous government, this section imposed on all higher education providers various funding conditions, under both the HEWRRs and the national governance protocols. This section provided for the gov-
ernment being able to reduce the higher education providers' grant for Commonwealth funded places under the Commonwealth Grant Scheme if that provider was found not to have met the HEWRRs and the governance protocols by the compliance date specified in the CGS guidelines.

Senator Mason—They are gone. I don’t want to keep saying this. They are gone. Legally, they don’t exist.

Senator CROSSIN—Senator Mason, I take your interjection. What we are actually talking about here is a future and a way forward under the Labor Party—under our government—now. I know it might pain you to have to talk about history and the past and the way in which you sacrificed higher education for the sake of your ideology in terms of workplace relations and education outcomes, but please at least give me the courtesy of providing my contribution in this debate.

Senator Mason—It is a legal question—not that I’m a good lawyer!

The ACTING DEPUTY PRESIDENT (Senator Trood)—Order! Please continue, Senator Crossin.

Senator CROSSIN—I will attempt to continue. I understand how painful it may be for people now on the opposition benches to have to trawl through the past and the way in which higher education was gutted, defunded and disregarded under their policies, but now that they are in opposition they are just going to have to sit there and listen to us. Even though it might contain a little bit of history, that is just the way it is while we continue to push forward with our agenda. Sometimes we have to review the way in which policies were treated in the past in order to move forward.

Under the strong arm of the Howard government’s requirements under the Commonwealth Grant Scheme, failure to comply by the end of each August would see higher education provider funding reduced by, in some cases, nearly 7.5 per cent. The repeal of section 33.17 removes conditions that were compliant under the CGS funding. It in no way reduces the higher education provider funding. They will retain their full funding but regain their former freedom in how they operate in the areas of workplace relations and governance.

The higher education workplace relations requirements were imposed on providers purely to support the previous government’s ideological workplace relations policies. At a time when they were espousing flexibility in the workplace, at a time when they were trying to abolish pattern bargaining and at a time when they were trying to impose Australian workplace agreements on workers and businesses in this country, they also decided that they would restrict what was happening in the higher education sector.

It is a peculiar sort of ideology here, where under the former government you had the hypocrisy of wanting to ensure higher education workplaces and universities conformed and were restricted in the way in which they could operate, but, out there in the big wide world of industrial relations, flexibility and individuality was being promoted. Quite clearly, Australian voters found this approach to be grossly unfair and unbalanced when they so soundly rejected that party in the November election last year. This government, however, is replacing past policies with a much fairer set of rules and a balanced system and is doing so at the earliest opportunity and removing the previous, unfair Work Choices laws.

The HEWRRs included the requirement that providers offer AWAs to all staff—they had to offer AWAs to all staff; there was no choice at all. If they did not, their funding was restricted. The HEWRRs were imple-
mented along with a whole other set of criteria that universities were forced to offer in their bargaining rounds. Universities had to deal with staff with no automatic third-party representation. As with all the former government’s workplace relations legislation, this simply made it harder for employees to negotiate and bargain their terms and conditions with their employers. It meant extra work for university management too, but the negotiating balance weighed against the workers.

There is another, underlying story to this. This was not just about universities being compelled to comply with the previous government’s ideology on workplace relations policies, and it was not only about trying to offer AWAs across the board. We know, as Senator Collins has said, AWAs had been a resounding failure, since at that stage only one per cent of the employing population had taken up offering AWAs. So this was an attempt by the former government to push their workplace relations policy by force onto the university sector, hoping that AWAs would be taken up by universities and by staff.

The underlying message is that that was an attack on the National Tertiary Education Union, who has repeatedly represented workers very successfully in this industry. It was the third union that had been in the gun sights of the previous government. They started with the MUA with the waterfront dispute, they moved on to the CFMEU with the building industry royal commission and then they decided to move on to the National Tertiary Education Union through the higher education sector. All three attempts of course have failed. Those unions are now stronger, better and richer for that attack by the previous government. There is no doubt that all three unions have continued to survive and will continue to survive, and the National Tertiary Education Union has in fact gone from strength to strength. So the former government’s subliminal attempts to deregulate the workplace and to cut out the trade union movement so successfully representing workers in this area failed.

The removal of the HEWWRs means that there will now no longer be any requirement that higher education providers offer AWAs as a condition of receiving their full funding. Of course, they will not be able to offer AWAs because thanks to our government they no longer exist under law in this country. The previous government thought that this intervention in our higher education institutions would improve their flexibility, productivity and performance—that is the excuse that they gave, not based on any evidence of fact. We know that most universities found it to be a gross interference in the way in which they operated, both as academics and as researchers. Organisations of excellence in this country when it comes to educational and intellectual outcomes, they saw it as yet another attempt by the previous government to have control without responsibility and to try to get more from universities already severely stressed by the ongoing real funding cuts by the Howard government. Let’s remember that in 1996, the very first year of the Howard government, $800 million was gutted from this sector. It has never recovered from those massive funding cuts.

The national governance protocols were a set of standards mainly covering the size, composition and duties of the universities’ governing bodies. It was a one-size-fits-all model. The protocols made it more difficult for certain groups of people to get representation on a university governing body, through size limits and through requiring certain other groups to have representation. So politicians, students and of course trade unions found it harder, if not impossible, to get representation on governing bodies. Even though quite a number of universities still
wanted them to be there, they were forced to not be there through the legislation the previous government introduced.

Removal of the national governance protocol requirements in no way indicates that we do not support good, sound governance. But I actually believe universities do operate on a model of sound governance, had done prior to the previous federal government coming into existence and will continue to do so. We will most assuredly continue to encourage the adoption of good governance policies. I am sure our higher education institutes will welcome this change in the way in which they can operate.

The removal of these two elements from the field of higher education funding reflects our public election commitments in this area. Our commitment to remove AWAs from the workplace will be and has been welcomed across the board, not only by higher education providers. In 2005 the AVCC, now known as Universities Australia, opposed HEWRRs, claiming they would be inflexible and intrusive and would increase administrative workloads. This was evident in their submission to the Senate inquiry into the Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005. Going back three years, even those who were in charge of universities—vice-chancellors around this country, through the Vice-Chancellors’ Committee—were not impressed and were not supportive of the moves of the previous government.

In the white paper of 2006 on higher education and research—you might remember the infamous Australia’s universities: building our future in the world—Labor promised to end government interference in the internal management of universities and reduce compliance and reporting burdens. So this has been on our statute for quite a number of years. The removal of the governance protocols was one such step towards implementing what was our policy from those years.

This bill reflects our belief that our providers of higher education know best how to operate their institutions and do not need and certainly do not appreciate heavy-handed interference from government in running them. Vice-chancellors are well-educated, very intellectually informed and are good and competent managers. The protocols’ removal will allow our universities to give their time and effort to where it is needed most, and that is in the delivery of good quality teaching and even better research. It is expected that removal of those requirements will also open the way for a more trusting, healthy and cooperative approach between government and higher education.

Let’s be honest; in the years under the Howard government that relationship had certainly not prospered, developed and come to fruition in the way that it would have if there had been a more genuine dialogue between the universities and the federal government. Clearly, we now see the demarcation of the extreme difference between this government’s policies and those of the last, which was increasingly prescriptive, with funding conditions being held over the providers like a big stick.

Our policies remove from our higher education providers the unwarranted and unfair Work Choices requirements and the bullying government interference. The policies remove the previous government’s ideologically driven workplace agenda, and adherence to an interfering, one-size-fits-all governance model.

As I said earlier, the Howard government had seemingly believed that their bullying intervention would squeeze more productivity out of our universities, which were already severely strained by funding cuts over many years. They believed that AWAs would
enable university administrators to reduce the terms and conditions of staff. Let’s face it; that is what it was all about. It was not about better quality education or improving research outcomes; it was about reducing the terms and conditions of staff to employ more short-term or casual staff and to try and get more output for less input.

The previous government believed that universities were very inefficient administrators and wasted resources through poor management and governance. Unfortunately, while it was bullying our universities the previous government also presided over a huge decline in public funding for our universities. This is sufficiently well known. From 1996 to 2004, while most other OECD countries increased spending on tertiary education by up to 49 per cent, our government managed to buck the trend in an almighty way. It cut tertiary expenditure by four per cent, forcing universities to rely more and more on student fees for their income. We certainly saw the reduction in public funding in the university sector compensated for by an increase in student fees and a heavy reliance on third-party contributions from business and industry.

The minister pointed out in a speech to the Australian Financial Review Higher Education Conference in March of this year that world governments had been putting an increasing focus on all areas of education, particularly higher education—except here, in this country. Minister Gillard described higher education in Australia as having been ‘subjected to a seemingly random blend of neglect with occasional bursts of ideologically driven interference’, where overall public funding was cut. From my point of view that is a very able synopsis of the scenario over the last 10 years in the higher education industry in this country.

Our universities have had to struggle for the last decade to increase class sizes, cut tutorials and seminars, and cut out some courses altogether. Infrastructure maintenance has been neglected, leaving a huge backlog in this area. Financing has become chaotic and unsustainable, based on an ever-increasing fee burden and reliance on revenue from overseas students—a dangerous situation indeed as more countries invest in higher education and compete for these students.

Can I just say that my study tour to China some two years ago, where I investigated and researched the impact of the funding decline in higher education on Chinese students coming to this country, highlighted to me that the decisions that we have made in this country, to defund and neglect higher education, ripple around the world. I think it was a point that was lost on the previous, Howard government. Certainly Chinese public servants and credible representatives from their Ministry of Education were saying to me, ‘While ever you neglect higher education in your country it has an amazing impact on where our students choose to study.’ The students do not come to Australia because it is cheap. They want to come to Australia because the quality is good, and they will not come to Australia if they believe that they can get a better deal in other countries around the world. But the previous government failed to realise and appreciate that, of course.

The legacy of this is of course that our higher education system lags behind other OECD countries, and we are now faced with a massive skills shortage. We are falling behind our competitors in graduating numbers in science and agriculture, and even further behind them in engineering and manufacturing. Minister Gillard acknowledged—in her speech on 13 March to the AFR Higher Education Conference mentioned earlier—that,
despite the Howard government, our universities have struggled through remarkably well, which is testament to the quality and commitment of our university leaders and the academic community as a whole.

Many of the problems, though, will ultimately require long-term solutions, and this bill before us today is not part of that long-term objective; rather, it is a quick solution to cutting the red tape and administrative work heaped on universities by the previous government. It will release staff for more time in teaching or research—the productive work—rather than in satisfying overly zealous government demands for more and more paperwork and proof of compliance with ever-increasing regulation. The Rudd Labor government will trust universities to manage their own industrial relations affairs within these laws. No longer will they have the threat of losing funds held over them—to the contrary, they will have funding certainty.

The other aspect I want to talk about very quickly is amending the Higher Education Support Act 2003 to make it easier for the approval of a provider to be revoked if or when they fail to meet the required criteria. While our universities are proven quality-program deliverers, this gives more assurance to the students that standards will be maintained by the multitude of other higher education providers which exist nationwide. The quality-auditing arrangements too are amended. The only audit body at present in this country is the Australian Universities Quality Agency. Amendments in this bill change that to allow the Commonwealth to designate additional audit bodies to carry out that role.

In conclusion, I say that the Northern Territory higher education institutions along with all the other higher education institutions in this country will have a major role to play in the long-term success of our education revolution package as we roll this out. In the meantime this bill, as I said, is a good start to representing an immediate improvement in the ability of our higher education providers to really run their affairs and concentrate on quality education. This bill represents a sound starting point for the Labor government to meet our higher education revolution commitments in this country and must be supported.

Senator McEWEN (South Australia) (11.22 am)—Thank you very much, Mr Acting Deputy President Trood. It is very appropriate that you are in the chair for this debate, because I understand you have a very distinguished academic record and are very concerned about the future wellbeing of Australia’s higher education sector. It gives me great pleasure to speak on this very significant piece of legislation today: the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008. It is quite a mouthful but well worth saying.

The bill, if passed by the Senate, will remove the Howard government’s extreme workplace relations agenda from our universities. No longer will our tertiary education sector be subjected to legislation which allows for unwarranted government interference. Most importantly, this bill clearly differentiates between the current Labor government and the former Liberal-National coalition government in the area of higher education and our commitment to the higher education sector. I think it is also timely to note that this bill is in the parliament for debate at the same time that there are, I think, 24 collective enterprise agreements in the higher education sector due for nominal expiry at the end of this month. In my life before I was a senator, I had some little involvement in negotiation of enterprise
agreements in the higher education sector because I worked for one of the unions that had workers in that sector. I well know how, often, that activity in itself is very resource intensive for the universities. The last thing they need is to have additional government legislation on top of enterprise bargaining negotiations that they have to deal with. I certainly wish the sector well in its negotiations for its next collective enterprise agreements.

Earlier this year, the Rudd government set in motion the rolling back of the former government’s draconian industrial relations laws. Throughout the rest of this year we anticipate further legislation that will continue that great initiative of the government. But now it is time to focus on assisting the university sector, which was very, very hard hit by much of the previous government’s legislation. In April 2005, the former government announced a set of higher education workplace relations requirements for all of Australia’s higher education institutions. These were unheard of requirements, never before having been imposed upon the sector. They were requirements that were not asked for by the Australian public, let alone by the higher education sector, and certainly not wanted by the Australian public or the Australian higher education sector. It was another example of the former government using its Senate majority as soon as it could to impose its will on a sector that was already struggling because of the massive budget cuts that the former government had imposed on the sector.

It was an appalling day. I well remember when the first legislation was put into this parliament to impose these requirements on the higher education sector. Those requirements were referred to as the HEWRRs, as Senator Crossin mentioned earlier. In short, the HEWRRRs were strict workplace relations criteria that universities had to comply with in order to be eligible for $280 million worth of assistance funding under the Commonwealth Grant Scheme. The first and key element of HEWRRs was that universities were required to offer Australian workplace agreements. As is now well known, AWAs allowed for the safety net to be stripped away from workers without a cent of compensation. Even after the belated introduction of the so-called fairness test by the former government, things like redundancy, long service leave, notice of change of shifts et cetera were not protected under the former government’s legislation.

I have cited these statistics in speeches in the chamber before but they are well worth repeating so I am going to repeat them. These are the statistics about AWAs and how they disadvantage working Australians, including workers in the higher education sector. As we know from the Workplace Authority’s own data, collected at a Senate estimates, 70 per cent of AWAs removed shift loadings, 68 per cent removed annual leave loadings, 65 per cent removed penalty rates; 63 per cent removed incentive based payments and bonuses, and 61 per cent removed days to be substituted for public holidays.

Senator Mason—That’s not relevant to this debate.

Senator McEwEN—Those statistics are of course relevant to this debate, because they affected workers in the higher education sector, they applied to the awards and the enterprise agreements, and they applied to the AWAs that were offered in the higher education sector which, I have to say, had a very bad take-up rate in the higher education system.

Senator Mason—But they’ve been removed.

The Acting Deputy President (Senator Trood)—Senator Mason, I am sure that you feel strongly tempted to intervene in
this debate but I would be grateful if you would allow Senator McEwen to proceed.

Senator McEwen—Thank you, Mr Acting Deputy President. I appreciate your assistance in enabling me to put my position forward on behalf of the government. The HEWRRs also required that university agreements, policies and practices must be consistent with the freedom of association principles contained in the Workplace Relations Act at the time. This in practice meant that agreements in the higher education sector had to be stripped of provisions which the former government interpreted as encouraging union membership. It meant there was no leave to attend workplace meetings or to invite a union representative to come into the workplace to represent you in an industrial situation.

The HEWRRs system gave the ministers for education under the former government unprecedented power. It gave them the power to involve themselves in management of workplaces in the sector. I think other senators who have spoken in this debate today made the point very well—and it is worth making again—that the higher education sector is there to educate people and teach them things. It is not there, and not funded by the government, to impose an industrial relations agenda that it neither wanted nor asked for—and nor did the Australian community want or ask for it to be imposed in the higher education sector. It was disturbing for those of us who had a background in the higher education sector to see the amount of effort, time and wasted resources that universities were forced to use up in implementing the former government’s industrial relations agenda, at the expense of educating our young people so that they could gather those degrees that are necessary for them to have the best possible opportunities in life.

Senator Mason—you should have come to my lectures; you would have enjoyed them.

Senator McEwen—I have read your book, Senator Mason; that is as much as I can do with your intellectual activities. I am probably one of the few senators who did read your book.

Senator Mason—You’re the first person I’ve met who did.

Senator McEwen—All decisions on the HEWRRs were made directly by the minister, leaving no opportunity to review those decisions. Additionally, the minister was able to unilaterally change the requirements at any time. What an unprecedented level of government interference in the higher education sector! I imagine that someone who did not know of the Howard government’s regressive agenda in this sector would find it very difficult to believe that legislation which allowed for such a huge level of government interference in micromanagement of staff in Australia’s higher education institutions was created—and, further than that, passed—in this chamber. What an abomination it was that the government could use its Senate majority to get into the nitty-gritty of daily management and hiring and firing of staff in universities! Honestly!

When the original legislation establishing the HEWRRs had been created, there was widespread criticism. Of course, that criticism from the sector was ignored by the then government, just as they ignored criticisms of their Work Choices legislation and criticism about VSU, voluntary student unionism—because the sector knew full well what implementation of VSU would mean for it. Of course, the then government ignored criticism of Work Choices to their peril and detriment, and we saw the result of that particular piece of ignorance on the part of the former government in November last year.
I would like to reflect that when the original legislation was introduced in the Senate it was referred to a Senate committee, and there was fierce opposition to the legislation evident through many of the submissions and hearings into that legislation. Some of the criticisms raised at those hearings, particularly by the National Tertiary Education Union, were that the HEWRRs failed to address the real workplace issues being faced within universities, that they lacked appropriate accountability and parliamentary scrutiny, that they created uncertainty and confusion and provoked industrial dissonance within universities, that they gave the federal government unprecedented and unwarranted capacity to interfere in the operation of higher education institutions and that they did not assist Australia’s higher education institutions with respect to the quality of learning, research and outcomes for students and employees. They were specifically focused industrial relations initiatives designed on the basis of placing conditions on access to funding to allow the government to force its industrial relations agenda on the sector.

The Australian Vice-Chancellors Committee, now known as Universities Australia—which, of course, is the body that essentially represents the management and administration of the universities—also opposed the introduction of the HEWRRs. In their submission to the Senate Standing Committee on Employment, Workplace Relations and Education, that organisation said:

The HEWRRs are very intrusive in terms of universities’ capacity to manage their internal affairs. The HEWRRs proposal constitutes a ‘one size fits all’ approach, whereas the AVCC takes the view that the focus should be on desired outcomes, rather than specific industrial processes and particular industrial instruments.

But, as I noted previously, this criticism and many others were completely ignored by the former government. The coalition was determined to implement its ideological industrial relations agenda in as many sectors as possible, and it saw the higher education sector as one where it could possibly have some success. I was pleased to note the vehemence of the opposition from the sector to the government’s agenda, and of course it came to fruition in the low take-up of AWAs in the sector. HEWRRs required universities to implement the Howard government’s workplace relations agenda. Failure to meet the HEWRRs and the protocols resulted in a reduction of the provider’s Commonwealth Grant Scheme funding. This bill will finally remove that requirement from the legislation.

It was outrageous that the former government forced universities to run workforce management in their regressive way or face reduced funding. Somebody before me mentioned bullying. A lot of people have mentioned bullying in this context, and it was bullying at its worst. It is a great thing that Labor is now in government and is able to clearly say that we will not stand for that sort of bullying and interference in the workplace. The removal of the HEWRRs legislation will not only put an end to this bullying and improve workplace relations in the higher education sector but also, very importantly, give funding certainty to the higher education sector. When they were restricted by the harsh HEWRRs, universities were unable to plan into the future for fear that they would have their funding cut and therefore be in a budgetary situation where what they wanted to do to improve educational outcomes for their students could not be done—because who knew what else the former government were going to foist on the sector?

I note that one of the key standing orders in our parliament is to make certain that bills that appropriate money contain no other measures. The reason for that was in the practice of early governments—in earliest
times, I am advised—to tack measures to appropriation bills so that if those measures were passed they would necessarily bring with them other more unpopular measures that would not otherwise command the assent of the parliament. So, in the development of our parliamentary democracy, it was decided very early on that a spending bill could not have tacked onto it other kinds of measures.

Yet, it was seen fit by the former minister for education and now Leader of the Opposition, Dr Brendan Nelson, to tack measures that the universities would have rejected onto their funding allocations so that the only choice they had was to accept a level of poverty in terms of the courses and arrangements they could offer or to accept the ideological agenda of the government of the time. The universities have suffered under those arrangements for a considerable time—I think, for about five years—and it is not something they have been able to ignore. On 13 May this year, Universities Australia issued a press release stating in part:

Universities Australia supports the Government’s action in this session of Parliament to remove the Higher Education Workplace Relations Requirements (HEWRRs) as a legislated condition of funding for universities.

“Universities Australia would welcome the removal of the HEWRRs as an indication from the Government that it is happy to loosen existing prescriptive requirements and allow universities to pursue their missions as self-governing bodies” ...

In addition to these significant changes that are supported by the sector, this bill also makes a number of technical changes. These include amending the act so that the approval of a provider that no longer meets certain criteria may be revoked. For example, if the provider no longer has its central management and control in Australia, this bill enables approval for that provider to be withdrawn.

The bill also includes the addition of a transitional mechanism so that existing funding commitments made to providers under the Collaboration and Structural Reform Fund can be honoured now that the new Diversity and Structural Adjustment Fund has been established. Arrangements for quality auditing of higher education providers will also be amended.

The bill amends the act to allow the Commonwealth to designate additional bodies to perform this role, such as state and territory government accreditation authorities. Further, the amendment will enable the Commonwealth to specify the higher education providers that those bodies can audit. The bill sets limits on the providers that can be audited. Currently, if a body were designated to conduct audits, it would be able to audit all higher education providers, including universities. By state and territory government accreditation authorities conducting audits at the same time as they currently conduct their normal registration and approval processes, the administrative burden on private providers will be reduced. This is a very practical initiative to enable the sector to manage itself much more efficiently.

Our approach has been subject to consultation with private providers and a trial process with two state accreditation agencies, those agencies being in Queensland and Victoria. That consultative approach, that suck-it-and-see approach, has been very well received in the sector and is indicative of the way the Rudd Labor government does business—that is, we like to make our policy based on evidence and we go out into the sectors to discover what they need and how best we can implement what they want to enable them to provide a better education system for our young people.
The Leader of the Opposition, Dr Brendan Nelson, was a disgrace as a minister for education. This bill is evidence of our attempt to redress the wrongs that the now Leader of the Opposition perpetrated on the higher education sector. He was part of the Howard government, who made it clear from the beginning that education would not be an area that would be prioritised. In his first federal budget in 1996, the former Prime Minister, Mr Howard, cut university operating grants by a cumulative six per cent from 1997 to 2000. That funding cut resulted in a significant $850 million loss to the sector, a sector that should have been supported by the former government because it is absolutely integral to the social and economic wellbeing of our nation, our children and working families.

I conclude by saying that, while I am very pleased to support this bill, I know that it is just one part of the Rudd Labor government’s education revolution, which is a multifaceted revolution designed to ensure that Australia has the best possible education system from childhood to adulthood. Every child in Australia will benefit from the Rudd Labor government’s investment in education.

Senator STEPHENS (New South Wales—Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion) (11.42 am)—I, too, rise to speak in support of the legislation before us this morning. We have had a long and informative debate about the features of this bill, and I hope that I can make a brief contribution to ensure that those who are interested in this area understand the import of the legislation that is before us.

The Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008 is one of several higher education bills that we have been debating in recent months, given the change of government and the change in direction that the Rudd government is providing in terms of, as Senator McEwen so rightly said, the education revolution that is going to change the face of Australian society in the next few years.

Much of the debate this morning has focused on the removal of those five elements of the higher education workplace relations requirements. We have had long discussions about the impact of those, and we have seen overwhelming support from the higher education sector for the removal of those features. We have had lots of discussion this morning about the impact that those conditions had placed on university funding.

Seriously thinking about this issue, though, and where the impact is going to be in the higher education sector, you can see that it really is going to enable universities to capture the innovation that is so important to the future of our economy and our society. We know that the Group of Eight universities have been incredibly supportive of this withdrawal and welcome the minister’s announcement that these conditions will be removed. The Commonwealth Grants Scheme guidelines are quite clear: we want our universities to be able to manage their own workplace relations and administration, we want to free them from the extraordinarily restrictive and directive requirements that we know exist. We have heard from the vice-chancellors how much time and effort was diverted from where we want them to focus their efforts, and that is on quality research and quality teaching. We want to make sure that our higher education providers are released from this nonsensical level of micromanagement and red tape that the previous government imposed upon them. In doing so we want to ensure that we free up the effort
that is going into universities so they can deal with a new agenda, which is about a knowledge nation in the truest sense—a nation that is focused on innovation, lifelong learning and, as Senator McAuliffe so rightly said, a commitment to learning that goes almost from cradle to grave; certainly, from early childhood through to the University of the Third Age.

In my contribution to this debate today I want to focus on another important initiative of the higher education sector and why the removal of these conditions is so important. I want to focus my thoughts on the work that the higher education sector is doing in my very important portfolio area of social inclusion and the extent to which these changes are actually going to really free up some of the very innovative, creative and responsive thinking that is going on in the university sector around issues of social inclusion. Social inclusion is not just about low income families or families that might have serious disadvantage for various reasons; it is also about ensuring that quality of life changes for the whole-of-life perspective. So it is not just about early intervention with families to keep young people at school; it is also about ensuring that we are generating new opportunities for those young people who might not normally be participators in higher education to be there. We know that there are lots of reasons why we have had a fall-off in students from those backgrounds in higher education. Certainly, HECS is one of those reasons and cost-of-living and student accommodation pressures are extraordinary, to name just a few.

The changes we are making to higher education are now allowing universities to provide much greater flexibility in the way they respond to these new challenges. This is very important because the old tried and true methods of tackling the issues that prevent participation in higher education do not work and we need to understand why that is so. At the forum I attended, the Group of Eight were really trying to tackle this issue very seriously. I listened to some of the proposals that they had in place around the use of technology, and certainly around supportive financial and workplace mechanisms and learning environments for students. But I also saw that there was a lot of very new and creative thinking around the way in which universities are actually tackling this issue for themselves. For example, the University of New South Wales described their ASPIRE initiative, which targets students from disadvantaged public high schools who might have the potential to enter and succeed at university. That encourages students from year 8 to stay on. It is working with students right through from year 8 to year 11 to actually give them exposure to the kinds of opportunities that university can offer them. So
we can see that the need for these changes to higher education is really about enabling this kind of flexibility.

The Victoria University has got a magnificent new approach to pathways and articulation, from TAFE to higher education. These are really important developments. We have got community engagement programs across the nation. The universities have actually reached out into communities to engage them in this way, and the kinds of issues that we are addressing in our higher education reforms, as I say, allow this kind of flexibility.

We now have several universities, including the Macquarie University, the University of Sydney and the Australian Catholic University, actively encouraging volunteering within their undergraduate degrees, providing many exciting opportunities in partnership, for example, with Australian Volunteers International. We have the Australian Catholic University using the flexibility that they are now being encouraged to act upon to make early offers in many of their courses to year 12 students who can demonstrate that they have got a history of activism in their communities. These are the kinds of things that encourage universities to really draw on their strengths and their own populations to encourage social inclusion, and to that extent they are very important new initiatives.

Having said all of that, we need to invest in our higher education institutions. They have to lead on the issues of civic engagement, active citizenship, advocacy and debate. If we do not do that and we actually crush them with the kinds of arrangements that the previous government put in place, we are much poorer as a nation because of it. We need the intellectual powerhouses of our tertiary institutions to lead in this area and to facilitate change in our up-and-coming generations of professionals. That is really where this government wants to invest. We want to harness the skills and expertise and commitment of our up-and-coming generations of professionals in these areas.

Getting back then to the issue of the reforms, the subject of this legislation, today I really did not want to go through the concerns about nepotism on committees or the issues that were raised by Senator Moore, for example, about pay inequity and unfair employment practices, which were part and parcel of the concerns about lower staff morale, the poor relationships between Australian universities and their staff and the diminished capacity for universities to attract high-calibre academic and general staff, and of course the fundamental issue of poorer outcomes for students. With this legislation today you can see that there is a very clear and purposeful intent in the way in which the Rudd government is reforming our relationship with the higher education sector by removing the workplace relations requirements and the national governance protocols. There has been a long debate on this legislation. It is very important. It is a significant piece of legislation before us that, despite the protests of some, will generate a much more flexible, responsive and innovative higher education sector, and I will end my remarks there.

Senator MARSHALL (Victoria) (11.56 am)—I am grateful to Senator McEwen in this debate for pointing out that Senator Mason has written a book. That is something I did not know and I am very interested to look for it in the bookshops. I am sure that it has not reached the dizzying heights of The Latham Diaries or the soon-to-be released Costello diaries—

Senator Mason—I’m sure there is a second print run coming up!

Senator MARSHALL—There is a second printing coming up? If I can be of any
assistance to you, Senator Mason, let me just suggest to you that you should get the second print run and release it on the same day that Mr Costello releases his book and you might get some flow-on effects in sales and it might boost your credibility in respect of this. Often we find that just because someone has written a book about a subject it does not necessarily mean that it gives them any authority to speak on it. Nonetheless I am indebted to Senator McEwen and I will look for your book, Senator Mason, with some interest. There are plenty of opportunities in parliament when we need something to help us sleep and I suggest that maybe there will be an occasion, Senator Mason, when your book might be very useful.

We have seen Senator Mason open the debate on the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008 with a defence of the opposition’s position in respect of this bill. I know that he has told us that, if the amendments they are suggesting are not passed, they will vote against the bill in its entirety. That is an unfortunate position. I cannot help but think, though, that it is a little bit of a try-on by Senator Mason to come and run that line, because there has not been a single opposition senator to support the position of Senator Mason—not a single senator!

Senator Mason—They think that I am enough!

Senator MARSHALL—That may be one explanation that they trust you with. The other explanation is that maybe you are a little bit lonely these days. I am a bit concerned about the numbers that you may be able to call on to support you, Senator Mason. I am personally concerned about that. I do not want to go into too much detail about the Liberal and National parties’ merger in Queensland, but I am just wondering whether that may have put you on the outer somewhat and you cannot encourage anyone to come and be seen in the chamber with you that does not have to be here, as does the Whip behind you. Nonetheless, I am worried about you, but I am convinced that it is a bit of a try-on, because this is really about a rearguard action in respect of Work Choices, isn’t it?

Senator Mason—No, it is not!

Senator MARSHALL—That is what it is about, Senator Mason, and that is unfortunate.

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

Senator MARSHALL—Through you, Acting Deputy President, that may of course be one of the other reasons why there are no opposition senators supporting Senator Mason in the chamber in this debate. It is about Work Choices, and the opposition does not know what their position is on Work Choices anymore. One day it is dead, one day it is up and running again; then there are different versions; then it has gone in name but it is there in substance. But it all comes back to the opposition not wanting to let go of forced AWAs. They just loved the concept of ‘take it or leave it’ and they wanted anything in place to suit that ideology.

It is a concern, not knowing what the opposition’s position really is with respect to these matters. Senator Mason says, ‘If we don’t retain these last elements of Work Choices we will oppose the whole of the bill.’ It comes from the problem the opposition have because of their ‘three stooges’ approach to their leadership—and it is very confusing for us all. We have got Mr Nelson, who cannot do the job as Leader of the Opposition; we have got Mr Turnbull, who can-
not get the job as Leader of the Opposition; and we have got Mr Costello, who will not do the job as Leader of the Opposition. All of them have different positions with respect to Work Choices. In fact, Mr Nelson has three separate positions of his own. With all these positions, it is very unclear what position the opposition really has in relation to the very serious matters we are debating.

I want to go into some of these serious matters we are seeking to address with this amending legislation we have before the parliament today. This bill will amend the Higher Education Support Act 2003 by repealing section 33-17 to remove a requirement that higher education providers meet any higher education workplace relations requirements and national governance protocols imposed under the Commonwealth Grant Scheme guidelines to avoid a reduction in their CGS funding for Commonwealth supported places. The dreaded HEWRR part of that—the higher education workplace relations requirements—was simply a way to impose the ideological Work Choices agenda on the higher education sector. It made it a condition that, for the sector to maintain all their funding, AWAs, individual contracts, had to be offered to all their employees.

We know that, under Work Choices, AWAs could be offered with a ‘take it or leave it’ approach. We know that one of the ways the previous federal government, now the opposition, implemented its Work Choices throughout the public sector and other bodies that relied on Commonwealth funding was by tying it to funding or by making policy decisions to forcibly implement its industrial relations agenda. For instance, DEWR, the then Department of Employment and Workplace Relations, as a matter of policy—as I saw over many years through the estimates processes—made it a condition of employment that you had to have an AWA. I remember many times asking the then head of the department: where is the choice in that? Where is the choice when you are offered an AWA on a ‘take it or leave it’ basis? The response was: ‘The choice is you either take the job or you don’t.’ That is the sort of choice that the Howard government put in place in this country. It was no choice; it was a fool’s choice.

They did the same thing by tying it to funding in the higher education sector: everyone had to be offered an AWA, whether they liked it or not—there was no choice in that. If they did not do it, universities would be penalised by, I think, up to 7.6 per cent—I may be wrong about that; I will get to some of the specific detail about that element a bit later. But they would be penalised substantial amounts of funding if they did not force the government’s ideological agenda on their employees, whether they wanted to or not. We know that there was a lot of resistance to that proposal. Nonetheless, it was a condition of funding. Faced with the penalty of losing substantial funding if they did not force the government policy on AWAs whether they wanted to or not and whether that was the choice of their employees or not.

Universities were also forced to negotiate directly with their staff on industrial relations matters, prohibiting union involvement. Again, where is the choice in that? If the employees wished to have their union represent them and negotiate a collective agreement, or even an AWA, they were prohibited from doing so. Why? Because if they did so universities would lose substantial amounts of funding from the Commonwealth. What sort of way is that to introduce flexibility? How do you get flexibility and productivity when you have the management of a university being forced by the previous government to impose their ideological will on its employees? That is a confrontational approach. You do not get good productivity and good
flexibility out of a confrontational approach. You do not get it out of a command and control approach. You get it through negotiation, cooperation and innovation, and all those things can be fostered when you allow genuine negotiations, and genuine involvement of third parties when it is required by the employees. We reject their philosophy; we have rejected it in the past and we reject it now. And now that we are in government we are going to act to take away those ridiculous elements of the previous government’s agenda. It was a direct attack upon unions and university staff, trying to eradicate union representation in this sector and to force all university staff onto individual contracts. Senator Mason, on behalf of the whole of the opposition, who were not there to support him, argued strongly that it is not about that.

Senator Nash—I am here representative of them all!

Senator MARSHALL—I am now getting an indication from the opposition’s deputy whip that she is here to support him. Strangely enough, though, I do not see your name on the speakers list—and I know that as deputy whip you actually have to be in the chamber right now. So I am not quite sure that I am convinced, Senator, of your overwhelming support for Senator Mason in this regard. Nonetheless, I suppose as we go down the path we will find many more different and frequent variations of the opposition’s Work Choices policy.

We have consistently and publicly said that these conditional arrangements were wrong and went against the concept of good university governance. In abolishing the HEWRRs and the NGPs, the government is fulfilling some of our most important commitments to the higher education sector, which we indicated in our white paper on higher education, *Australia’s universities: building our future in the world*, in July 2006. We will be removing only the conditions on CGS funding while retaining the full funding. Of course, funding is something that is crucial to this sector. Universities rely, on the whole, on a substantial amount of Commonwealth funding. They do, and it is not good enough for the previous government to apply those conditions that I have already talked about. And it is not good enough for them to try to apply them from opposition. It is not good enough for them to try to maintain their Work Choices agenda from opposition.

The government has a clear mandate on all of these issues, yet this opposition, as they are trying to wreck the budget—and, if I get an opportunity, I might talk about that for a moment too—also want to try and govern from opposition and maintain policies which they took to the last election and were defeated upon. That is what they want to do.

Senator Nash—Senator MARSHALL can dress it up all he likes, as he has, because we know he can. He is someone who can argue very convincingly on a case that has no merit, and we have seen that often in this place.

Senator Mason—Thank you, I think, Gavin!

Senator MARSHALL—Through you, Madam Acting Deputy President, it was a backhanded compliment in some respects, Senator Mason, so I am glad you have picked that up and I am glad you are listening very closely to my contribution.

Senator Mason—I always do!

Senator MARSHALL—Thank you. I hope it is not only closely but intently and that you digest some of the advice that I have given you. If you do, I am sure your support amongst your own party will grow and swell,
and I will sleep easier at night knowing that, Senator Mason!

Finally, after the Howard years, there will be an approach by this government that encourages and supports good governance practices rather than simply imposing upon a sector a set of ideological conditions. And it has been clear from the response from the higher education sector that the removal of the HEWRRs and the NGPs as a condition of funding will be welcomed. And why wouldn’t they welcome it? Of course they would. Why would they not want to get rid of this ideological position being forced down their throats when they actually want to get on with the business and talk about proper good governance, proper flexibility and proper productivity with their staff in a non-confrontational approach, which we know and as all the evidence suggests, is the approach that leads to better flexibility and higher productivity?

Through the period of the Howard government we saw an average six per cent cut to the sector, representing some $850 million. That alone says it all. That is what the previous government’s commitment was to the higher education sector—it was to cut it and impose its ideological agenda. We on this side have a very different approach. We had a different approach while we were in opposition, and now we are in government we are going to implement our approach and support the higher education sector to the extent that it needs that support. It is absolutely crucial for the future of our economy, the future of our community and the future of our children that we have a well-supported higher education sector. It is a basis for innovation; it is a basis for our economic prosperity.

History will show—and Senator Mason may write a book about this—that the last 11 years of neglect of the higher education sector has led to skills shortages and will continue to lead to very serious problems for this nation because, even though we will start to fix these things right now, the lag of the damage that has been done by the last 11 years will continue to haunt us for years to come. The challenge left to us, to repair the damage of the previous government, is enormous. It is worth remembering that over their 11 years the previous government undermined the higher education sector. Their first budget, in 1996, slashed university operating grants by a cumulative six per cent over the forward estimates from 1997 to 2000, resulting in a $850 million cut to the sector, as I mentioned earlier.

When the new Labor government came to office, the student-staff ratio was 20 to 4 compared to 14 to 6 in 1995 just prior to the Howard government coming into office. Those figures are worth emphasising—the student-staff ratio on us coming to office was 20 to 4 compared to 14 to 6 in 1995. That is a massive backtrack on quality education, all happening under the previous government. When we came to office, Australia’s education system relied more on private funding than all other OECD countries bar the United States, Japan and South Korea. More than half of the cost of tertiary education today is met from private sources, with dependence on private sources increasing to 52 per cent now from 35 per cent in 1995. That just demonstrates again the enormous neglect of the previous government.

We are changing this. We are committed as a Labor government to changing this. As I said earlier, there is now a new government which encourages and supports good governance practices through cooperation with their staff. It is a government which thinks higher education is worthy of support for the long-term future of Australia and is not a playground for ill-conceived and vexatious industrial relations experiments—an experi-
ment that was roundly rejected by the Australian people at the last election. We have already announced several packages of funding, such as the Better Universities Renewal Fund and the $11 billion Education Investment Fund, to start to repair the damage done by the conservatives.

I recall when I started as a senator in 2002 I was shocked that in the so-called clever country there could be degrees that cost $100,000. It made a mockery of the merit based system and led to our top universities charging dollars as much as they thought they could get away with in a system where they were encouraged to do this by the previous Howard government. According to the 2008 Good Universities Guide, there are now more than 100 degrees offered by public universities that cost in excess of $100,000.

In another blow to the conservative agenda, I am pleased that the federal Labor government will also ensure that, from 2009, full-fee-paying undergraduate places will be phased out. Universities will be compensated for the phase-out with funding packages that I have already mentioned. It must hurt those opposite to know that you cannot just buy your way in anymore, which is the truest of all conservative traditions. We believe in merit and we believe in equality.

Putting higher education neglect aside, we all know that the conservatives lived and breathed for the sole purpose of implementing Work Choices and eradicating unions, and that the amendment to be proposed by Senator Mason is a last-ditch attempt by this opposition—I hope it is a last-ditch attempt—to hang onto that ideological agenda. (Time expired)

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (12.16 pm)—I would like to take this opportunity to thank all those senators who have spoken on the Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008. I understand that the opposition is not dividing on the second reading amendment today, although there will be a full debate in the committee stages, so I will make a few remarks in summing up the legislation that we have before us.

This is a bill which is part of the Labor government’s new approach to dealing with the issues that confound this nation in regard to higher education. This is a new approach being reflected by a new government that believes deeply that Australian universities are actually critical to our nation’s future. The government’s view is that universities are essential to our social, economic, cultural and environmental well-being. That essentially is the starting point at which we enter this debate. That is why in our first nine months of government we have paid such particular attention to revitalising Australia’s higher education system. In our first budget we established and distributed the Better Universities Renewal Fund of some $500 million. We set up the new Education Investment Fund of $11 billion. The government moved in my portfolio to double the postgraduate award arrangements and to introduce a new future fellowship program. Minister Gillard moved to double the number of undergraduate scholarships. There was an additional $249 million, if I recall, allocated to fund 11,000 new Commonwealth places to replace the full-fee-paying places that the previous government had pushed so hard. There were new measures introduced to provide a fee remissions scheme and other incentives to increase enrolments in maths and science.

The Labor government has moved to protect academic freedom and to strengthen the Australian Research Council. We have
sought to internationalise our research effort. We have of course moved very quickly to abolish the notorious RQF of the previous government. There was a restoration of public benefit as a criterion for funding the CRC program. There was a pattern quickly established by the new government, which was in sharp contrast to the way in which the previous government operated, that universities play a major part in ensuring the well-being of this nation. That is of course in part why we established the Bradley and Cutler reviews to actually look at these systems in some detail to see what other measures can be taken to advance these fundamental principles that are so important.

Senator Mason in his contribution said that this whole debate that we are engaged in here with this particular measure was about accountability. That was the main thrust of the proposition that he advanced. In fact, what we have before us is a bill to actually reduce the level of red tape, to reassert the importance of universities in their decision-making processes and to essentially extend to universities a sense of professionalism that was denied by the previous government.

The new government takes the view that universities can be trusted. The Liberal opposition takes the view that essentially universities are hostile places and that they are run by people that they do not like and do not trust. It is a difficult task for Senator Mason to prosecute this case because he is a former academic himself. He feels so lonely on this issue because he knows the fundamental fallacy of the Liberal Party philosophy, which takes the view that the universities are hostile places for the Liberal Party. Universities have to be punished, according to the Liberal Party, because Senator Abetz and a number of other prominent members of the Liberal Party had bad experiences when they were at university. They were defeated in university politics and they have never grown up from that proposition and they have never been able to cope with the fact that universities might throw up different ideas from those that they see as dominant.

What this particular bill does is remove from the Commonwealth Grant Scheme guidelines references to the draconian industrial relations legislation, which the previous government took to its heart because it wanted to impose its highly authoritarian view of the way in which universities should be maintained. The national governance protocols imposed governance conditions on higher education providers, and these too will be removed.

In essence, this is a measure to reduce red tape. You would have thought that the Liberals, with all their assertions about the importance of the values that they subscribe to, would support this measure. But we now find that that is not their position. They want to maintain an authoritarian and draconian view of higher education, because universities, in their mind, are not to be trusted.

The position that Senator Mason tries to present is that the Liberals really do want to see the universities advance. But look at their history; look at what they did in government. We saw the previous government try on many occasions—and I am disappointed that Senator Mason did not identify this—to gag scientists and researchers. They also treated researchers who criticised the previous government’s policies or who publicised research findings or opinions that the previous government found embarrassing in a punitive manner. I recall one report from a group of labour market economists from various universities in New South Wales on the Work Choices legislation. They were decried as terrorists. They were associated with something illegal because they had a different view to that of the previous government. What you saw was a series of processes un-
dertaken by the previous government, ranging from tacit intimidation to downright threats and even to blatant suppression, if they were not able to silence their critics in the universities.

Senator Mason looks at me as if in some surprise about this. He finds this puzzling. He presents himself as a great small ‘l’ liberal in the Liberal Party. I know how lonely he must be.

Senator Mason—No, I don’t.

Senator CARR—You are not? I have misunderstood. You are even more lonely than that.

Senator Mason—I am all by myself, Kim.

Senator CARR—It would seem that way.

Senator Mason—Quite correct. It was Dr Nelson who vetoed 10 discovery grants that had gone through a whole independent peer review process through the Australian Research Council. When one particular PhD student, Sharon Andrews, made an FOI application to get the details of these vetoed projects, the former government fought right up to the High Court. And they lost. They want accountability. But in government the attitude of the Liberal Party was draconian and authoritarian. They attempted to suppress, through tacit intimidation or downright threats, academics who took a different view to that of the government.

If Senator Mason is having trouble with his memory on this point, the then chair of the ARC, Tim Beasley—who was also the AWB chair, too—advised his close friend the Prime Minister, Mr Howard, and the public that the academics should not get their knickers in a knot about the level of repression that occurred under the previous government.

Senator Mason interjecting—

Senator CARR—You might think that this is humorous, but the fact is that Paddy McGuinness, along with three other lay members of the ARC quality and scrutiny committee—which included a retired judge, a newsreader and Paddy McGuinness—insisted on going through all the applications, which you could understand. There was a view taken by this lay committee that 27 grant applications should be vetoed. As it turned out, three of those identified were among the 10 that were vetoed by Dr Nelson. So we have the sorry and shameful record of the previous government in attempting to silence critics and interfere in the legitimate scholarly processes.

What were these 10 projects that Dr Nelson sought to suppress? Three were in gender studies. Two were in feminist studies, one of which was so bad according to the government that it had to be rejected twice. There were two in Asian studies. There was one in conservation studies. There was one in media studies. Their projects were so terrible that their titles were changed and then they were subsequently refunded. This is the level of micromanagement and authoritarianism that they wanted to bring in. This is the level of contempt that these politicians have for our academic institutions. This is the real motivation behind the amendments that this opposition is seeking to present to this Senate today.
We are told that it is about accountability. What it is about is their obsession with their enemies among the intellectual groups in this country. What is clear to me from their history is the obsession that the Liberal Party have with trying to deal with people they do not like. They cannot cope with intellectual debate. They cannot cope with dissent. They cannot cope with people in our universities who might have a different view to that of the Liberal Party. That is why we had under the Liberals a shocking record of neglect when it came to the funding of our university system.

Under the Liberals our capacity to maintain our position with our intellectual institutions and research agencies was seriously undermined by serial and systematic abuse of our university system. We saw the funding capacity of our universities stripped away. We saw it in terms of our position versus the OECD. We were the only country in the OECD that actually reduced funding to its universities. As I understand it, there was a 23 per cent reduction in support for research and development throughout the Howard period—a 23 per cent reduction, as measured by GDP, in our contribution to funding for our university system.

What did we see in terms of our PhD students? What did we see in terms of our capacity to meet the challenges of the future? We had a government that looked on universities as being hostile, as being the enemy. Under the previous government that group had to be punnished. We have tried to fundamentally reverse that philosophical position. We have taken the view that it is very important that we treat our universities as places that are critical to the nation’s future. Instead of a reduction in public funding for tertiary education, which fell some four per cent between 1995 and 2004 compared to the average rise of 49 per cent across the OECD, we have seen a fundamental commitment by this government to reinvestment because we were the only OECD country to cut the total level of public funding for tertiary education during that time. Our ranking on research collaboration between industry and universities went backwards.

**Senator Mason**—Not overall funding.

**Senator CARR**—Senator Mason, you know the evidence. On the basis of collaboration between industry and universities we went backwards. We went backwards on the number of PhDs in the workforce. When we look at the measurement of our capacity to meet the challenges of the future, under the previous government our performance went backwards.

We are no longer just competing with advanced industrial countries. The explosion in research and development investment in China and in India has transformed the global innovation landscape. Are we ready to face that challenge? Because of the previous government’s legacy, we are not. Patent activity in China increased by 470 per cent in the decade from 1997 to 2006. Between 1999 and 2005 India’s total R&D expenditure rose by 73 per cent and its higher education R&D expenditure rose by 180 per cent. What have we done? We have gone backwards. There has been a four per cent reduction.

That is why it is so important to undertake an education revolution in this country. That is why it is so important to get a whole new approach to the way we deal with universities. That is why we are embarking upon a whole new approach, a cultural change, to the way in which we deal with university governance and engage the university leaderships on the basis of trust and on the basis of respect for their professional abilities to manage their own affairs. Of course, nothing could stand in sharper contrast to the position...
we take now than the position that was taken by the previous government.

The opposition will say that we are stripping away measures and that of course means that there cannot be any accountability in any new system. That is just not the case. It is not the case in fact. Senator Mason, as a person with some interest in education, would have read the Higher Education Support Act and would know what the provisions of that act are regarding universities being subject to regular quality audits by the Australian Universities Quality Agency. He would also be aware that sections 19 and 20 of the act require a higher education provider to comply with any requirement imposed on the provider by the minister to implement recommendations of the quality auditing body. He would also be aware that, under the research act provisions, universities are required to deal properly with proper requests from the government. That is a provision that cuts across both the teaching and the research programs of universities.

The position you are arguing—that, unless your amendments are carried, there will not be proper accountability measures—falls to the ground because it is in defiance of the facts; it is in defiance of the legislation. The AUQA's submission to the recent review of the national governance protocols indicated that the AUQA's audits had not revealed that there was any clear evidence of ongoing poor performance and failure to meet the minimum expected standards for effective governing body operations.

Senator Mason—So why oppose it then, Minister, given it is being complied with?

Senator CARR—Senator, you have this fundamental problem. It may be a question of self-loathing, given your comments about the Australian National University position. I do not share your contempt for yourself. My observation of your role in that body was that you were seeking to contribute in a constructive manner, unlike some of the other dills that you put on that committee over the years. (Time expired)

Question agreed to.

Bill read a second time.

Ordered that consideration of this bill in Committee of the Whole be made an order of the day for the next day of sitting.

COMMITTEES

Legal and Constitutional Affairs

Committee

Meeting

Senator O'BRIEN (Tasmania) (12.37 pm)—by leave—At the request of the Chair of the Senate Standing Committee on Legal and Constitutional Affairs, Senator Crossin, I move:

That the Legal and Constitutional Affairs Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question agreed to.

NATIONAL HEALTH AMENDMENT

(PHARMACEUTICAL AND OTHER

BENEFITS—COST RECOVERY)

BILL 2008

Second Reading

Debate resumed from 16 June, on motion by Senator Faulkner:

That this bill be now read a second time.

Senator COLBECK (Tasmania) (12.37 pm)—I rise to speak on the National Health Amendment (Pharmaceutical and Other Benefits—Cost Recovery) Bill 2008 and note that the process through which the government has taken this particular piece of legislation would have to give significant cause for concern. The government seemed to have taken the view that, because this is a piece of legislation or a proposal that was first announced by the previous government
in 2005, all it had to do was to pick up what it saw as a proposal that was already on the table and, without any consultation with industry at all, announce it as a budget measure on budget night.

It is quite clear from the report of the committee that the level of consultation by this government with industry has not been satisfactory. The committee learnt during the committee inquiry that there were some significant groups that had not been consulted at all through that process. The committee also learnt that the industry’s understanding of what was being consulted on was quite different from what the government was presenting as consultation. In 2007 there were some proposals put forward on types of cost recovery measures that might be considered but not in the context of a measure specifically going forward. Those groups of industry who were consulted as a part of that process made their submissions but never heard anything back. They had no further comment from the department as a result of those consultations; they got no feedback. The next they heard was that there was a measure announced in the budget. With respect to the government’s policy on this particular matter, the only thing that the government or a spokesperson for Labor had put forward was a comment made by the then shadow minister—and now minister—during a debate in 2007, when the minister said that the opposition did not see it as an appropriate measure. In fact, the quote was:

The PBAC needs to be independent of government and of industry, and we cannot see the justification for this move to a cost-recovery model.

That is the only indication that industry had from the Labor Party of what their position might be. And yet, tucked away quietly in the budget on budget night was a measure that will raise $14 million and which was supposed to commence on 1 July this year. That was the budget proposal. No notice, no consultation and no warning for industry is of significant concern.

During the term of the inquiry it was quite interesting to hear from witnesses as to their perspectives on this process. The government relies very heavily on the evidence of Associate Professor Faunce, who, of the witnesses that we heard from at the inquiry, was effectively the only supporter of this measure in this legislation. But even Associate Professor Faunce had some concerns, particularly in the absence of the regulations which effectively are the measure in this piece of legislation. All that the legislation effectively does is to modify the act to say that there will be regulations. During the process of conducting the inquiry we were effectively flying blind and relying on some information that the industry had been given at some briefings since the budget was announced—we did not have all of the information and neither did they. I do note that, after the committee presented its report last Friday, the government released the regulations. I commend them for that because that gives industry, the opposition and the minor parties the opportunity to effectively scrutinise the regulations. It would have been of great assistance to all of us had the government been prepared to provide that information during the consultation process.

I find it very hard to believe that there would not have been some fairly well developed draft regulation given that the measure was supposed to start on 1 July 2008. Granted, it is not long between the budget which was brought down on 13 May 2008 and the proposed implementation date on 1 July 2008, but I find it hard to believe that there would not have been the information available so that industry could consult based on the full set of facts. Almost to a person, every witness said it was difficult to fully interrogate this particular measure without
the regulations, which are effectively the measure because, as I have said, the legislation itself only says that there will be regulations.

Of significant concern to the committee, reflected in both the majority and the minority reports, was the issue of the impact on off-label products. I commend the PBAC on the work that they have done over the last three or four years in putting special advisory groups in place to look at the use of off-label medicines. That is a very commendable effort. In the circumstance where it has been operating for about four years now, I think, and that was in—

Debate interrupted.

MATTERS OF PUBLIC INTEREST

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

Equal Pay Day

Senator MOORE (Queensland) (12.45 pm)—Today I want to talk about 27 August being Equal Pay Day, which has been so named by the Equal Opportunity for Women in the Workplace Agency, EOWA. EOWA is calling on all employers in our country today, 27 August, to conduct a pay audit in their workplace. They have provided a tool on their website which will help employers and their workers to see what is happening in their workplace today in terms of fair pay, equal pay.

We know that today in 2008 women earn about 84c for every dollar earned by men. Women have to work effectively longer—and I will not say harder because it would be unfair—to match their income rates. That is why 27 August has been picked, because this is the day when women’s average salary catches up with what men would have earned on 30 June 2008. We are making the statement and saying to employers, ‘Have a look at what is happening in your workplace.’

If all workers did that we would then, I think, put in place what we thought had been achieved through years and years of struggle in the 19th and 20th centuries over a number of wage cases, which effectively said that equal pay for equal work had been achieved in this country. But we know it has not happened. On the EOWA website there is the tool and the EOWA aim, which states:

With a vision to create an Australia where every woman can achieve her greatest potential in the workplace, EOWA inspires Australian employers to take action to improve outcomes for working women. It does so by delivering practical solutions to employers for advancing women, by building strategic partnerships with employer organisations and—

I emphasise ‘and’—by leading public debate to increase the rate of change.

A well-known comment made by Justice Mary Gaudron many years ago was that women won equal pay, then we won it again and again and again. It is a great quote but I think it actually reflects a degree of sadness. By saying that, Justice Gaudron has reflected the real problem that, while the clear gap has been identified, stated and reviewed, not much has changed.

In Queensland in the 1890s there were reviews of workers’ conditions in Brisbane across a range of industries which looked at people working in shops and seamstress areas. They were able to identify in the 1890s that women’s labour was not effectively valued and that the same work done by someone who does not identify as a woman is better paid. This was 1890—further reviews by commissions in my own state of Queensland in the early 20th century reinforced this issue. We have a time line that shows a number of cases, a number of industrial relations processes, over the years which again identi-
fied the gap and showed that women’s work was not effectively valued. This is not just about dollars and cents; it is about more than just the money in the pocket. It includes discretionary pay—where employers can make decisions amongst workers in their workplace—and allowances. We consistently see that allowances for extra work or different processes are not equally shared with all workers in the workplace. It is about performance and performance assessment. We yearn for a time when sheer merit will be assessed effectively and rewarded. A core element of that is getting the performance processes identified.

It has almost come to the stage where the very word ‘merit’ has lost its meaning, because the question is: who determines the merit and on what basis? What we have seen is that women’s work, individual women’s labour in the workplace is undervalued—and we will not get into the very vexed subject of the double workload of women working at home. Today I am concentrating on women in the paid workforce. I will come back to you about women working at home. What we need to understand is that not just in one area but across the board there has been a genuine economic gap for women in the workforce, and that is a shame.

How we can stand here on 27 August 2008 and accept that that is a reality continues to astound me. The 1972 arbitration decision said that there would be equal pay for equal work in the workplace. We won equal pay in 1972. In 2008, Australian Bureau of Statistics figures indicate that, on average, there is not equity and that there is a 15.6 per cent gender wage gap, so we are under-evaluating women’s work. This is such a disappointment for so many women and men who support equity in our community. Over the years there has been clear evidence presented. Detailed cases have been made before a range of arbitration courts at the federal and state levels resulting in inches of evidence, which can be seen in libraries throughout this country, taken not just from industries but from employers and employees who have had the courage to come forward and explain their own situation. Consistently, at the end of this process it has been determined that, while there may have been some advances at different times, the end results mean that what we thought had been achieved in the early 1970s has not in fact been achieved.

We had a House of Representatives inquiry in the early 1990s which looked exclusively as this argument, and I do ask people who are interested in this topic, and I hope we all are, to have a look at that House of Representatives report to see the kind of information that came forward. One of the exciting things, if we can talk about excitement in a process where there is such genuine inequity, is that the House or Representatives is conducting a current inquiry—and, coincidentally, the submissions for that inquiry are due to close later today—that is looking specifically at what is happening now. The terms of reference of that inquiry look very clearly at the kinds of issues I am talking about. The inquiry will look at:

1. The adequacy of current data to reliably monitor employment changes that may impact on pay equity issues;
2. The need for education and information among employers, employees and trade unions—and the community generally—in relation to pay equity issues;
3. Current structural arrangements in the negotiation of wages that may impact disproportionately on women;
4. Adequacy—Adequacy is such a sad word, isn’t it?—of recent and current equal remuneration provisions in state and federal workplace relations legislation;
The adequacy of current arrangements to ensure fair access to training and promotion for women who have taken maternity leave and/or returned to work part time and/or sought flexible work hours; and

The need for further legislative reform to address pay equity in Australia.

Here in 2008 we are going to see whether there needs to be further consideration of laws to enforce what has already been achieved in a number of arbitration processes over many years. We have, on the law books, already achieved pay equity. What we have not done is all those things that the House of Representatives committee will be considering under its terms of reference. We have not achieved it in reality in the workplace and we have not ensured that the various work conditions and salary components are assessed quite clearly to then see how they operate on individual workers.

We have not won the argument with the wider community to make them aware of what I think many people seem to take for granted, because the issue of pay equity has, I think, been consigned to the history books. We value the work of women like Emma Miller in Queensland in the 1890s, of women like Meredith Bergman and others in New South Wales in the last century—as we can say now—and of various women and male activists across this country who have seen the inequity, have worked effectively to gain the evidence and have brought forward the information.

We have had it confirmed consistently by Bureau of Statistics figures that wages are not keeping pace on the gender gap. We have all this information but, in 2008, we still need to ask whether, for some failing in what has worked in the process and in the workplace, we need to implement new law. It seems to me that what we need to do is look at what is already there. We need to have a look at the range of processes that are in place now and take up the call from the Equal Opportunity for Women in the Workplace Agency and, workplace by workplace working cooperatively together, take the process through the tool. First of all, we need to define what pay equity is. Once again I think that people do not truly understand the concept. People are so caught up in the struggles of day-to-day existence—the various demands of budgeting and of survival, worthy as they are—that they have actually overlooked the issue of equity in the workplace, particularly when it comes to the male-female divide. So we need to work out together exactly what pay equity is. It actually defines work and defines the various allowances.

We then move on to a very necessary lesson in the history of the issue, because all too often struggles that have been taking place in our community over years on valuable social justice issues are forgotten. They are put away into the tomes of history and, unless there are people who are prepared to talk about it and to celebrate the struggles that have taken place, it is way too easy to forget the struggles of the many women and men. Many were involved in trade unions and many were strong employers. They are people who saw that injustices were occurring.

We need to look at the value of women’s work, at the remuneration for women’s work and also at the general area of work conditions so that they apply to the whole environment of the workplace. In that context, there have been struggles and we have had legal successes, but the end result is that we have not got what we all thought we had, which is pay equity.

But through using this tool and through working with your workplace, you can work through the process and do it locally so that it has much more meaning because, inevitably, when you can read about something that
is in history or affects someone else, it is easy not to identify and to somehow conclude that it is somebody else’s struggle. To me, one of the very important things on the Equal Opportunity for Women in the Workplace Agency website is that they can give you effective links to other sites so you can get this information almost immediately and identify with what has happened in other places. It says—and I love this question—that after you have actually had the immediate discussion with your workers, the question is:

Is pay equity still a problem in Australia?

I am really encouraging workplaces to go through this process and come up with their own answers. But I am going to give them a little hint. The answer to that question is, yes, pay equity is still a problem in our country. When you see the Bureau of Statistics figures, no-one could actually look at the disparity and say that it is not a problem.

We also have a snapshot of what the current law is, because, again, unless you are caught up in the process yourself, normally at a time of crisis—because often when you actually discover inequity it is when you have been a victim in some way—you are not too certain about what law to seek out and from whom to gain assistance. That is one of the key elements of this agency in the government public sector. The Equal Opportunity for Women in the Workplace Agency can provide forward information for where people can go to get the assistance they need.

You would expect that I would say something about the trade union movement. From the time that this issue became clear in the 1890s, when there was a struggle in Queensland about the formation of the first women’s trade union, there was some dynamic within the process about whether women coming into the workplace were going to take away some of the conditions and wages of their male counterparts. From that time, strong women trade unionists were at the forefront of this struggle, because it is not easily achieved. There needs to be a struggle. From that time, women like Emma Miller, May Jordan and all of us who have come after them have actually seen that true wage equity is a challenge for us and that the role of trade unions is to support all their members. It is not a contest. To achieve true pay equity for women does not mean that men must lose out in any way. Workers can—I hope as a result of working through the EOWA tool—together decide that pay equity is an issue for them and their workplaces.

Water

Senator HEFFERNAN (New South Wales) (1.00 pm)—I congratulate Anna McPhee on the great work she does in the area of equal opportunity in the workplace for women.

I am grateful for the opportunity to speak today on the matter of water, and for your concession, Mr Acting Deputy President Barnett, in giving me a slot. I do not often rise in this place, but I rise today to talk on behalf of all the farmers out there who cannot sleep at night, who wake up at two o’clock in the morning, who will not go to town and who cannot be left on their own—all as a result of Mother Nature and everything that is beyond their charge. I also rise because there is a lot of emotion in the issues of the Murray-Darling Basin and certainly the Lower Lakes. But can I point out to the Senate that what is happening in the Lower Lakes is just the beginning. The world’s scientists have been telling us for some time that there is going to be a 25 to 50 per cent decline in the 23,000 gigalitre run-off in the Murray-Darling Basin and that this has serious implications for the future. What is happening in the lower reaches is a doomsday scenario with no apparent solution—unless
Mother Nature provides it—because the water is not in the system. The same doomsday scenario applies all the way up the system.

Today I want to put the Australian Senate, the federal government, the Queensland government and the people of Australia on notice that we are about to have a serious fraud perpetrated on Australia’s taxpayers. I might lead with the Australian newspaper today which says ‘Dam busters: governments ready to buy land to unlock water’. That is a complete fraud. There is absolutely no need to buy Toorale Station if we want to return their water to the system. Back in my cocky days when there was Dunlop Station and Toorale together a whole lot of banks were put in with no environmental planning and no notice. They were diversion banks. The same thing happened to the Macquarie Marshes. The same thing has happened to the lower Lachlan. There is a 14,000 megalitre licence there at Toorale. It is a separate title to the land. It can be acquired. You do not have to buy the farm. If we are going to spend this money for Australians in order to rescue our water system, we should be buying the water and not the land. If we want to return the land as a national park, the money can come out of some other fund for national parks. Let the water be bought. Let us make greater use of the generosity of the government in applying water for buybacks, but the buying of Toorale Station is a furphy.

I want to go to the Queensland issues and the potential of a major fraud of hundreds of millions of dollars. The background to this is that the Queensland government is not compliant with the National Water Initiative. They have not separated the land title from the water title. The federal government should insist that they do that in the national interest and in the greater interest of Australia’s families. We absolutely have to make them compliant with the National Water Initiative. We have now got a ridiculous situation in the lower Balonne. To give a bit of history on the lower Balonne, the Stevenson family went out there years ago and discovered the flood plain. It is a wonderful flood plain and one unique to Australia. It consists of the Culgoa, the Birrie, the minor Balonne, the Bokhara and the Narren. These rivers, with the exception of the Narren, return eventually to the river system and into the Murray-Darling Basin. But there is a huge flood plain that has to absorb water, and Mother Nature designed that system in a way that the main river channels are relatively small, so when a decent flow goes down the river, the river is not made by Mother Nature to cope with the water; the flood plain is.

Back in the 1990s Cubbie Station got stuck in with the government of the day, which was a disgrace. It is a national disgrace that the law was silent. No-one has broken the law. And so in those days the bigger the bulldozer you used the bigger the water authorisation you eventually got. It was nothing to do with the environment. There was no environmental planning; you just got in there with your bulldozer and eventually the government caved in and gave authorisations. They gave exemptions from environmental planning on the storages. The greatest critic of that at the time was Leith Bouly. She was recently, in my view, bought off by the proponents of the system. She was given a commercial-in-confidence arrangement with Cubbie Station. She was then not eligible for a water licence because she has no infrastructure to harvest and store water and yet under the draft ROP, of which she was the chairperson with a serious conflict of interest, the advisory committee to the Queensland government also had the power to put in place recommendations for compensatory payments to the system—and this is a major beneficiary of their own advice. She managed to get, under the ROP, the biggest water licence ever to be issued in Aus-
tralia. It is not issued yet; it is about to be issued. It is 469,000 megalitres—about the size of Sydney Harbour. I say that it would be perpetrating a major fraud on Australia’s taxpayers if the Queensland government were to go ahead and issue these licences. There are specifically six licences in the ROP. I would bet that no-one has read the Condamine-Balonne draft resource plan July 2007, and if you have you probably do not understand it. I do not have time to go through the technical side today, but why would anyone with one iota of common sense issue water licences knowing that the system cannot stand the water licences, and then knowing that they are going to buy them back, if it were not a cosy deal?

I note that on the board of Cubbie Station is a former Treasurer of Queensland, Keith De Lacy. I note that on Toorale’s board is John Anderson and an adviser to the present government, Mr Eddington. I am not reading anything into that except influence. Why would you do that? I do not know, because not only would I think that that would be a misuse of public funds and perpetrating fraud but the technical reality is that if you bought Cubbie Station you would not return any water to the system, because nature designed the system there to go overland at a certain point. It is artificially overland now because of the height of the Culgoa weir.

The Department of Natural Resources and Water in Queensland has no idea of the true measurements of what happens to the flows in that country. The bulk of the water that is captured for irrigation up there is unlicensed, unmetered, unregulated and does not cost anything. Why in hell’s name would we want to then suggest we would convert an authorisation which was made under the plan—and the authorisation of the ROP is to license the capacity of the earthworks that have been put in place with no environmental planning—into licences that have a financial instrument? It took about 10 minutes to convince the former Premier, Peter Beattie. I said to Peter, ‘Why would you maximise the value of an asset for someone with a government injection of funds and then buy it back?’ It is crazy stuff. We are offering to issue licences to the extent of hundreds of millions of dollars and then we will buy them back, knowing the system will not stand the licences that are about to be issued.

The Condamine-Balonne has a median flow of about 1,200 gigalitres. There is about 1,500 gigalitres of on-farm, off-river storage built into it. It has an 800 per cent variability. I do not want to get too much into the technical side of it, but what is proposed is not sustainable and it will not return water to the system. I am sorry to have to tell the people in the lower Murray-Darling Basin this but, because of the freight component of the rivers up at the Top End there, the evaporation—the Menindee Lakes, for instance, evaporate more water than every pump up the river uses—and all those natural things in Mother Nature’s design of the system, buying Cubbie Station to return water to the system because the Queensland government is too gutless to comply with the National Water Initiative and separate the title will not work. And, when they do separate the title, you cannot trade overland flow because it is specific to the geography in the area. It is a complete furphy and I urge the government to halt the process, pull it up dead and pull the Queensland government in. Get Craig Wallace—I was on the phone to his chief of staff for 40 minutes the other day—and say, ‘Let’s have another look at this.’ The people who are affected downriver by this proposal cannot get a meeting with the Minister for Natural Resources and Water in Queensland. He refuses to meet with them. I think the Commonwealth should insist that there be a conference.
The catastrophic mismanagement of Australia’s water has been peculiar to all governments of all persuasions for all time. This is not a political exercise. I am urging on behalf of Australia’s farmers and all those people who cannot sleep at night that we get stuck in and do this in a fair dinkum way. We need to go back to the start and get some proper advice on what is a sustainable level of extraction. Overland flows are a dangerous interception into Mother Nature because, once you take the head off an overland flood flow, you absolutely impede its progress. As I said, peculiar to the landscape where these licences are to be issued is the fact that overland flow water eventually becomes someone else’s riparian water downstream because it returns to the stream. As I said, the Culgoa is a peculiar little river because it has a small stream. Under what is proposed in the buyback for the four stations these people can go to better technology and will only need a quarter of the water to produce double the income and there will be enough capacity left in the harvesting regime of the river to absolutely take the water that they are going to save anyhow just because of nature.

I will go to what should happen, because I only have a limited time. We should halt the process. We should alert Australia’s taxpayers to the fact that it is a perpetration of major misuse of public funds to, in full knowledge and consent, issue water licences and then buy them back to allegedly return water to the system knowing that the geography and physical makeup of the landscape will not allow that water to be returned to the system. It will be absorbed into what it was always absorbed into, the landscape, and eventually return to the river system.

I say that this is a national disgrace and I think that all Australia’s irrigators are looking to solutions for the Murray-Darling Basin. The climate change prediction for the planet is that something like 50 per cent of the world’s population will be water poor in 50 years, a third of the productive land will disappear, the food task will double and 1.6 billion people will be displaced. We have discussed that in Asia in recent days. Every Australian irrigator ought to understand that it is not the end of the world. We have to go to smarter technology and everyone should study what has happened in Carnarvon. Carnarvon used the equivalent of 8,500 megalitres of water to grow $60 million worth of income in fertigation crops. That same water in New South Wales would produce $3 million worth of cotton in a very wasteful way. I said five years ago in this place that any 50-year plan for the Murray-Darling Basin should exclude furrow cotton and paddy rice as permanent annual crops. They should be opportunity crops. The opportunities are going to be very few and far between and maintaining infrastructure is going to become an impossibility.

I note that in New South Wales they are now growing rice on the North Coast. It is non-paddy rice. The science has moved on for paddy rice; we now have non-paddy rice. We should develop the north, but first we should learn from the mistakes of the south. We have made some grave errors and we are continuing to make those grave errors. The auction on Toorale Station is on 11 September, and the Commonwealth and the state of New South Wales are thinking about buying it to return water to the system. They bloody well know—pardon my language; I apologise for the ‘bloody’—

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Thank you, Senator Heffernan.

Senator HEFFERNAN—that they only need to buy the water to return the water to the system. Let the National Parks Fund buy the land if they want to turn it into a national park. The same goes for Queensland. There
is absolutely no case to be made for buying properties to return water to the system. What has to happen is that they have to become compliant with the National Water Initiative like the rest of Australia.

We are about to make the same mistakes in the Northern Territory on the Douglas Daly. There are companies up there now that are being issued authorisations to take groundwater. The work on the aquifer is not complete. In a few years time they will say, ‘Hang on, we have this authorisation; you better give us the licence now.’ If I was in charge, I would be making them buy the licence. All the licences up there are Christmas gifts. We are about to give them Christmas gifts and then spend several hundred million dollars buying them back.

I do not have time today to go through the technical detail of why this is all so—it is not the appropriate forum—but I say this: this is not a matter of politics. This is a matter of being fair dinkum about managing the future. We can probably double the production of the Murray-Darling Basin with half the water if we go to better technology, and we need to do that. But the first thing we need to do is get the Commonwealth to assert its authority—because obviously the rivers do not stop at the borders—and get all the interested parties into one room to take a look at it.

Social Security and Veterans’ Entitlements Legislation Amendment (Schooling Requirements) Bill 2008

Senator SIEWERT (Western Australia) (1.15 pm)—I would like to speak about the legislation that was tabled in the House of Representatives today that deals with truancy. The Minister for Education, Julia Gillard, today tabled a bill in the House of Representatives that gives the government the power to cut off or even cancel welfare payments to parents whose children do not attend school. Julia Gillard is the Minister for Education and the Minister for Social Inclusion. This is the most exclusionary piece of legislation that I have seen in a long time and how the minister can juxtapose those two particular parts of her portfolio beats me.

It is telling that the very first piece of legislation put forward by the Rudd government to enact their promised so-called education revolution in our schools is a piece of populist and punitive legislation that demonises parents on welfare and is in fact likely to lead to worse outcomes for many disadvantaged students. It is also telling that this is a scheme for which there is no evidence base from a government that claims to have evidence based policy. It is a scheme which, I also note from the media, the government’s own caucus is struggling to deal with.

As the ACOSS President, Lin Hatfield Dodds, said in the media earlier this week: Income management is a blunt instrument to address the complex reasons that children may not be attending school and there is no evidence that it will work.

Suspension of income support payments is a harsh penalty which itself poses a serious threat to family and child wellbeing. Many of the families affected by these proposals are already living on low incomes and the suspension of payments will increase hardship and poverty.

Suspension of income support is discriminatory—it only affects parents on the lowest incomes. All parents—

I emphasise ‘all parents’—are legally required to enrol their children in school. These laws should be enforced and backed up by support services.

The Greens have had a very quick look at the legislation, since it was only tabled this morning, and we are very, very definitely not impressed. Not only does it allow Centrelink bureaucrats to suspend income payments for 13 weeks or more; it allows them to cancel them altogether. Yes, that is right: by our
reading of that legislation, you can have your income support cancelled completely.

Let’s stop for a moment to look at how the department finds out that a child has not been at school. As we understand and interpret the legislation, the school is required to notify the department. Let’s stop and consider that. That means that a school principal will have a list of every family on income support in a district. That is simply outrageous. Why don’t we tack a sign up everywhere to tell everybody in the suburb which families are on income support? Has anyone stopped to consider that that is totally unfair? What about that family’s privacy? Are we demonising people so much in this community now that we are going to send to school a list of families that are on income support?

This is not decent public policy. These are major changes to the lives of the most disadvantaged children and their families, for which there is no evidence. Have teachers been consulted? Have educational specialists been consulted? Have child development specialists been consulted? What is more, has the community been consulted? No, they have not.

The ALP have continued to say that they are committed to an evidence based policy, but I challenge the minister to produce the evidence that cutting welfare payments will lead to increased school attendance and better outcomes for the most disadvantaged of our children. As I understand it, the trial in Halls Creek did not succeed in getting any more kids into school. What did succeed is producing and providing more teachers, a better education system and a system that is culturally appropriate.

I challenge the minister to produce the evidence to justify a measure that exclusively targets families on welfare. Are these really the only families in our country where the kids are playing truant? I think not. This is a completely wrong-headed approach. The factors contributing to poor schooling attendance include: a lack of basic education and support services in disadvantaged areas; poor quality education programs; bullying; inadequate and insecure housing; a range of health problems, particularly including hearing problems; and curricula that are not culturally appropriate and that do not meet the needs of the students.

As parents we know that most young people love school and are excited to learn. In fact, some are even keen to go to school on weekends. They look forward to the opportunity to interact with their peers. It takes a few years of bad experiences before a child reaches the point that they dislike being at school so much that they are prepared to play truant. I also note that, for younger students in particular, a parent’s bad experience in school can also reflect their interaction with the school system. The implication of Julia Gillard’s new policy is that truancy is simply a result of a failure of the parents. In particular, of course, she is targeting the parents of disadvantaged families. The proposition behind her proposal is that, therefore, they are failing in force their children to go to school.

Let us look at some of the reasons that older children are not going to school besides the ones I have just mentioned in terms of poor, culturally appropriate education systems. They are failing in classes and are feeling humiliated because they are not engaged and are getting bored, or perhaps they are being discriminated against or they are being bullied to such an extent that they do not want to go to school. This is clearly a failure of the system, not of the parents. Often by this time kids are so educationally disadvantaged that there is little hope for them to be able to catch up with their peers and re-engage in the system. So, for some of these students, there is a real issue of shame,
which further enforces their isolation from the school system.

I cannot believe that any parent with a teenager having a tough time at school could think for even one minute that this measure is going to do anything but promote more misery and family conflict if the underlying causes of why a child is not in school are not dealt with.

Stop and consider a child who is not in school—a child, say, from a family with two, three or four children. If one child is truanting, the parents’ payments are cut; what happens to the rest of the family? Those other kids may be going to school perfectly happily, but all of a sudden their family has no income support. How does that help those kids to remain in school? What happens when they do not have food in their bellies? What happens when they do not have a roof over their heads and their parents are in crisis because they have no income and no way to support their children? Rather than having just one child who is missing out on an education, we will now have a whole family missing out on an education.

What happens to grandparents who are struggling in the later years of their lives to bring up troubled grandchildren and teenagers who have had a tough and traumatic childhood? How will the government be helping them—by cutting off their pension payments?

Where are the support services to help these families when they get into these situations? Where are the services to help these families when their payments are cut off? Where are the support services for these families that are in crisis? Where are the support services to help the most educationally and socially disadvantaged? Rather than just cutting off their income support payments, why don’t we actually start dealing with the real issues? Where are the minister’s plans to address the underlying causes of truancy, of non-attendance?

What we need is a more supportive, inclusive and engaging education system that can adapt to meet the challenges and the needs of children from different social and cultural backgrounds so that curriculums meet the needs of these children and their families, so that schools are interacting with the community and so that we are producing and providing culturally appropriate education. We need much more funding for early intervention programs to help children who are struggling at school. Teachers can clearly identify these children, so perhaps we should be identifying all children who are struggling, not just those from families who are on income support.

Parents play an important role in their children’s education and they definitely need to be encouraged and supported to ensure that their children attend school—but you do this by helping parents, not by punishing them. If parents are struggling to fulfil these responsibilities, they need additional help. Very clearly, they need strong support, not punishment. Often the very reasons why they are struggling—such as family conflict and break-up, domestic violence, economic hardship, mental health issues, drug or alcohol problems—are the kinds of things that a punitive approach, such as cutting income support payments, will undoubtedly exacerbate and bring them to crisis point.

The first responsibility of government, surely, is to ensure that the right services and supports are available, including family support services, parenting programs, and mental health and drug and alcohol services. Governments must also ensure that high-quality and culturally appropriate education services are available to all children, irrespective of where they live and whether their parents are on income support. We do need a
return to an evidence based policy in education. We do need a true ‘education revolution’. But what we are seeing here is an education devolution. We are not seeing the kinds of support services that we need for these families. We are not seeing a comprehensive plan that deals with the issues of these children in crisis. And, please, I do not want anyone saying the Greens do not want kids in school; we do want kids in school. But we want kids in school that are there through a proper plan having been put in place. This measure will not get those kids back into school because in no way does it address the reasons why they are not in school.

The government have not outlined how they are now going to provide those support services to those kids. They have not articulated how the education system is going to be improved so that it meets the needs of those kids. They have not looked into where, for example, we have had some culturally appropriate education programs that have been cut. No, they have not been looking at that; they have gone straight to: ‘Let’s punish them, let’s demonise them.’ And where is the government plan for the kids of parents who are not on income support? Or does the government for one second expect us to believe that it is only the children of those on income support who are playing truant and not in school? No, of course not. What is the government’s plan to get the children of parents who are not on income support into schools? ‘Oh, for them we might try and look at the education system and provide one that’s actually much more appropriate to meet their needs.’

One of the areas in which the government is planning to run these trials is Cannington; it is the Centrelink area of Cannington, which is a much bigger area than the suburb of Cannington, for a start. Furthermore, I have also been told that, for that very large area south of Perth, the government is providing funding for one financial counsellor—one financial counsellor. Now, please tell me, when you have got all these people in crisis—and I know that some of these families are in crisis and do need help—how does one financial counsellor help? Is that all the government is going to do?

When I was asking Centrelink some questions about this they did not have an idea at that stage what support services were going to be provided to parents—and this was actually about the debit card, because there are two measures here: the debit card process and cutting off welfare payments. They could not tell me what support services were going to be put in place to support families whose income was quarantined in these instances. They could not tell me how many people were involved. They could not tell me whether the debit card was going to be able to be used outside the Cannington region, whether it could be used at the corner store. There was a total lack of knowledge. This new system is being laid on top of that, and I am just wondering how much information the government does have about how it is going to work. Please, please, please clarify for me that they are not going to provide a list of families on income support to every school in the district so that principals can notify Centrelink if those kids do not turn up. Surely, in Australia in the 21st century, that is not considered acceptable policy. Let us see the education revolution, not the education devolution.

Peacekeeping Operations

Senator FORSHAW (New South Wales) (1.30 pm)—I rise to speak today in this de-
bate on matters of public interest to make a few comments with regard to Australia’s role in peacekeeping operations, with particular reference to the United Nations. I am pleased to see that there are some colleagues in the chamber at the moment—they were not aware I was about to make this speech but are here nevertheless—who have had a particular personal connection to this issue, whether it be with respect to peacekeeping or the United Nations.

Senator Mason—We’re all here for you, Michael!

Senator FORSHAW—Yes; thank you, Senator Mason. I say this because I was honoured to be one of the two parliamentary advisers to attend the United Nations General Assembly in New York last year. It meant I missed a fair bit of the election campaign, so the results speak for themselves, I suppose. I was over there with former Senator Rod Kemp, and I have to say that we found it an extremely valuable experience with respect to the parliamentary work that we do.

I particularly want to note that at the time that we arrived in New York for the General Assembly the issue of the role of the United Nations in peace and stability was right up-front on the agenda. It is always on the agenda, as we know, for the Security Council particularly, because hardly a week goes by where there is not some dispute—at times, violent dispute—occurring in some part of the world. When we arrived the situation of the repression in Myanmar—or Burma, as we call it—by the military junta there was front-page news. We saw the coverage of the terrible repression that was being meted out to people who were just asking for simple democratic rights.

Right through the time I was at the United Nations I spent a lot of time following the debates and discussions that went on in the General Assembly in various committees with respect to conflicts that were occurring around the world, whether it was the situation in Myanmar, the Middle East, Darfur or any number of other places in the world where sadly, tragically, civilians—in the case of Darfur, thousands of civilians—are losing their lives, being slaughtered, by repressive regimes. At times we really do despair about what the world community can do and whether the world community, as represented through the United Nations, is prepared to try to stop those massacres.

It was also the case that prior to the parliament being prorogued for the holding of the election I had been a member of the Senate Foreign Affairs, Defence and Trade Committee that was inquiring into Australia’s involvement in peacekeeping operations. I particularly note, Mr Acting Deputy President Trood, that you were a member of that committee at the time.

Senator Mason—Hear, hear!

Senator FORSHAW—And I note that Senator Mason was an adviser to the United Nations General Assembly the previous year and also has an interest in this matter. At the outset I want to congratulate the members of the committee—and Senator Fifield is here, another member of the committee—for the report that was tabled yesterday in the parliament by the chair, Senator Bishop. I congratulate Senator Bishop as the chair, the former chair, Senator Payne, and whoever else was chair during this period of time, for what I regard as an excellent and comprehensive report. I think there are some very worthwhile recommendations in there as well as a lot of pertinent information that I would urge all senators and members of parliament to read.

There are a lot of problems with the United Nations—we all know that—and it is easy to sit back and criticise. And it is easy to
do that when you are there, going into the building every day, and going into committee meetings—and I have spoken about this earlier—where there is an obsession about what happens in the Middle East and an obsession of an overwhelming number of countries in constantly attacking Israel. I am on the record in terms of my views on that matter.

I make those comments because it is a fact and it is such a concern. You could feel desperate at times in that environment when you saw things like what was happening in Myanmar and Darfur and what had happened in Kosovo. There were also issues in the north of Cyprus with the Turkish occupation and trying to resolve a problem that has been there since 1974. More recently we have seen the situation develop where there is violent conflict between Russia and Georgia—coinciding with the Olympic Games in Beijing. So you sit there and think, ‘Why can’t this world body focus on those areas, in addition to the Middle East, that need action taken urgently?’—and I particularly refer to Darfur.

At the end of the day, despite all of its faults—its bloated bureaucracy and the way it works politically—the United Nations is all we have. I know that to a lot of people that might seem to be a trite statement, but, at the end of the day, the United Nations is the 192 member states that make it up. It is the world. If we do not have that body, then you do not even have the discussion. The fact that the problem in Myanmar was on the agenda of the Security Council very early I think may have helped to stop what may have developed into far more repressive action. It was bad, but I think it is one of the first times that the Security Council unanimously condemned a member state and was able to bring some pressure to bear.

That leads me to the report of the Senate Standing Committee on Foreign Affairs, Defence and Trade. Because I had been involved in that committee’s deliberations and public inquiries, had listened to the evidence that was given and had read the submissions that came in, I took the opportunity at the UN to focus particularly on the UN’s role in peacekeeping. I must mention three people: firstly, Ambassador Hill for his great support in making our time there so worthwhile; secondly, Colonel Tim Simkin, who was at that time the defence adviser in our mission in New York; and, thirdly, Andrew Hughes, who had just, prior to our arrival in September, been appointed by UN Secretary-General Ban Ki-moon as the police adviser in the Department of Peacekeeping Operations in the UN—a very significant position, reporting directly to the Secretary-General. Andrew Hughes had formerly been a distinguished officer with the Australian Federal Police and has an extensive history of involvement over 30 years, locally, regionally and internationally.

That highlights something I wanted to say which is also picked up in the committee’s report. There is a recommendation, on page 269 of the report, which says:

The committee considers that it is in Australia’s interests for government personnel to be seconded to the UN. It also believes that government departments could be more active in seeking out these opportunities.

One of the things that was obvious to Senator Kemp and me—and we referred to this in the report that we wrote and presented to the Minister for Foreign Affairs, the President of the Senate and the Speaker of the House of Representatives—was that Australia simply does not do enough to promote itself in the UN bureaucracy. We are one of the top contributors: we are in the top 15 financial contributors to the United Nations budget; we are the 12th highest contributor to the peacekeeping budget, which runs into billions of dollars; and we are extremely well regarded...
for our involvement in peacekeeping. We have a proud record of being involved in peacekeeping operations with the UN since its foundation and, of course, more recently in regional peacekeeping operations, whether that is in Timor or the Solomons. The UN is increasingly looking to regional bodies to take up these challenges.

One of the things I think the UN, despite its faults, actually does well is peacekeeping. It is a huge agenda and it is a huge task to bring forces together from a wide range of countries, place them under a single command, send them into a country, most often with very few services on the ground, after there has been carnage and conflict, and try and keep the peace. At the same time, they have to try and create the environment for some return of governance or some development of a new form of governance, where civilians will be protected. It is an enormous task. There are around 120,000 personnel in peacekeeping operations under UN command, or with UN involvement, and I think the police numbers are up to 15,000, which Andrew Hughes has direct responsibility for. They have issues such as getting the force in Darfur onto the ground and working. I regard it as a terrible tragedy that that was supposed to have been in place by the end of last year and they are still struggling to get it operational—to get the Western powers, the major powers, to provide the resources, the military hardware; to get the Sudanese government to actually agree to some forces having an active role and placement there; and so on.

As I said, our expertise, our longstanding involvement, as an honest player in peacekeeping is well regarded in the UN. Unfortunately, when it comes to getting access to the senior positions, we have not been able to achieve it. I strongly support the committee’s recommendations. I think they may reflect some historical views—such as: ‘We won’t bother too much about the UN because it’s a huge bureaucracy run by a bunch of leftists,’ or whatever—but, if we want to be part of the world and promote our values, this is a serious issue. We have great people working at the United Nations in New York who have got there under their own volition, by answering advertisements and so on, but we could do a lot more.

I strongly support the campaign that Prime Minister Rudd has initiated for us to get a place on the Security Council, because that is where it counts. We may only be there for two years as a non-permanent member, but we can be respected and our voice can be heard on all of these important issues, particularly on things such as peacekeeping, where at the end of the day it is about saving the lives of innocent citizens. (Time expired)

**Australian Building and Construction Commission**

Senator FIFIELD (Victoria) (1.44 pm)—I also rise to speak in the matters of public interest debate. Can I say how lovely it is to see you in the chair, Mr Acting Deputy President Trood.

Senator Stephens—What?

Senator FIFIELD—It is Mr Acting Deputy President Trood’s first day in the chair.

Senator Stephens—Oh, I see.

Senator FIFIELD—Mr Acting Deputy President, I am sure that you, like me, are very pleased that Australian workplaces are largely cooperative and characterised by harmony and productivity. Fortunately, when most Australians go to their workplaces, there are certain things that they take for granted. Indeed, Australians are entitled to expect certain elements in their work life. They expect not to be intimidated and coerced, they expect to enjoy the freedom to associate and they expect to be allowed to do the job that they were employed to do.
Until relatively recently, there was one industry in Australia that did not provide this environment for its workers. It was an industry rife with criminal activity, violence, intimidation, coercion and lawlessness. I speak, of course, about the commercial building and construction industry. This industry was rife with illegal activity, and these were the findings of the Cole royal commission, whose final report was presented in 2003 and which picked up where the New South Wales Giles royal commission left off in 1992. The Cole commission found and identified 392 separate instances of unlawful conduct during the course of its investigations. Of course it will come as no surprise that the main culprits behind the intimidation, the coercion and the blatant disregard for the rule of law were militant elements of the trade union movement, particularly the CFMEU and the ETU.

Senator Mason—That can’t be right!

Senator FIFIELD—I know it is hard to believe, Senator Mason. These are the unions that brought a procession of thugs, including Dean Mighell, Kevin Reynolds and Joe McDonald as well as convicted criminals such as Craig Johnston. The state of the commercial construction industry was bad not only for ordinary workers but for the economy. Union rorts and industrial strife meant that commercial construction suffered from poor productivity. For instance, it used to cost around 20 per cent more to perform tasks in the commercial building industry than in the domestic residential building sector.

But it was the coalition that undertook to fix these problems and that ordered the investigation of this industry with the establishment of the Cole royal commission. Better legislation was part of the solution, but only part. The law itself needed to actually be enforced, and the culture needed to be changed. So the coalition established the Australian Building and Construction Commission, a new watchdog to ensure compliance with the laws of the land by employers, employees and unions in the construction sector. This was the central recommendation of Commissioner Cole, who stated:

This body will remove any reason that any participant in the industry has to engage in unlawful or inappropriate conduct. It will also ensure that unlawful conduct comes to the attention of an entity established to ensure the law is adhered to.

The commission began its work on 1 October 2005 and has investigated and prosecuted dozens of cases of unlawful conduct. More importantly, the presence of an independent watchdog with strong enforcement powers has led to a much more lawful and harmonious industry. This, in turn, has created a more productive construction industry. An analysis by Econtech found that construction industry labour productivity was 10 per cent higher thanks to the work of the ABCC. It also found that the once troubled commercial construction industry had, since 2004, posted productivity gains of 7.3 per cent above those in residential construction. In 1996 the industry saw 335 working days lost per 1,000 employees. By 2007 that number had dropped to just seven working days. The same Econtech report also examined the economy-wide impact of the ABCC’s activities and made some telling findings. The report found that the productivity gains in construction produced improved outcomes across the economy, including a 1.2 per cent reduction in the CPI, a 1.5 per cent gain in GDP and an annual economic welfare gain of more than $5 billion.

These results would not have happened in the absence of the ABCC, and there is no doubt that the reforms to the construction industry recommended following the Cole commission and implemented by the coalition have been good for the economy. Even
today, the ABCC is stamping out union thuggery and intimidation in construction workplaces. One need only look through a few of the current cases being brought by the ABCC to see why this important body must continue its work on a permanent basis.

The CFMEU has a long and colourful shame file. Take the case of CFMEU organiser Brendan Pitt and Robert Mates, who entered the Austin Hospital site in Heidelberg in Melbourne on 15 May 2007. There they threatened and intimidated a contractor when they approached him and asked if he was considering becoming a member of the CFMEU. Not unreasonably, he replied that he had thought about it but had decided—’Thanks very much’—not to join the union. Mr Pitt and Mr Mates then allegedly told the individual that in order to keep working on the site he needed to pay up and join and that, if he did not, he had to stop work and leave the site immediately. This is the sort of attack on freedom of association that militant unions like the CFMEU support. All Australians deserve the right to choose for themselves, without threats or intimidation, whether or not to join a union. Unfortunately, all too often unions like the CFMEU show no respect for this right. The ABCC is there to protect workers from this intimidation.

Then there is our old friend Joe McDonald, with the typical born-to-rule attitude of many trade union officials who think it is their right to barge into a workplace anywhere and at any time to behave like thugs. The ABCC is currently engaged in action to ensure that Mr McDonald is not issued a workplace right of entry for at least three years. It is also seeking to have the permits of three other CFMEU officials revoked or suspended. The reason—for conspiring with Mr McDonald to unlawfully enter work sites to threaten, abuse and intimidate workers.

Here is another instance of CFMEU coercion. Two CFMEU standover men, Edmond Casper and Mick Lane, approached a number of plasterers working on a site and told them that they could not work on the site unless they were financial members of the union. Further, Mr Lane then told the site foreman for the company which had engaged the plastering subcontractors, ProFinish Interiors Pty Ltd, that unless the company entered into a certified agreement with the CFMEU on another work site then ProFinish would not be able to continue work on the site. Surprise, surprise! The plasterers were soon terminated, with the company indicating that they did so under pressure from Mr Lane because the plasterers were not union members. These officials were simply following the union code of conduct, which includes a section where delegates are asked to agree to:

… abide to the best of my capacity by the CFMEU Code of Conduct for union delegates as detailed below:

   To ensure that all workers on site are financial members of the relevant union …

This is the section that gives the green light to thuggery. As a result of Mr Casper’s and Mr Lane’s actions, the plasterers had to leave the site and did not obtain alternative work for many weeks—honest workers yet again the innocent victims of union thuggery. However, after the ABCC brought this matter to court, the CFMEU was ordered to destroy its code of conduct for union delegates. It is a very sad irony that these unions who claim to be the great protectors of workers’ rights spend their time trampling all over them.

What is the Labor government’s response to this history of union abuse and intimidation in the building and construction industry? It is to abolish the ABCC by 2010, to abolish the very body which is providing protection for workers. But even this commitment by the Labor government is not
good enough for the unions: they want the abolition date brought forward from 2010. The unions are now running an expensive advertising campaign to that end and threatening the preselection of Labor members who do not toe the line. So what does the government do in response to this campaign? Does it tell the unions to rack off? No; it invites the CFMEU, the CEPU, the AWU and the AMWU to address caucus. That is really telling the unions where to get off! But we should not be surprised: the unions bankrolled Labor’s campaign at the last election and he who pays the piper calls the tune.

Senator Cameron, former AMWU boss, told the Age last Friday that the ABCC’s operation contravenes the ILO’s conventions. There is no surprise there. The member for Lyons has also said of the ABCC’s powers:

I think we should be able to wind that back somewhat before 2010. It should be wound back—

In other words, abandon the election promise. But Senator Lundy was a little more diplomatic, a little trickier. She said that the government would keep its promise even though ‘a lot of us are uncomfortable about this policy’. She went on to say of the government’s apparent commitment to keep its promise:

I don’t think that impacts from the opportunity to explore what could be done in still respecting that promise.

So what Senator Lundy is saying is: ‘How can we sneakily water down the election commitment to support the ABCC and its powers until 2010 while keeping the appearance, rather than the substance, of the promise?’

There is certainly a good deal of support in caucus for the idea of breaking Labor’s commitment to keep the ABCC until 2010. I recently came across a copy of a very informative publication, the Jagajaga Autumn State Conference report, which is very enlightening. The delegates had a bit of a policy debate and one of the motions they passed says:

We also debated a resolution calling for the abolition of the Australian Building and Construction Commission … This resolution was unanimously passed by the Conference.

Two of the authors of this report are interesting—Dean Rizzetti and Vicki Ward. Where do you think Dean and Vicki work? In the office of Jenny Macklin, the member for Jagajaga and a Labor cabinet minister.

But there is more. I was interested to find a Facebook site entitled ‘Get Rid of the Australian Building and Construction Commission Now!’ and the blurb says:

Our mission is to force the government to get rid of the ABCC completely right now!

This cause has some very interesting supporters. There is Dean Mighell—no surprise there—and a couple of Hong Lim and Janice Munt staffers from the Victorian state parliament. But there are also a few very naughty federal Labor staffers on that site—Braedan Hogan, from the member for Moreton’s office; Dean Rizzetti, whom I have already mentioned; Andrew Porter, from the member for Melbourne Ports’ office; and Ben Lyons, who obviously shares the views of his boss, Senator Lundy. There is also the Victorian state Labor member for Melton, Don Nardella, oblivious to the fact that the construction industry has suffered more in Victoria than in almost any other state, thanks to union militancy. The cost blow-out on the upgrade of the Spencer Street Station is just one example. But the most revealing member of this Facebook site is none other than Senator Mark Furner, the new Labor senator from Queensland. He has been here barely five minutes and he has broken a hamstring, so quick out of the blocks was he to break an election commitment. It is good
to see Senator Furner wasting no time in this place.

At the same time that Labor is talking about a war on inflation, the government proposes to abolish the ABCC, a move that will see upward pressure on inflation, growth slow and unemployment rise. That is the Labor prescription. I will not read them all out, but there is a catalogue in the Financial Review of Labor members and senators who went to the caucus briefing by the unions on the plan to abolish the ABCC, so scared were they about their loss of preselection. But most disappointing of all is that Mr Tanner, the great economic rationalist, was there. This government has a plan to abolish the ABCC sooner rather than later. If we want to point to economic vandals, if we want to talk about economic vandalism, we only have to look at those who want to abolish the ABCC and see a return to union militancy and thug-gery on Australian work sites and who want to reduce productivity, increase inflation and raise unemployment. They should be condemned.

QUESTIONS WITHOUT NOTICE
Pensions and Benefits

Senator COONAN (2.00 pm)—My question is to the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, Senator Evans. I refer the minister to the Prime Minister’s promise in March this year:
What I can say, to carers and pensioners right across Australia, is that there is no way on God’s Earth that I intend to leave them in the lurch.
Given the higher costs of living under Labor, why is the government continuing to leave pensioners in the lurch on a paltry $273 per week?

Senator CHRIS EVANS—The hypocrisy in that question is breathtaking—from a senior minister in the Howard government who for 11 years did nothing to improve the lot of those pensioners. But it is an important issue and despite the tone of the question I will take it seriously. The government understands that many pensioners are doing it tough, that pressure on the cost of living with grocery bills increasing does mean that they are under pressure. We accept that food price rises, fuel costs and other pressures in the economy are resulting in inflation that particularly hits those who are on fixed incomes. Pensioners and carers are those who are most vulnerable because they have the least capacity to absorb those inflationary pressures. We are very much focused on tackling the inflation problem. We made it the No. 1 priority of the budget. As senators would know, our capacity to deliver on that fight against inflation is largely based on our ability to get our budget passed. We are deeply concerned that the Liberal Party have abandoned all sense of economic responsibility and have chosen to just oppose for the sake of opposing. In our first budget we did make a serious attempt to assist pensioners and carers. We did provide $1.4 billion of extra support to seniors. A $500 bonus was paid to 2.7 million senior Australians. That came on top of an increase in the utilities allowance from the $107 that the Howard government paid to $500 a year.

Senator Coonan—Do you think that is enough, do you?

Senator CHRIS EVANS—It is a substantial $400 increase over the allowance paid by the previous government, Senator Coonan. I think it was a very serious attempt to try to take the pressure off them. As I said, we are very concerned about the pressure on pensioners. We understand that the quarterly indexation payments that they received recently are not easing that pressure alone. That is why we have made it a priority as part of the review of the tax system to make a serious attempt to tackle the structural issues that underpin the value of the pensions
and to look at what we can do to assist pensioners in a more fundamental way rather than the piecemeal way that the previous government did.

Senator Coonan—What about doing something?

Senator CHRIS EVANS—Senator Coonan, you want to keep chirping away. I welcome your contribution later today to explain why, after 11 long years, after a long period as a senior minister in the Howard government, you failed to do anything for pensioners. For you to turn around within eight months of going out of power and cry crocodile tears does not wash with pensioners—does not wash. If you were serious you would have done something. You did nothing. You stand on your record. You stand condemned. What this government did is make a huge down payment to assist pensioners and carers in its first budget. We inherited an economy with inflation at rampant levels, and that is putting enormous pressure on pensioners. We are trying to bring inflation under control, and if the Liberal Party—Opposition senators interjecting—

The PRESIDENT—Order! Senator Evans, resume your seat. Senator Evans, address your remarks through the chair. Those on my left should be quiet.

Senator CHRIS EVANS—I am happy to complete my answer, if I am able to, which is to make the point that this government is very much focused on its assistance to pensioners and the best thing we can do for them in the short term is to fight inflation, and that means getting our budget passed. We urge the opposition to support us in that endeavour. (Time expired)

Senator COONAN—Mr President, I ask a supplementary question. Now that the Prime Minister has come clean and admitted that Australians are worse off under his government, what are pensioners expected to do while the government delays with yet another review?

Senator CHRIS EVANS—As I explained to Senator Coonan, this government made it a priority in the last budget and made a commitment of $5 billion over five years in direct support to pensioners in terms of utilities allowance, telephone allowance, et cetera. All those measures are designed to try to take some pressure off those pensioners. We accept that more needs to be done. We accept that they are under enormous pressure. But to be lectured by a former Howard government minister who did nothing in 11 years to resolve those pressures on pensioners quite frankly does not wash with me and does not wash with the pensioners affected. What we are doing is working hard at the issues that go to income for pensioners. As I said, it was a priority of the last budget and it remains a government priority. As we have indicated, the report on pension payments will be available to us by February next year. (Time expired)

Education

Senator CAROL BROWN (2.07 pm)—Mr President, my question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Can the minister inform the Senate what the government is doing to assist disadvantaged schools and students?

Senator CARR—I thank Senator Brown for her question. We on this side do not just believe in equality of opportunity; we also believe in equality of rights. We believe that every Australian has the right to fulfil their potential. That right is fundamental and it imposes important obligations on government. It means that we have a duty to provide the resources children need to do their best. It means we give every Australian child access to a quality education, not just the gifted and certainly not just the well-off.
Exactly how gifted a child appears to be depends very much on their socioeconomic background. English researcher Leon Feinsteiin has found that richer kids of lesser ability overtake poorer kids of greater ability by the age of five. This happens because richer kids have access to more social, cultural and economic resources. If we are serious about equity and fairness, if we are serious about social justice, we have to tackle the disadvantage being faced by children from lower socioeconomic backgrounds, Indigenous children, children from non-English-speaking backgrounds and children from remote and regional areas.

We already know that these children are less likely to achieve high academic standards. They are less likely to finish school and they are more likely to end up unemployed or working in poorly-paid jobs. This has nothing to do with a lack of ability and has everything to do with a lack of opportunity. It all comes down to a lack of resources. After 12 years of the Howard-Costello government Australia lies in the bottom half of the OECD ranking for year 12 or equivalent qualifications. University participation rates from students from lower socioeconomic backgrounds have fallen over recent years. Urgent action is required to reverse these trends, and that is exactly what this government is doing.

Today we enter the second phase of the education revolution, a major new agenda for school reform. First, we will work through COAG to improve the quality of teaching by rewarding the best-performing principals and teachers and by increasing investment in teacher recruitment, development and excellence. Second, we will make transparent performance requirements for individual schools a condition of the national education agreement to come into effect from 1 January 2009. Third, we will lift achievement in disadvantaged school communities by establishing a further national policy partnership with the states and territories to tackle under-achievement. This is a very tough agenda, but we cannot and should not tolerate under-performance in our schools. It wastes talent. It hurts the economy and it leads to social exclusion. Worse than that, it violates the rights of all Australian children.

**Taxation**

Senator **ABETZ** (2.11 pm)—Mr President, my question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Has the government received direct representations from Australian car manufacturers expressing concerns about the damage to their businesses and job opportunities caused by the proposed 30 per cent increase in the luxury car tax?

Senator **CARR**—The government has worked on the presumption in the past that there was bipartisan support for taxing luxury cars in this country, which of course was the position for 30 years. The present luxury car tax, I remind the Senate, was introduced by the previous government in 2000. What has changed? This is not a tax on ordinary Australians, as Senator Minchin has been suggesting. The tax applies only to vehicles that cost more than $57,123. The tax is payable only on the value of the car that exceeds that threshold. Nine out of 10 cars sold in Australia are totally unaffected by the tax. The luxury car tax has been fixed at 25 per cent for many years. The government proposes to increase the tax to 33 per cent. That is still significantly lower than the 45 per cent rate that applied under the wholesale sales tax regime before 2000. The tax is payable only on the value of the car that exceeds that threshold. Nine out of 10 cars sold in Australia are totally unaffected by the tax. The luxury car tax has been fixed at 25 per cent for many years. The government proposes to increase the tax to 33 per cent. That is still significantly lower than the 45 per cent rate that applied under the wholesale sales tax regime before 2000. The tax is payable only on the value of the car that exceeds that threshold. Nine out of 10 cars sold in Australia are totally unaffected by the tax.

The luxury car tax on the Ford Territory Ghia will increase by some $500 while the tax on the Porsche 911, currently retailing at over $300,000, will increase by around
$14,600. None of this stands in the way of motorists looking for a good alternative. There are many choices available under the luxury car tax threshold, including the Honda Civic, for instance, and the Toyota Prius. The government’s proposal is expected to raise an additional $555,000 million over four years. It is part of a responsible integrated budget strategy that delivers a $22 billion surplus. That surplus is essential to our efforts to tackle the inflationary legacy of the Howard-Costello government.

The PRESIDENT—Order! Senator Carr, resume your seat. There is too much noise on both sides of the chamber. Ministers answering questions are entitled to be heard.

Senator CARR—Thank you, Mr President. The simple proposition that is before the chamber at the moment is that the opposition is seeking to destroy the government’s surplus. It is seeking to undermine the government’s efforts to tackle the inflationary legacy which has been left to this country by the Howard-Costello government. The position that is being advanced by the senators opposite is that they are not prepared to face up—

Senator Abetz—Mr President, I rise on a point of order.

Opposition senators interjecting—

The PRESIDENT—Senator Abetz, your own are drowning you out as you are trying to take a point of order. You are entitled to be heard as well as others.

Government senators interjecting—

The PRESIDENT—Order! Senator Abetz is entitled to be heard in silence.

Senator Abetz—Thank you, Mr President. The minister has now had three minutes to answer a very simple question, which was: has the government received direct representations from Australian car manufacturers in relation to the luxury car tax proposal? My question was very specific and I would invite you, Mr President, to remind him of the question.

The PRESIDENT—There is no point of order, but I do remind the minister of the question.

Senator CARR—Thank you, Mr President. Of course the government has had representations from a wide range of people with regard to the Australian automotive industry and the serious challenges that are being faced by the Australian automotive industry. I have had no representation, of course, from conservative senators in this place because they do not seem to appreciate the importance of the Australian automotive industry. They are in fact doing their very best to undermine the Australian automotive industry.

What we have to face up to is a simple fact: the opposition is seeking to destroy the surplus that has been created by this government and is central to our efforts to tackle the inflationary legacy that has been left by the Howard-Costello years. The opposition has decided to stand up for lower taxes on luxury cars rather than for lower interest rates for working families.  

(Time expired)

Senator ABETZ—Mr President, I ask a supplementary question. Can the minister confirm that in fact he was incorrect and that the Hawke Labor government introduced a luxury car tax not the Howard government? Can he also correct himself that the threshold for luxury car tax is not $57,123 but in fact $57,180? And, whilst he is at it, given the government’s stated desire to do everything it can to support Australia’s car industry, why is it ignoring the views of Australian manufacturers and pushing ahead with this luxury car tax surcharge, and how many jobs will be lost because of the proposed surcharge?

Senator CARR—I am advised that the luxury car tax applies to vehicles that cost
more than $57,123. I am further advised that it was introduced by the previous government, in 2000. It is quite clear that the opposition now wishes to stand up for lower taxes on luxury cars rather than for lower interest rates for working families. We do not think it is unreasonable for people who have done well in recent years, particularly those in the top income brackets, to pay just a little bit more for a luxury car. This is a balanced measure that makes the tax system fairer by requiring a greater contribution from those with the greatest ability to pay. Those opposite have given us a timely reminder— (Time expired).

Budget

Senator POLLEY (2.18 pm)—Mr President, can I add my congratulations to you on your election yesterday. My question is to the Minister representing the Treasurer, Senator Conroy. Is the minister aware of the proposals to block key budget measures? Can the minister explain to the Senate why the government’s budget measures—

Honourable senators interjecting—

The PRESIDENT—Order! Senator Polley, I cannot hear the question for the noise.

Senator POLLEY—Is the minister aware of proposals to block key budget measures? Can the minister explain to the Senate why the government’s budget measures are necessary in the current challenging economic environment?

Senator CONROY—I thank the senator for that question. The Rudd government delivered a responsible economic budget that struck the right balance, given the difficult global and domestic conditions that we face. We built a strong surplus to fight inflation and to buffer our economy against global turmoil. This surplus also acts as the foundation for responsible investments in nation-building infrastructure. The Rudd government are committed to ensuring Australia’s future long-term economic prosperity. That is why we set up the Building Australia Fund to finance critical investments in infrastructure that will lay the foundation for future economic growth and productivity. The irresponsible opposition wants to punch a $6.2 billion hole in the surplus—a surplus that will help secure Australia’s future.

It is clear that we diverge from the opposition on fundamental policy choices and values. Take our proposal to increase the rate of the luxury car tax. In the budget the government announced an increase in the luxury car tax rate from 25 per cent to 33 per cent for cars with a price tag of more than $57,000. This would, for example, add about $2,600 to the price of an S-type Jaguar. This measure has an ongoing gain to revenue which is estimated to be $555 million over the forward estimates period. It is an important measure to ensure that we deliver the surplus the Australian economy needs in these challenging times. Yet in their quest to pursue short-term political tactics the opposition have indicated they will not support the measure. This reminds us of the depth to which their economic credibility has sunk. Rather than protect the surplus in order to fight inflation and secure future investment, they propose to vandalise the surplus.

We keep hearing interjections and questions from people who are supposed to know a bit more about the economy. These are senators who formerly worked in the Treasurer’s office. They continue to demonstrate their economic illiteracy by saying: ‘Look, we can just wish away the surplus. It does not matter.’ This is the sort of irresponsible economic advice that got this country into the difficulties it is currently in. They ignored the Reserve Bank’s warnings. There were up to 20 warnings. When Senator Fifield worked in the Treasurer’s office, he ignored, and advised the Treasurer to ignore, 20 warnings from the Reserve Bank about
the irresponsible spending initiatives of the Howard government. What did this achieve—** (Time expired)

**DISTINGUISHED VISITORS**

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from France, led by Senator Dominique Leclerc. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

**Economy**

Senator MINCHIN (2.24 pm)—My question is to the Minister representing the Treasurer, Senator Conroy. I refer the minister to the *Financial Review* this morning, which reported the following:

Commonwealth Securities economist Craig James cast doubt on the government’s rhetoric by saying that the budget surplus was in such good shape that losing $6.1 billion in revenue over four years would have little impact on the wider economy.

In light of Mr James’s remarks, I ask the minister how the government can seriously claim that there is a major macroeconomic difference between a surplus of $21.5 billion and a surplus of $20 billion. How on earth can a reduction in the surplus from $21.5 billion to $20 billion possibly be described as ‘vandalising the surplus’?

Senator CONROY—That question again demonstrates how out of touch those on the other side are from the struggling families who are the victims of higher interest rates due to the irresponsible spending that ‘Doctor Yes’ over there, former Minister for Finance and Administration Senator Minchin, was incapable of dealing with. He could not stand up to the former Prime Minister. He could not say, ‘Look, Mr Prime Minister, do you think that when you took all of those suggested election promises, it was just to pick one, not to pick ten?’ Do you think that former minister for finance Senator Minchin was able to actually do a competent job?

The opposition can opportunistically pull apart the budget any way that they like. But the fact will always remain that the Rudd government is lowering taxes as a share of the economy. We are delivering $47 billion in personal income tax cuts. We are lowering the tax burden on the economy from the 24.7 per cent of GDP that we inherited to 23.8 per cent of GDP. Those figures are unarguable. That is lower than for any of the last six budgets. You can sit there and try to pretend that that is not the case, but the statistics are law. There is no arguing these issues.

When it comes to high-taxing governments, the Liberals take the crown, the cake and every other award you want to give them. Sitting over there are the members of the highest taxing governments. The former Minister for Finance in the highest taxing, highest spending government is sitting there right now asking questions and crying crocodile tears about the economy. The Liberals were the highest taxing government in our history. As I said, taxes as a share of GDP were 24.7 per cent. They imposed a higher tax burden on Australian families than any government in Australian history. Of course, that is in addition to the record inflation they gave Australian families—12 interest rate rises—and the Work Choices regime.

Now, the opposition’s irresponsible and reckless approach in the Senate is putting at risk the responsible economic policies introduced by the Rudd government. They are putting at risk the surplus that will buffer our economy from international forces and improve our ability to effectively fight inflation. It is something they gave up on and ran up the white flag over. Now they want to
continue to undermine responsible economic management. They are putting at risk our ability to invest in the future productive capacity of the Australian economy for the benefit of all Australians. *(Time expired)*

**Senator MINCHIN**—Mr President, I ask a supplementary question. If the government is so concerned about inflation, why is it that the government is persisting with tax rises that will make Australian families pay higher prices for gas, for cars, for private health insurance and for a drink at the bar?

**Senator CONROY**—The contrast today between a government outlining our agenda for the future and an opposition playing irresponsible games with a budget surplus in times of need could not be sharper. This country needs responsible economic management for the long term, not the short-term politics like those on the other side of the chamber are engaging in. It is not surprising that those opposite do not have a plan to secure our economy for the future. Between them they cannot produce a single, consistent view. Let us be clear, because again I keep hearing the bellows from those opposite about how taxes are going up. You were the highest taxing government in Australian history. We have lowered— *(Time expired)*

**Environment**

**Senator MILNE** *(2.31 pm)*—My question is to the Minister representing the Minister for the Environment, Heritage and the Arts, Senator Wong, and relates to the proposed Waratah coalmine pipeline railway and port facility in the Alpha and Shoalwater Bay areas of Queensland. Given, firstly, that the mine will generate exports of more than 50 million tonnes of coal per year increasing to upwards of 100 million tonnes with consequent greenhouse gases and in the absence of carbon capture and storage and, secondly, that the port will be wholly located in Ramsar wetlands and will impact on the World Heritage listed Great Barrier Reef and endangered species like dugongs and loggerhead turtles, will the minister inform us whether the minister for the environment will use his powers under the EPBC Act to declare the project clearly unacceptable right now and so stop any further assessment and approval of this project?

**Senator WONG**—I thank Senator Milne for her question and acknowledge she has a longstanding interest in EPBC issues. The advice which I have been provided with is this, Senator Milne: that a referral was received on 31 July from Waratah Coal Inc. for the proposed coal development under the act, and the minister has yet to make a determination on this proposal. Obviously some of the issues you raise may be amongst those the minister will have to consider in the context of that EPBC consideration. I am advised that the proposal will be closely examined for potential impacts in areas such as Commonwealth Defence land, the Great Barrier Reef World Heritage area, the Shoalwater and Corio Bays Ramsar sites—I think two of those were mentioned in the senator’s question—and on habitats for listed threatened and migratory species. I am also advised that the public were invited to comment on the referral for a period of 10 business days which ended on 14 August. It is the case that the government and this minister are committed to proper and transparent administration of the EPBC Act and, because of her interest in these issues, the senator will no doubt be aware that the minister’s decision is within the context of a statutory framework and he has to have regard to issues under the act accordingly.

**Senator MILNE**—Mr President, I ask a supplementary question. Given that the government promised a greenhouse gas trigger in the EPBC Act and given that such a trigger would automatically see this process assessed and would be clearly unacceptable
within any climate change context, when is the first possible date that the minister can make his decision that this is clearly an unacceptable project and therefore save the community from what will be a long and difficult assessment process which ought not to be entered into because this is such a clearly unacceptable project?

Senator WONG—There are a number of aspects there that Senator Milne has asked, and I am not sure which aspect she wants me to address. I have given her the information I have been provided with in relation to this referral. I think she asserted in her question something like that the act said there would be an automatic rejection. I make the point that in the context of statutory discretion there is no such thing as an automatic rejection, and I am sure the senator would be aware of that. I am not sure I can assist the senator much further in relation to this issue. I have provided the information that I have.

Economy

Senator CORMANN (2.35 pm)—My question is to the Minister representing the Minister for Resources and Energy, Senator Carr. I refer to Woodside’s statement today that the government’s new tax on gas will result in a $2½ billion increase in costs being passed on to consumers. Faced with this evidence, will the government now drop this harmful tax which will hurt families, businesses and pensioners in Western Australia?

Senator CARR—I appreciate the question, and will take that on notice as well.

Financial Services

Senator ARBIB (2.37 pm)—Mr President, my question is to the Minister for Superannuation and Corporate Law, Senator Sherry. Can the minister inform the Senate of the government’s approach to ensuring that Australia remains a global leader in financial markets and how this stands to help our economy?

Senator SHERRY—Congratulations, Mr President, on your election and congratulations to Senator Ferguson on his election as Deputy President. I thank Senator Arbib for his first question in the Senate. I welcome Senator Arbib to the Senate. He comes here with a particularly strong interest in economic issues and financial markets, and he is a well-known fiscal conservative, I am proud to say—unlike the fiscal vandals we have on the other side of the chamber.

The Rudd Labor government decided early on in its term to make sure that the Australian economy was globally oriented and at the very centre of world’s best practice when it comes to financial markets and capital markets, particularly at a time of global financial market turmoil caused by what is known as the US subprime meltdown, which has obviously had a very significant impact on world financial markets, including Australia’s. We have not just said this; we have acted in a number of ways to improve Australia’s regulatory and supervisory presence, not just in this country but internationally.

I was very proud to represent Australia at a recent signing of an agreement between the United States and Australia in Washington DC earlier this week. On behalf of the Australian government, I signed a world-leading agreement between Australia and the US. It went to a mutual recognition arrangement
between the Australian Securities and Investments Commission—ASIC—and the United States Securities and Exchange Commission, which are the prime financial regulator in the United States, that will pave the way for easier access by investors and financial markets to each other’s financial systems. Mr Tony D’Aloisio, the ASIC chairman, and Mr Christopher Cox, the SEC chairman and a former Republican leader of congress of some 18 years, were the signatories to this historic agreement, which was made at the SEC’s head office in Washington on Monday US time, Tuesday Australian time.

The events on Monday act on an agreement by the Prime Minister, Mr Kevin Rudd, and Chairman Cox in March of this year which declared that both countries were to begin negotiations on mutual recognition arrangements. To deliver the agreement so quickly is a testament to all of the staff involved in ASIC, Treasury and the Australian embassy. I want to pay tribute to the great work that they have done.

Mutual recognition enables entities from a foreign jurisdiction to operate in a host jurisdiction on the basis of compliance with regulations in their home jurisdiction. As a sign of confidence in Australia’s regulatory system, the US chose Australia to be the very first jurisdiction globally in which to participate in such an agreement. Australia was selected by the US on the basis of the quality of our regulation and the effectiveness of both ASIC and SEC relationships and Australian Treasury and US Treasury relationships.

In addition to this framework agreement, the SEC and ASIC have entered into new, strengthened enforcement, supervision and surveillance arrangements to enable better coordination and cooperation to secure investor protection and market integrity under the arrangement. This is particularly important given the current global financial crisis and the volatility on Australian markets. The mutual recognition arrangement will provide greater access to US markets for Australian investors, while maintaining strong investor protection and ensuring market integrity. (Time expired)

Senator ARBIB—Mr President, I ask a supplementary question. Can the minister please update the Senate on how the new agreement has been received by the financial sector?

Senator SHERRY—I thank Senator Arbrib for his first supplementary question. As I was saying, the agreement will also make Australian markets more attractive and accessible to investment from the United States. It will mean that retail investors in Australia will be able to access the US market directly through Australian brokers and enjoy Australian regulatory protection. It effectively removes an additional set of compliance and red-tape steps and reduces the costs for market trading. It also improves market liquidity and investment flows. That is very important, given the current financial crisis around the world.

The response from the financial sector has been very supportive. In a show of support, the CEO of the Australian Investment and Financial Services Association, Mr Gilbert, was in Washington to view the signing of the agreement. The Australian Financial Markets Association, AFMA, stated that this arrangement will boost the government’s initiative to maximise Australia’s potential for generating income, another fine example of this government acting to strengthen our financial markets. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the chamber of a parliamentary dele-
igration from Canada, led by the Hon. Peter Milliken MP, Speaker of the House of Commons. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate. With the concurrence of honourable senators, I propose to invite the Speaker to take a seat on the floor of the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Government Contracts

Senator RONALDSON (2.43 pm)—I also pass on my congratulations to you, Mr President, and to Senator Ferguson. My question is to the Special Minister of State. Minister, 93 days ago, on 27 May, you advised that the government staffing committee would be investigating the awarding of a contract for the 2020 Summit, on the recommendation of the Prime Minister’s office, to CMAX, a company which was owned at the time by Minister Fitzgibbon’s media adviser, Christian Taubenschlag. Fifty-six days ago, on 2 July, in a press conference, you told journalists that the release of the report was imminent. Minister, would you advise the Senate of when that report will be released and why its release has been inexcusably delayed?

Senator FAULKNER—Let me respond to Senator Ronaldson by confirming that in May this year I did inform the Senate Standing Committee on Finance and Public Administration that the government staffing committee had agreed to examine matters related to the award of a media services contract to CMAX Communications. I can also inform the Senate that the government staffing committee, of which I am a member, commenced its review of this issue. But of course, before the committee could conclude its deliberations, we were informed that the Auditor-General would be undertaking a performance audit of the CMAX Communications contract.

I am sure that the shadow minister himself would be aware of this, because the performance audit that I refer to in fact was requested by one of his own colleagues, a frontbench member of the opposition, though not the shadow special minister of state himself. I can absolutely assure Senator Ronaldson and the Senate that the government will be ensuring that the Auditor-General is able to complete his audit and any inquiries he cares to make without any political interference and I certainly hope without any political bluster from the opposition.

I can inform the Senate that the government staffing committee, when it received its advice in relation to the Auditor-General’s inquiry, did formally suspend its consideration pending the conclusion of the Auditor-General’s performance audit. I can also assure the Senate and the shadow special minister of state that the Department of the Prime Minister and Cabinet will be fully assisting the Auditor-General in the performance of his audit function.

Senator RONALDSON—Mr President, I ask a supplementary question. The minister should perhaps check his facts first. I did indeed write to the Auditor-General and I got a response. In light of the minister’s comment where he advised the Senate that the inquiry would be suspended, I seek to quote from a letter from the ANAO, funnily enough addressed to me:

The audit will have regard to the outcomes of the review being undertaken by the government staffing committee in respect of the engagement process.

So, Minister, on the basis that you have now told us that it will be suspended, how will the ANAO undertake its inquiry, given that it ‘will have regard to the outcomes of the review being undertaken by the government
Staffing committee? Minister, is it a deliberate attempt to cover up this grubby deal done between the Prime Minister’s office and Mr Taubenschlag’s company or are you going to give the ANAO full access and are you now going to again put that committee back together so that the ANAO can investigate?

Senator Faulkner—I can assure you that I did sight a letter from the Auditor-General that related to a request from Senator Johnston in relation to an audit of CMAX Communications. But I certainly accept, Senator Ronaldson, what you say in relation to that. I had confirmed to me as late as this morning, on my inquiry, that all material related to the contracting of CMAX Communications has been provided to the Auditor-General by the Department of the Prime Minister and Cabinet, but I will go further and also make absolutely clear that the government staffing committee, in response to this question, will of course provide all assistance to the Auditor-General. (Time expired)

Senator Ronaldson—Mr President, I seek leave to table the letter from the ANAO.

Leave granted.

Medical Practitioners

Senator Fielding (2.50 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. Given that Australia’s health system is in crisis and we have an ageing population, an obesity epidemic and a public health system buckling at the knees under increasing pressure, and that we know that doctors are under enormous stress, working intolerable hours, and that there is a doctor shortage and the federal government in its forward planning is continuing to rely on importing overseas doctors rather than training our own kids to be doctors, is it not crazy that each year we turn away more than 7,000 of our own kids from studying medicine because the government refuses to fund more medical places? And is it not crazy that the government prefers to take doctors from other countries when it knows these countries desperately need to keep their own doctors? Why is the government continuing to rely on importing overseas doctors rather than offering opportunities to Australian kids who want to become doctors?

Senator Ludwig—in dealing with, in part, all of your issues, I will try to home in on the relevant points that you have made. Australia of course is experiencing a shortage of medical practitioners, with the recent audit of the regional and rural health workforce highlighting that this shortage becomes greater with increasing remoteness. We do know and understand the statistics that, as you go further into regional and remote Australia, the shortage becomes more acute. I am aware of the comments made by the RDAA in respect of the need for more GPs and agree that rural communities are at a significant disadvantage when compared to their city and outer-metropolitan counterparts.

The government are well aware that there is a national shortage of doctors, including GPs. We are also aware that the members opposite—if I could use the term ‘the Liberals’—by their own admission, failed to adequately plan for the health workforce needs of the community. Overseas trained doctors are highly sought after and a scarce resource, and they have proven to be one of the most effective means of providing medical services to outer-metropolitan and rural areas. They provide much-needed medical services to the Australian community, in particular in our rural areas, where they make up 41 per cent of the medical workforce.

I am not aware of any evidence that the current arrangements are impacting on the attractiveness of Australia as a destination for overseas trained doctors. Overseas trained doctors do play—and I know you
mentioned, Senator Fielding, our reliance on attracting overseas trained doctors in your question—a valuable role in meeting the needs of our communities, particularly our rural communities. But one of the issues, of course, is the long-term planning that goes to meeting the current shortage of GPs—one of the things that the coalition did not plan for or look at in any serious way when they were in government.

The government are aware of the shortage of doctors in urban areas as well, but I note that residents of cities do have access to a range of alternative medical services that are not available to rural and remote area residents. In urban communities, there are allied health professionals. There are a range of other ways to meet health needs. We also welcome the fact that new graduate doctors will now be coming online following the increase in the number of medical student places, with the number of graduates doubling from 1,335 in 2006 to 2,887 in 2012. One of the things this government is also looking at, as you indicated in your question, Senator Fielding, is how we can increase the number of graduates through the system—shown by that figure of 2,887 in 2012.

In addition, there are the GP superclinics, which will bring together a range of health professionals, such as GPs, nurses, allied health professionals and some specialists. These will provide an ideal environment for GPs looking to practise in a team based environment. Through GP superclinics, this government is trying to bring allied health professionals and GPs into clinics to provide services to communities in urban areas but also in remote and regional Australia. Other features of the GP superclinics which may be attractive to GPs include the potential for both flexible working arrangements and opportunities to undertake primary health care research—(Time expired)

Senator FIELDING—Mr President, I ask a supplementary question. We know that the government has the authority to scrap the cap on the number of training places in hospitals for our own kids, rather than rely on getting overseas doctors. This is all about our own kids and not giving them a fair go to study medicine. The government has the ability to increase the number of medical places at universities for Australian kids rather than importing overseas doctors. When will the government scrap the cap? When will you come clean and tell Australians why we are still relying on importing overseas doctors? Why is the government too stingy to fund more medical places for our own kids?

Senator LUDWIG—As I said in answer to Senator Fielding’s first question, it is worth bearing in mind that the number of graduates is doubling from 1,335 in 2006 to this government’s target of 2,887 by 2012. We are looking at how we increase the number of graduates through the system. One of the important things, of course—and I do not think that you meant otherwise in the way you phrased your question, Senator Fielding—is that overseas trained doctors are a valuable resource and do provide a valuable contribution to Australia, particularly in regional and remote areas. I take it that you may be supportive of that but you are also targeting particular students as well. That is one of the areas we are—

Senator Fielding—Mr President, I raise a point of order. The central part of the question was why we are taking overseas doctors, at the expense of our own kids. The government is relying on forward forecasts for overseas doctors when we should be training our own kids. Mr President, could you bring the minister back to the question?

The PRESIDENT—There is no point of order. Senator Ludwig, I draw your attention to the question.
Senator LUDWIG—I did say that we were increasing the number of graduate places for students. We also—(Time expired)

Manufacturing

Senator FERGUSON (2.57 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. Will the minister be convening an urgent crisis meeting, as called for by the AMWU, to discuss the massive job haemorrhaging which has afflicted Australia’s manufacturing sector since the election of the Rudd Labor government?

Senator CARR—What I would like to do is advise the Senate that IBM and the University of Ballarat have announced today, 27 August, that they will be constructing a new $10.8 million IT services centre at the University of Ballarat in connection with the Victorian government and the City of Ballarat. The centre will lead to the creation of a further 300 jobs and is expected to contribute an additional $61 million to the region’s economy.

The state of manufacturing as a whole is an issue of deep concern to this government. This of course stands in sharp contrast to the position that was taken by the previous government. The previous government, if we take for instance the automotive industry, took the view that the arrangements entered into in 2002 should stand and should not be adjusted in the light of the dramatic change in circumstances arising as a consequence of the increases in interest rates, increases in the price of petrol and the dramatic changes in the currency. Those three factors led to a fundamental change in the circumstances of the Australian automotive industry and its ability to deal with the competitive pressures facing this country. I say the automotive industry because we all understand—I trust we understand—just how important the automotive industry is strategically to Australian manufacturing.

There have been a number of claims made about the state of employment in manufacturing. I am deeply concerned at the number of job losses that have occurred in recent times as a result of the changes that have occurred within the global competitive environment, but I think it also should be appreciated that since this government came to office, in the period from November 2007 through to May this year—appreciating that in terms of the ABS figures the samples often jump around considerably—we have had a situation where there have been an additional 23,000 jobs created. There have been an additional 23,000 jobs in manufacturing across Australia in the period that this government has been in office. So, while there are circumstances that are of deep concern at the moment, we ought to understand the nature—

Senator Ferguson—I rise on a point of order, Mr President. I did not ask the minister about the University of Ballarat and I did not ask him about the ABS. I did ask: will he be convening an urgent crisis meeting as called for by the AMWU? I would request that you draw his attention to the question.

The PRESIDENT—As you know, Senator Ferguson, there is no point of order, but I draw the minister’s attention to the question that was asked and the relevance of the answer.

Senator CARR—The answer I am giving is very much in line with the question that was put. The issue of the state of Australian manufacturing, I repeat, is a matter of deep concern to this government, which stands in sharp contrast to the view of the previous government. I, of course, deal with manufacturers on a daily basis, I deal with unions on a daily basis, and my concern for the welfare of working families, I think, stands in sharp
contrast to the position that was taken by previous ministers in the previous government. We are in the business of ensuring that we have a comprehensive response to the difficulties faced by the industry at this time. Unlike the previous government, we are ensuring that there is ongoing, sustainable prosperity for all Australians, not for just a few.

Senator FERGUSON—I have a supplementary question, Mr President. In prefacing my supplementary question may I remind the minister of just some of the manufacturing industry job losses under his watch: Mitsubishi, 930 jobs; OneSteel, 270 jobs; Fisher and Paykel, 310 jobs; South Pacific Tyres, 600 jobs; Boeing, 550 jobs; Holden and Ford, almost 1,000 jobs—and the list goes on.

The PRESIDENT—The question, Senator Ferguson?

Senator FERGUSON—When will the minister stop blaming everyone and everything else for these job losses, accept that the deliberate slowing of the economy by the Rudd Labor government is a significant factor and act to address the problem?

Senator CARR—It is quite apparent to me that Senator Ferguson has forgotten a great deal in his transition from being President to Deputy President. Perhaps we should remind him. The simple facts of life are these: there have been 23,000 new jobs created in manufacturing in the period in which the government has been in office. This follows a period of profound neglect by the previous government. For the Deputy President of this Senate to assert that the decision with regard to Mitsubishi was the responsibility of this government—it occurred within one month, if I recall rightly, of us being sworn in—strikes me as grossly hypocritical at best.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Economy

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (3.04 pm)—During question time there was a dispute between Senator Abetz and me concerning the threshold figure for the luxury car tax. The threshold figure was $57,123 at the time of the budget. It has since been indexed to $57,180.

The PRESIDENT—Order! Senators standing in the chamber is disorderly when we are seeking to have a minister respond or any senator participate in a debate. Would someone remind Senator Boswell and Senator Evans that they are standing?

Senator CARR—A further issue was raised in relation to the introduction of the luxury car tax. I confirmed that it was introduced in 2000 at the time of the introduction of the GST. Prior to that time there had been a differential treatment of luxury vehicles—since 1979 under a coalition government—when a luxury car tax could not gain the full benefits of depreciation due to the cap on the depreciation amount. Under the Hawke-Keating government the differential treatment was via a wholesale sales tax rate. It was a differential rate in the wholesale sales tax that led to the introduction of the luxury car tax at the time of the GST’s introduction so that luxury cars did not fall more heavily in price than other vehicles. I think that clarifies the matter.
QUESTIONS WITHOUT NOTICE: 
TAKE NOTE OF ANSWERS 
Pensions and Benefits

Senator BERNARDI (South Australia) (3.06 pm)—I move:

That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to a question without notice asked by Senator Coonan today relating to the cost of living.

Francis Bacon said, ‘Trust not servants who mislead you,’ and it is very clear that the Australian public cannot trust Mr Rudd and the Labor government, because the public were misled at the last election. They were misled in a number of areas but principally they were misled that the Rudd government was going to do something about rising grocery prices, that the Rudd government was going to do something about rising fuel prices and that the Rudd government was going to do something about rising gas prices. They were not misled that the Rudd government was going to do something about rising house prices, because it has engineered an economic slowdown that has seen the price of houses fall for people, leaving many in a situation of negative mortgage equity.

This is a government that cannot be trusted. They have succeeded in failing all the tests put before them by the Australian people. What has Mr Rudd done about this? Mr Rudd has done a Pontius Pilate: he has washed his hands of any responsibility by saying, ‘We have done as much as we physically can to help the family budget.’ Ms Macklin, the minister for families, has acknowledged that people are doing it very tough. In a recent opinion piece, she said:

Pensioners are doing it tough. With the cost of food, electricity, gas and petrol going up it’s getting harder and harder for people on pensions to pay the bills. They tell me time and time again how difficult it is ...

My message to the government is this: the people of Australia have also been telling me about the hard heart that lies at the very core of this government. They say that the government do not care about the plight that many, who are doing it tough on fixed incomes, are dealing with and that the government have given up on trying to redress the imbalance that they suffer at a time when inflation is rising—and it is the highest it has been in 16 years. And what is the Rudd government’s solution to rising inflation? They put the prices of things up.

Anyone who knows a little bit about economics knows that inflation is measured by rising prices. Putting prices up does not solve any issues with inflation; it contributes to it. It is a disgraceful clutch, a grab, at money to put extra pressure on Australian families so that the Rudd government can put more money in its coffers for its own re-election at a later time. All the while that this government fiddles, the finances of the pensioners and carers of Australia are burning, let me tell you.

In nine months of the government, who have to take ownership of these problems because they have handed down their own budget, they initially sought to take away the one-off bonus payments to pensioners and carers, to the great shame of many. The only possible things that they have implemented are to put up the utilities allowance and the telephone allowance, both of which were copied from coalition policies of the last election. They have done nothing else; there is nothing new. They were elected on the basis of having a plan. They have no coherent plan. They have a plan to have a plan at some stage in the future. We know that pensioners are doing it tough and we know that carers are doing it tough, but nothing is being done by this very tough and careless government. They have promised that, once again, they will have a look at these things
but they have not done it. They have no real strategy about dealing with it until 2010. They are having review after review. This is what the people of Australia tell me when they stop me in the street: ‘Will you please replace this uncaring government? Will you please get back into control of Treasury so you can help us out over the course of time?’ This government have not assisted anyone who is doing it really tough.

Whilst they have not made any meaningful impact on assisting people, they have managed to spend millions upon millions of dollars on telling people, through a website, what prices were 30 days ago. I guess this is so they can track inflation themselves, by calculating the cost of goods today versus the cost of goods 30 days ago. I read the other day that the much vaunted GroceryWatch website is now getting less than a few hundred thousand hits, mostly, I guess, to see if all the ridicule of it is quite appropriate. There are already calls for it to be shut down. They are a government who allegedly care. What they care about is spin, and they have no substance whatsoever.

What about their claim that fuel prices were going to drop under this government? Fuel prices reached record highs under this government, and what did the government promise to do? Nothing. It was up to the coalition to champion the cause and fight against high fuel prices for the men and women of Australia, including pensioners, who are doing it tough. What else have the government done to ease the cost of living for people? As perverse as it may sound, they are trumpeting today how many new jobs have been created in the manufacturing sector, and yet in their budget they were forecasting that over 100,000 jobs would be lost—they have budgeted for 100,000 jobs to be lost. I note that an additional estimate, I think put out by the RBA— *(Time expired)*
in response to the scare campaign from the opposition but rather to try and work effectively to respond to some of the issues that came out in the Senate inquiry into the cost of living for older Australians. We were listening to that. We were not listening to the attempts to bring down a government budget before it was produced. What we said was that we would take the immediate steps through the budget process and that then, through the establishment of the Henry review of the whole process of taxation and expenditure from the government, there would be a dedicated process, looking in particular at the issues of older Australians. Senator Bernardi knows this. This is what is most offensive in the process that is being used by the opposition. They know the process that is in place. They actually know how complex the social welfare system that is going through is; they know that. But still, to gain a cheap response and also to scare the people about whom we should be concerned, they consistently come forward with short media grabs to try and create a more negative process.

In the Henry campaign, the process is being put in place across the whole of the economy and also, most particularly, in response to what we have been hearing this afternoon about the attacks on pensioners and people who are doing it tough. That is being handled through the Harmer subcommittee of the Henry taxation review. On that subcommittee we have a number of people from across the whole process.

_Senator MOORE_—We hear that reviews are not good enough. Yes, it was good enough for 12 years to come up with a bandaid response in budget after budget and one-off payment after one-off payment, with no attempt to look at the whole system, no attempt to plan for the future, no attempt to engage with the people about whom we are speaking—the very people who will actually need to be supported by the process. The process that has been put in place by this government, which Senator Evans referred to in his answers, is going forward using the people who have the need and actually working with them to see what the long-term solution is, not a short-term bandaid. We know that, the more you do not address the key problem and the more you take a short-term response, the harder the program and the problem are going to be. That is what we have lived with in this country for 12 years: we have not sought to find an overall solution to balance the needs and to actually engage the whole process to look at what can be done for the people who have the most need. We have tried to get the good news program, the good news headline, so that we can feel good for a couple of days while, at the same time, taking every opportunity to throw dust in the eyes of the people who are trying to do a longer term response.

No-one pretends that this is easy. Minister Macklin has been open about how she understands that people are suffering, and that has never been denied. But continuing to put the bandaid on it, as some people in the opposition think is the way to go, is not the best response. As long as we continue to scare, it will not—(_Time expired_)

_Senator BOYCE_ (Queensland) (3.17 pm)—I also seek to take note of the answers from Senator Evans. It has been heartrending to hear all these comments about the government listening to the concerns of pensioners and others on fixed wages. We even had Minister Evans tell us that pensioners are doing it tough. In that, he is completely agreeing with the Minister for Families, Housing, Community Services and Indigenous Affairs, Minister Macklin, who on Sunday wrote a newspaper column to tell the world the revolutionary piece of information...
that pensioners are doing it tough. So we have all this wonderful listening and empathising going on. What we do not have is any action.

I was somewhat concerned when Minister Macklin told the 4½ million Australians whose lives are affected by the pension system that we need to think about what the system will look like in 20 years. That would be wonderful—let us find out what the system will look like in 20 years—but what does that do for the pensioners and others on a fixed income who are struggling right now? As Senator Moore pointed out when we did the Senate inquiry into cost of living pressures on older Australians—whose report we actually brought down in March this year—we knew then that pensioners were doing it tough; it was very obvious that pensioners were doing it tough. Five months later, the minister announces to the no doubt breathless media that pensioners are doing it tough and says: ‘But just wait. We’re in the middle of a process. It’ll all be all right. The Harmer review will’—

Senator Birmingham interjecting—

Senator BOYCE—There will be a lot more listening and empathising going on, no doubt, Senator Birmingham, whilst this process happens. The Harmer review, sometime next year, will produce a result from a process. They have not actually said it will—

Senator Birmingham interjecting—

Senator BOYCE—No, actions and results are different; we are talking about a process, listening and empathising—great stuff, but it is not washing and it will not wash with the pensioners and others on fixed incomes in Australia. They are saying, ‘We hurt right now. You knew in March this year that we hurt and you have done nothing about it and are continuing to do nothing about it.’ The crocodile tears from Senator Evans do not help—the righteous indignation, as though something is actually happening because you get sad and upset and let the world know that, ‘Gee, it’s tough out there.’ What does that do for the pensioners? Nothing has changed.

In the past two weeks I have received over 700 letters from pensioners in Queensland explaining the difficulties that they face right now. There is no reason whatsoever why something cannot be done to help couple pensioners and, in particular, single pensioners as the rents go up, as fuel prices go up, as grocery prices go up, whether you are watching them or not. It is particularly the single pensioners who hurt more, because you cannot rent half a house, no matter how high rents go; you cannot make that economy in your lifestyle.

Senator Birmingham—They’re lucky they have a process, then!

Senator BOYCE—They are. Perhaps we should develop a process for renting half houses—do you think so, Senator Birmingham? You cannot drive half a car no matter how high petrol prices go. So there is an argument and action is needed right now to help the single pensioners who rely on 56 per cent of a couple pension rate. By all means let us look to the future but let us not just look to the future. Everywhere I go I hear pensioners saying: ‘When will the Prime Minister act? He talks and he listens; he’s a dud. All he does is listen. There is no action. Please help us now.’

Senator JACINTA COLLINS (Victoria) (3.22 pm)—Mr Deputy President, I congratulate you on your new position in the Senate. I rise on the same matter of pensions and benefits. Before I outline some of the details of the start that the Rudd government has already made, contrary to the suggestions of some of the senators who spoke earlier, can I first express my surprise at the sheer audacity of the content of the debate so far
from opposition senators. Senator Bernardi suggests that there has been spin but no substance or action in this area. Let me address that point first.

While there is more to do and the government is concerned about the pressure of inflation on seniors, the government has made a start. We have provided $1.4 billion in extra support to seniors. A $500 bonus was paid to 2.7 million senior Australians. This came on top of our commitment of over $5 billion over five years to increases in a number of areas—to increase the utilities allowance and seniors concession allowance from $107.20 to $500 a year and to increase the telephone allowance for those with a home internet connection from $88 to $132 a year, beginning 20 March. The first quarterly instalments of these payments were made in March and in June. These increases are ongoing and locked in for the future, not like the past Howard government’s one-off payments. We are also examining indexation arrangements for the age pension.

But let us contrast that with what has been put forward by the alternative government to date. Senator Boyce gave me one extra policy idea in the debate today—let’s look at renting half a house. While I am sure she made that comment in part jest, as a quip in this debate, if you look at the other alternatives that have been canvassed by our alternative government you see there is an enormous void. We did originally have the shadow minister suggest that we look at the indexation issue, but within 24 hours we had the alternative Prime Minister, the Leader of the Opposition, saying, ‘No, we’re not talking about doing that.’ That is the extent of the alternative government’s position in this area. Just look at that when you consider the audacity of this being the one issue that the opposition chose for debate today arising from question time.

Certainly we do have a range of issues under review, because we do have a longer-term concern with how we structure our welfare and social security system. We do want to put in long-term, economically manageable improvements for the wellbeing of our seniors and other social security recipients. We do want to keep in mind how that relates to the tax system. We do not want to follow the history and the pattern of the Howard government of one-off payments that were not costed or accounted for in following years, one-off payments that often were introduced in the period before an election and were not maintained for the period following an election. It was an ad hoc system.

Interestingly, ‘ad hoc’ relates to other issues that were canvassed in question time today on industry policy. I heard questions on the car industry coming from the opposition. Again, the audacity of the opposition in that area astounds me. If you look at the Howard government’s history of industry policy and all of the ad hoc measures particularly with respect to the car industry in South Australia—and Senator Minchin has come back into the chamber—the audacity of questions today in relation to the car industry was astounding. A long-term vision, a long-term plan, which is what the Rudd government is seeking to establish, is critical there as well.

But, going back to the pensions issue, let me stress that the government knows that many pensioners are doing it tough, with cost of living pressures resulting from the rising cost of groceries and other bills. Over the year to June 2008, food prices rose by 3.9 per cent. Fuel rose by 8.7 per cent in the last quarter and by 18.4 per cent over the year to June 2008. Some of this is the legacy of poor economic management by the former government. As responsible economic managers, we know that we must seriously address some of these issues. (Time expired)
Senator ADAMS (Western Australia) (3.27 pm)—Mr Deputy President, may I formally congratulate you on your new position. I rise today also to take note of answers given by Senator Evans. Senator Collins is very concerned about why we should choose such a topic as pensioners to discuss. I cannot believe that she thinks that we should have discussed something else. This is incredible. Australian pensioners are struggling to survive. With rising petrol and grocery prices and rising inflation rates and insurance premiums, most Australian pensioners are far worse off than they were a year ago.

As a member of the Senate Standing Committee on Community Affairs, which inquired into the cost of living pressures on older Australians, I attended all the committee hearings. We produced a report—as Senator Boyce said—and called it A decent quality of life. A lot of thought went into this title. We believe that our older Australians, pensioners and carers are very important. Today I want to speak especially about Aboriginal pensioners who live out in the desert, because they are really having a very hard time surviving. These people are very important Australians, and to think that one of our senators cannot understand why the opposition has decided to address this situation is rather astounding.

In the West Australian on Monday was the headline ‘Exorbitant food prices mean some Aboriginals go hungry’. Last week the Senate Select Committee on Regional and Remote Indigenous Communities visited Balgo, Fitzroy Crossing, Derby and Broome. I have some quotes here from a little community out in the Tanami Desert called Mulan. That is very close to the Northern Territory-Western Australian border. These people, 160 residents, are among the country’s poorest and many are going hungry a couple of days a week. The local Assembly of God pastor says that the extremely high prices at the Mulan Community Store were hurting everyone but particularly the elderly. He went on to say: ‘Everyone shares food. It is part of our culture. But the old people will give away their food to see the children eat.’ Several pensioners he knew were forced to survive the last few days before their next pension payment by eating homemade damper or they simply went hungry. Is this what we want for our pensioners, and especially those that live in remote areas?

The majority of Mulan’s residents on welfare benefits receive between $200 and $250 a week and it is virtually impossible for them to live in the community and eat a healthy diet. Diesel costs $2.80 a litre in this area and the nearest regional centre, Halls Creek, is an eight-hour round trip along the corrugated Tanami Track. People have little choice but to shop at the Mulan Community Store. Just to give you an example of how much things cost there, half a pumpkin is $14.42, 1.7 kilos of sausages is $16.42, 1.4 kilos of chops is $33.92 and 1.3 kilos of potatoes—6 potatoes—is $8.71. Bread is $3.50 a loaf and four ears of corn is $15.50. These are the issues that these people have to deal with. Coming from a rural area myself, I am fully aware of the cost of the groceries going up in our local community and in places further out. The cost at Balgo the other day was $15,000 for the truck to come to the community store with all the commodities that the community needed for a week—$15,000 to pay for the freight. Of course, the freight cost has to be passed on to those who consume the goods.

The other thing that is really worrying me at the moment for Western Australia is the tax that is going to be placed on condensate. That is going to raise the cost of gas. (Time expired)

Question agreed to.
Environment

Senator MILNE (Tasmania) (3.33 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 Milne today relating to proposed developments in Queensland.

The moment is now for Minister for the Environment, Heritage and the Arts, Peter Garrett. People around the country have been waiting for this minister to make one strong, unequivocal decision for the environment, and now is his opportunity—and that is in relation to this megaproposal for a new coalmine, pipeline and railway port development in Queensland. This is a mine which has a reserve of something like four billion tonnes of coal, and the port will be in Shoalwater Bay, wholly contained within a Ramsar wetland, with impacts on the Great Barrier Reef, a World Heritage listed area. I have just mentioned two treaties. Thirdly, we have impacts on endangered species like the dugong or the loggerhead turtle, for example. There are many of them.

Under the Environment Protection and Biodiversity Conservation Act, there is a very clear provision that the minister for the environment on receiving a proposal can decide that it is, under the act, ‘clearly unacceptable’. There is no way you could look at this massive proposal for a coalmine in Queensland other than to see it as an environmental disaster. It is an environmental disaster from a greenhouse gas point of view. It will start off exporting 50 million tonnes of coal a year, going up to 100 million tonnes a year, and there is no carbon capture and storage in China, India or wherever they are going to export this coal. There is nothing there.

We know the crisis of climate change. The government promised to have a greenhouse trigger in the EPBC Act. That has not happened. But, regardless of that, because this coal facility—both the mine and the port—is going to trigger six out of the seven national considerations under the EPBC Act, it would have to be the clearest example of a case where the minister would say it triggers six and the only one it does not trigger is nuclear. It triggers all of the others: national heritage listed properties, World Heritage listed properties, endangered species, Commonwealth waters—you name it, it is all there. This is a very clear case.

If the minister squibs this one, what he is doing is condemning the Australian community to years of environmental assessments, approvals, appeals and frustration. We have already seen the completely irresponsible Queensland government of Premier Anna Bligh make this a project of state significance, which puts it on the fast-track of approvals in Queensland. It is clear that the government there is totally in favour of this greenhouse gas generating project. She and the Prime Minister got a letter earlier this year from James Hansen, who is a globally renowned NASA scientist. He wrote to the premiers and to the Prime Minister, saying:

Yet there are plans for continuing mining of coal, export of coal, and construction of new coal-fired power plants around the world, including in Australia, plants that would have a lifetime of half a century or more. Your leadership in halting these plans could seed a transition that is needed to solve the global warming problem.

He went on to say:

Prime Minister Rudd, we cannot avert our eyes from the basic fossil fuel facts, or the consequences for life on our planet of ignoring these fossil fuel facts.

That is the challenge to Minister Garrett. He, in a documentary in the early nineties, said very clearly that the community must decide what happens to these special areas of wilderness significance like Shoalwater Bay. He
knows more than any other person in this parliament how special Shoalwater Bay is. He also knows his responsibilities under the act. He has the power; is he going to use it? The whole country is going to be looking to see whether he has the personal strength to recognise his powers under the act. I will read what he said about Shoalwater Bay. He said:

Shoalwater Bay represents one of the last opportunities that we have in Australia, and probably on the planet, to actually hold onto an entire coastal eco system. It’s already recognised on the Australian heritage Commission list and we have to make up our minds—

(Time expired)

Question agreed to.

NOTICES

Withdrawal

Senator O’BRIEN (Tasmania) (3.38 pm)—At the request of Minister Wong, I withdraw business of the Senate notice of motion No. 2.

Presentation

Senator Sterle to move on the next day of sitting:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on the implementation, operation and administration of the legislation underpinning Carbon Sink Forests be extended to 3 September 2008.

Senator Parry to move on the next day of sitting:

That the Senate notes:

(a) that many Australians are worse off today than they were in 2007;
(b) that many Australians are experiencing difficulties due to increasing cost of living pressures; and
(c) the Government’s failure to address these difficulties.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes with sadness the passing of Yvonne Butler, a Townsville elder and a tireless campaigner for social justice and Indigenous rights;
(b) acknowledges the important role that Yvonne played in highlighting the injustice done to Aboriginal and Torres Strait Islander workers whose paid labour was controlled by the Government and which was instrumental in the establishment of the inquiry into stolen wages by the Legal and Constitutional Affairs Committee, and also led to an apology and reparations scheme from the Queensland Government;
(c) recognises Yvonne’s bravery in coming forward to tell her story and the stories of her family, the important impact of her tireless efforts to encourage others to do the same and acknowledges the unanimous finding of the committee report, Unfinished business: Indigenous stolen wages, that for many Indigenous Australians whose wages and benefits were withheld across Australia this remains unfinished business; and
(d) offers its condolences to her family and friends.

Senator Xenophon to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to provide for emergency measures to ensure the environmental and economic sustainability of the Murray-Darling Basin, and for related purposes. Emergency Water (Murray-Darling Basin Rescue) Bill 2008.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes the urgent and warranted pleas of National Seniors Australia and pensioners around Australia about the dire economic circumstances facing many older Australians; and
(b) calls on the Treasurer (Mr Swan) to raise, as a priority measure, the single aged pension $30 per week above the consumer price index adjustment at 30 September 2008.

**Senator Ian Macdonald** to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) at 3 pm on Tuesday, 26 August 2008, there were 24 people who could not get a bed at the Townsville General Hospital because of overcrowding,
(ii) at the hospital ambulances are being used as makeshift beds in the first recorded case of 'ramping',
(iii) at 10 am on 26 August 2008 there were 18 patients in the emergency department waiting for inpatient beds, and
(iv) in August 2006 the then Labor Premier of Queensland made an election commitment to commence work on a new $85 million wing at the hospital in the 2007-08 financial year;
(b) acknowledges that the Government Medicare threshold rebate proposals will throw additional inpatient bed pressure on the Townsville General Hospital already incapable of dealing with current demand; and
(c) calls on the Commonwealth and Queensland Governments to urgently fund and commence construction of the promised new wing of the Townsville General Hospital.

**Senator Bob Brown** to move on 2 September 2008:
That the Senate calls on the Government to explain the recent release of adverse comments about the New Zealand Prime Minister Helen Clarke.

**Senators Ian Macdonald and Joyce** to move on the next day of sitting:
That the Senate—
(a) notes that on 27 August 2008 a petition of 10,300 signatures was presented to the Queensland State Parliament to stop the demolition of the National Trust listed (Endangered Building) and National Estate registered, Cairns Yacht Club; and
(b) calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to accede to the Emergency Listing Request made by the 'People Against Demolishing the Yacht Club' for the Cairns Yacht Club under the National Heritage guidelines.

**Senator Johnston** to move on the next day of sitting:
That the Senate calls on the Government to explain the recent release of adverse comments about the New Zealand Prime Minister Helen Clarke.

(b) calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to accede to the Emergency Listing Request made by the 'People Against Demolishing the Yacht Club' for the Cairns Yacht Club under the National Heritage guidelines.
(i) the adequacy of the crisis management response,
(ii) the adequacy of reliance on one source supplies of gas for domestic markets,
(iii) the provision of reliable and affordable supplies of alternative energy,
(iv) the feasibility of developing emergency storage facilities of gas in depleted reservoirs or other repositories, and
(v) the justification for any refusals to release relevant facts and documents publicly.

(2) That, in undertaking this inquiry, the committee:
(a) call for the production by the Western Australian Government of all relevant correspondence, advice and reports; and
(b) take evidence in Perth and in major regional centres in Western Australia.

**Senator Xenophon** to move on the next day of sitting:
That the Emergency Water (Murray-Darling Basin Rescue) Bill 2008 be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 30 September 2008, together with the reference to that committee agreed to on 27 August 2008.

**COMMITTEES**

**Selection of Bills Committee**

**Report**

**Senator O’BRIEN** (Tasmania) (3.42 pm)—I present the eighth report of 2008 of the Selection of Bills Committee.

Ordered that the report be adopted.

**Senator O’BRIEN**—I seek leave to have the report incorporated in *Hansard*.

Leave granted.

*The report read as follows*—

REPORT NO. 8 OF 2008

(1) The committee met in private session on Tuesday, 26 August 2008 at 4.16 pm.

(2) The committee resolved to recommend—
That the following bills not be referred to committees:

- Aviation Legislation Amendment (2008 Measures No. 1) Bill 2008
- Aviation Legislation Amendment (International Airline Licences and Carriers’ Liability Insurance) Bill 2008
- Financial Framework Legislation Amendment Bill 2008

The committee recommends accordingly.

(3) The committee deferred consideration of the Plastic Bag Levy (Assessment and Collection) Bill 2002 [2008] to its next meeting.

(Kerry O’Brien)
Chair
27 August 2008

**NOTICES**

**Postponement**

The following items of business were postponed:

- Business of the Senate notice of motion no. 1 standing in the name of Senator O’Brien for today, proposing a reference to the Rural and Regional Affairs and Transport Committee, postponed till 28 August 2008.
- General business notice of motion no. 123 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, relating to an amendment to the reporting date for the Joint Standing Committee on Electoral Matters inquiry into the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008, postponed till 28 August 2008.
- General business notice of motion no. 156 standing in the name of Senator Siewert for 1 September 2008, proposing the introduction of the Food Safety (Trans Fats) Bill 2008, postponed till 15 October 2008.
COMMITTEES

Finance and Public Administration Committee
Extension of Time

Senator O'BRIEN (Tasmania) (3.43 pm)—At the request of Senator Polley, I move:

That the time for the presentation of the report of the Finance and Public Administration Committee on the lobbying code of conduct be extended to 3 September 2008.

Question agreed to.

Environment, Communications and the Arts Committee
Extension of Time

Senator O'BRIEN (Tasmania) (3.43 pm)—At the request of Senator McEwen, I move:

That the time for the presentation of the report of the Environment, Communications and the Arts Committee on waste management in Australia and the Drink Container Recycling Bill 2008 be extended to 3 September 2008.

Question agreed to.

Legal and Constitutional Affairs Committee
Extension of Time

Senator O'BRIEN (Tasmania) (3.43 pm)—At the request of Senator Crossin, I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Committee on the provisions of the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008 be extended to 28 August 2008.

Question agreed to.

ILLEGAL FISHING

Senator FIELDING (Victoria—Leader of the Family First Party) (3.44 pm)—I move:

That the Senate:

(a) notes that:

(i) 4 years ago more than 100 fishermen in Queensland had criminal convictions recorded against them and were each fined $2,500 for innocently dropping a fishing line in water which is part of the Great Barrier Reef Marine Park, and

(ii) 2 years ago the Federal Government downgraded the offence to an infringement with a $1,100 fine and no criminal conviction, however, the fishermen still have a criminal conviction recorded against their name; and

(b) calls on the Federal Government to fix this anomaly by making sure these fishermen are given a pardon and do not have the permanent stain of a criminal record to their names.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.44 pm)—by leave—I will try to keep it as short as I can. The government does not support this motion. Senator Fielding is correct that on 14 December 2006 it became possible to issue infringement notices in relation to certain recreational fishing offences in the marine park. However, the issuing of an infringement notice is discretionary. It remains the case that fishing in areas of the marine park closed to fishing is a criminal offence. Illegal fishers can still be prosecuted or issued with a warning.

Since the introduction of the infringement notice scheme in July 2004, when the current zoning plan took effect, 116 recreational fishers have been convicted of fishing illegally in the marine park. The overwhelming majority of people caught illegally fishing, around 400, have been let off with a warning. Prosecution was then and is now only pursued in appropriate circumstances—there are a range of circumstances that could involve that eventuality. The 116 people convicted were ordered by the court to pay a variety of penalties depending on the circumstances of the case. Some penalties that have been is-
sued were as low as $200. The majority of people received a penalty of less than $1,100, which is the current infringement notice penalty.

The introduction of the infringement notice scheme was designed to increase flexibility in enforcement. The offence has not been downgraded; an additional enforcement option has been established. The introduction of new enforcement mechanisms such as the infringement notice scheme is quite common as the government seeks innovative, flexible and efficient ways of securing compliance with the law. This often results in particular forms of offences being enforced through different means before and after regulatory reforms. This is consistent with a fundamental principle of our criminal justice system that persons committing an offence should be dealt with in accordance with the law that exists at the time the offence is committed.

This circumstance is not unique to regulation of the Great Barrier Reef and the government is not aware of any examples of similar reforms in other areas that involve the revisiting of past enforcement action. It is open to people to apply to the Attorney-General for a pardon. The decision rests with the Attorney-General and I understand pardons have only been granted in limited circumstances. I understand Senator Macdonald has also been assisting people who wish to apply for a pardon including by providing a standard form letter. I am told that to date only five people have applied. I also note that under the spent convictions scheme established by the Crimes Act 1914 convictions are spent—that is, they cannot be used as a basis for discrimination—after a period of 10 years provided a person has not re-offended in the interim. I thank the Senate.

Senator JOYCE (Queensland) (3.46 pm)—by leave—I would also like to note that this is an issue that was noted prior to this motion and circulated widely in a media release the other day at 12 o’clock. This is an issue that has been in discussion within the coalition and concerns have been noted publicly and otherwise by Senator Macdonald and Senator Boswell. Later on we will look at a prospective committee to be formed which will investigate these and other issues in which there will be a strong involvement from coalition senators to try to resolve some of the deficiencies that have been made apparent. I want to clearly put on the record the coalition’s strong concern on this issue and our strong and diligent work over a long period of time in trying to correct these deficiencies.

Senator IAN MACDONALD (Queensland) (3.48 pm)—by leave—I only partly heard what Senator Ludwig mentioned, but I can confirm what Senator Joyce has mentioned—that is, that the coalition has already distributed an amendment to the Great Barrier Reef act calling upon those convictions to be dealt with as spent convictions under the Crimes Act. When that amendment comes before this chamber, it will enable senators to require that the convictions recorded no longer remain on the record. It is a fairly complex matter. It is the only thing that, I am told, can be reasonably done at law if the government refuses to give pardons as we were hoping it would.

I raised this matter at some length during the May estimates committee hearings with the Minister representing the Minister for the Environment, Heritage and the Arts. I received a very useful response from the Secretary of the Department of the Environment, Water, Heritage and the Arts indicating that there would be no impediment to the government’s administration of the act if pardons were to be given or if those previous convictions were to be wiped off the slate. Indeed, new arrangements now provide that, for similar offences for which these people
were originally convicted, the penalty is simply an on-the-spot ticket without any recording of a criminal conviction. The recording of a criminal conviction prevents many of those who have these convictions from getting a visa to enter the United States.

Prior to the election Senator Kerry O’Brien—who I see is fortuitously sitting in the chamber now—made a commitment on behalf of the then opposition that, if the Labor Party were elected, they would follow the Howard government’s commitment to introduce legislation to negate the impact of these convictions. So the amendment to the bill which the coalition will be moving when it comes before the chamber will give Senator O’Brien, all members of the Labor Party and, indeed, all senators in the chamber the opportunity of putting into effect the commitment made by the Howard government before the last election—a commitment mirrored by the Labor Party—to remove from the record the convictions of those who had had them recorded.

I mentioned that, in estimates in May, I raised this not only with the environment minister but also with the Minister representing the Attorney-General and the Minister for Home Affairs and I was told by the official there that pardons could be given—not would be given, I emphasise, to be fair, but could be given—but it was really an issue for the environment department. Having then sought at the next estimates hearing that assurance from the environment department that it would not really impact on the administration of that particular legislation, I had hoped that the Labor Party may have by now bitten the bullet, so to speak, and introduced some scheme to allow those convictions to be expunged from the record. As I mentioned, it is something that I know Senator Boswell, Senator Joyce, Senator Trood and others of my Queensland colleagues have been working on for over a year now and that will come to fruition when the bill comes before the chamber and the amendment is then dealt with. I thank the Senate for allowing me the indulgence.

Senator BOSWELL (Queensland) (3.52 pm)—I seek leave to make a short statement.

Senator Ellison—There is a principle that a short statement is a short statement. I just remind the Senate of that.

The DEPUTY PRESIDENT—Is leave granted for Senator Boswell to make a short statement?

Leave granted.

Senator BOSWELL—This has been an ongoing concern within the coalition for two or three years. We were successful in providing in the legislation that, from a point in time, no further convictions would carry a criminal penalty. We got that through the Senate and both parties. But there were 324-odd fishermen left in limbo that had these breaches against their names, and we were not able to retrospectively address that particular issue. Just before the last election I and my colleagues went to the Prime Minister’s office and we got a form of words to go out with publicly. We campaigned on those words—that we would reverse the decision for those 324 fishermen.

The bill to come before us is the first opportunity we have to honour our commitment to those 324 fishermen. Senator Ian McDonald very wisely found a way through this by an amendment to the legislation. I want to make the point, because we are receiving a number of calls, that it was the National and Liberal parties that have been on this case for many, many years. We have before the House an amendment that will take the criminal offences away, as best we can. I urge the Labor Party to support it, because Senator O’Brien was reported in the Townsville Bulletin as saying that he would give this bipartisan support.
Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.55 pm)—I seek leave to make a correction to the facts.

Leave granted.

Senator LUDWIG—I said ‘the Attorney-General’. It is open for people to apply to the Minister for Home Affairs. I said there were only five people who had applied to use the senator’s template. The number is four, not five.

The DEPUTY PRESIDENT—The question is that the motion moved by Senator Fielding be agreed to. I think the ayes have it, but I need an indication from the cross-benches before I call.

Senator Bob Brown—I indicate that the Australian Greens oppose this motion.

The DEPUTY PRESIDENT—I will put the question again. The question is that the motion moved by Senator Fielding be agreed to.

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport Committee

Reference

Senator HANSON-YOUNG (South Australia) (3.56 pm)—I, and also on behalf of Senators Bob Brown, Siewert, Xenophon, Birmingham and Fisher, move:

(1) That the following matters be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report no later than 30 September 2008:

(a) the volume of water which could be provided into the Murray-Darling system to replenish the Lower Lakes and Coorong;

(b) options for sourcing and delivering this water, including:

(i) possible incentive and compensation schemes for current water holders who participate in a once-off voluntary contribution of water to this national emergency,

(ii) alternative options for the acquisition of sufficient water,

(iii) likely transmission losses and the most efficient and effective strategies to manage the delivery of this water,

(iv) Commonwealth powers to obtain and deliver water and possible legislative or regulative impediments, and

(v) assessment of the potential contribution of bringing forward irrigation infrastructure spending under the Council of Australian Governments agreement to deliver water to save the Coorong and lower lakes;

(c) the impact of any water buybacks on rural and regional communities and Adelaide including compensation and structural adjustment; and

(d) any other related matters.

(2) That the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report no later than 4 December 2008:

The implications for the long-term sustainable management of the Murray Darling Basin system, with particular reference to:

(a) the adequacy of current whole-of-basin governance arrangements under the Intergovernmental Agreement;

(b) the adequacy of current arrangements in relation to the implementation of the Basin Plan and water sharing arrangements;

(c) long-term prospects for the management of Ramsar wetlands including the supply of adequate environmental flows;

(d) the risks to the basin posed by unregulated water interception activities and water theft;
(e) the ability of the Commonwealth to bind state and territory governments to meet their obligations under the National Water Initiative;
(f) the adequacy of existing state and territory water and natural resource management legislation and enforcement arrangements; and
(g) the impacts of climate change on the likely future availability of water.

Question agreed to.

**BASS COAST DESALINATION PLANT**

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.58 pm)—I move:

That the Senate—
(a) recognises that the desalination plant planned for Victoria’s Bass Coast near Phillip Island:
(i) will produce 1.4 million tonnes of greenhouse gases annually during construction and a further 1.2 million tonnes annually during operation,
(ii) will discharge 280 billion litres of saline concentrate effluent into the ocean annually,
(iii) may adversely affect several nationally protected species including the orange-bellied parrot, the growling grass frog and the giant Gippsland earthworm, and
(iv) may damage the rocky reef habitat directly off the proposed plant site and Aboriginal artefacts; and
(b) notes, amongst other options, that the installation of rain water tanks in every Melbourne property would save an estimated 50 billion litres of water a year with no such environmental cost.

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (3.58 pm)—I seek leave to make a shorter statement than last time.

Leave granted.

**Senator LUDWIG**—The proposed Victorian desalination plant is currently subject to a statutory assessment process. A detailed environmental effects statement has been released by Victoria for public comment. Comprehensive scoping requirements require the environmental effects statement to thoroughly examine the impact of the proposal on terrestrial and marine biodiversity, including nationally listed species, and on the Western Port Bay Ramsar wetland. The Minister for the Environment, Heritage and the Arts has a statutory decision-making role in relation to this proposal that will be informed by all relevant information, including public comments on the environmental effects statement and the proponent’s response to those comments. It is inappropriate to pre-judge the outcome of the assessment process in this chamber. Therefore, we will be opposing the motion.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.59 pm)—by leave—this motion in no way makes any inappropriate judgement. It simply calls the Senate’s attention to the fact that there is a very large environmental impact, including 1.4 million tonnes of greenhouse gases produced annually during construction and nearly the same throughout the life of this desalination plant, in an age of catastrophic climate change. This motion calls the Senate’s attention to these facts. It does not prejudge it; it simply informs the Senate, and the government ought to be supporting it.

Question agreed to.
COMMITTEES
State Government Financial Management Committee
Extension of Time

Senator PARRY (Tasmania) (4.01 pm)—
At the request of Senator Macdonald, I move:

That the time for the presentation of the report of the Select Committee on State Government Financial Management be extended to 17 September 2008.

Question agreed to.

MURRAY-DARLING RIVER SYSTEM

Senator PARRY (Tasmania) (4.01 pm)—I, and also on behalf of Senators Minchin, Bernardi, Birmingham, Ferguson and Fisher, move:

That there be laid on the table, no later than noon on Thursday, 28 August 2008, the ‘urgent advice’ prepared for the Minister for Climate Change and Water by her department as requested on 18 June 2008 on ‘what we can do in the short-term’ to address the dire situation confronting the Coorong and Lower Lakes in South Australia.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.02 pm)—by leave—
The government’s opposition to the motion is on the basis of extensive precedent, including that of the previous government where advice to government of a similar nature—that is, for the purpose of the government’s deliberative processes—has not been provided on the order of the Senate. However, the minister is mindful of the deep concern about the future of the Lower Lakes and the Coorong, which is why she has already provided extensive information on the challenges for the Lower Lakes and the Coorong and why she has given strong consideration to what further material can be released in the public interest.

Question agreed to.

SAS SIGNALLER SEAN MCCARTHY

Senator PARRY (Tasmania) (4.03 pm)—
At the request of Senator Minchin, I move:

That the Senate—
(a) records its deep regret and sadness at the death of Signaller Sean McCarthy who died as part of a roadside bomb attack in Afghanistan on 8 July 2008;
(b) commends his loyal and dedicated service to the Australian Defence Force since 2001, including a tour to East Timor and two tours to Afghanistan; and
(c) expresses its sincere condolences to Signaller McCarthy’s parents, sisters and all loved ones for their tragic loss.

Question agreed to.

GUNNS PULP MILL

Senator MILNE (Tasmania) (4.03 pm)—I move:

That there be laid on the table, no later than 4 pm on 28 August 2008, the report prepared for the Federal Government by Dr Michael Herzfeld, a Coastal Environmental Modeller with the Marine and Atmospheric Research section of the Commonwealth Scientific and Industrial Research Organisation in conjunction with the Gunns Pulp Mill Independent Expert Group on the potential marine impact of effluent from the Gunns pulp mill.

Question put.
The Senate divided. [4.08 pm]

(The Deputy President—Senator the Hon. AB Ferguson)

Ayes……………  7
Noes…………… 50
Majority……… 43

AYES
Brown, B.I.  Fielding, S.
Hanson-Young, S.C.  Ludlam, S.
Milne, C.  Siewert, R. *
Xenophon, N.
Question negatived.

Senator McLucas (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.12 pm)—by leave—I seek to make a short statement with reference to the previous decision. I advise the Senate that a decision was made—

Senator Bob Brown—Mr Deputy President, I rise on a point of order. I cannot hear Senator McLucas.

The DEPUTY PRESIDENT—I take that point of order. I ask for order while Senator McLucas is speaking.

Senator McLucas—by a departmental office that the document in question should not be released under section 43 of the Freedom of Information Act because the document sought by Senator Milne contains material that is preliminary and based on a number of assumptions. The document was not commissioned by any person and has not been peer reviewed or validated by field data. Dr Herzfeld states in the document that the modelling undertaken is unverified for accuracy.

There is a strong likelihood that the material in the document could erroneously be interpreted or presented as final rather than preliminary or as based on fact rather than assumptions. The discussion based—

Senator Bob Brown—Mr Deputy President, I rise on a point of order. I am sorry, but I cannot hear what the senator is saying and I ask you to ask for a little bit of silence so that we can hear what she is saying as it is very important.

The DEPUTY PRESIDENT—I will, Senator Brown, but the level of noise is not much greater than I have heard during many debates. Senator McLucas, perhaps you could speak up a bit.

Senator McLucas—I will start from the second point. There is a strong likelihood that the material in the document could erroneously be interpreted or presented as final rather than preliminary or as based on fact rather than assumptions. The discussion based on such an interpretation or presentation could mislead the public and create uncertainty, pressure and complexity for Gunns Ltd in its dealings with its stakeholders, including the general public. I can advise the Senate that Senator Milne has appeal rights under the FOI Act to seek review of this decision.

Senator Milne (Tasmania) (4.15 pm)—by leave—I began the request for this document in April this year. I was told it would cost $1,600 to get it. I reviewed the application and was told it would cost $134 to get it. I said I would pay the money. After that, they said it was exempt. I think the last matter that Senator McLucas raised is the point in question: the release of it would add to the
pressure and complexity for Gunns in their dealings with stakeholders and the public. Under section 23 of the FOI Act the minister has the power to make a decision himself. I think it is cowardice on behalf of the government to blame a departmental officer when the minister is clearly making a decision to prevent the public having this document in the public interest. That is the case in relation to this. I have appealed the matter and I will be asking the minister to release it under section 23. But, ultimately, it is the houses of parliament that determine what can and cannot be released, and I am disappointed that Liberal and Labor have determined not to allow the public to see this document in the public interest.

**MV TAMPA: SEVENTH ANNIVERSARY**

Senator HANSON-YOUNG (South Australia) (4.16 pm)—I move:

That the Senate—

(a) notes that:

(i) 26 August marked the 7th anniversary of the rescue of 433 asylum seekers by the MV Tampa,

(ii) this rescue was followed by the refusal of the Coalition Government to allow the ship to enter Australian shores in direct violation of both maritime conventions and human rights obligations, and

(iii) the majority of the refugees, including children, were detained indefinitely on Nauru, as part of the Coalition’s ‘Pacific Solution’; and

(b) calls on the Government, as part of the inquiry into immigration detention in Australia, to look into the psychological harm mandatory detention has caused children and their families as a matter of urgency.

Question put.
The Senate divided. [4.21 pm]
NATIONAL HEARING AWARENESS WEEK

Senator SIEWERT (Western Australia) (4.25 pm)—I move:

That the Senate—

(a) notes:

(i) that the week beginning 24 August 2008 is National Hearing Awareness Week, and the theme for 2008 is ‘one in six’, which highlights the fact that around 3.55 million Australians experience some form of hearing impairment,

(ii) threats to the hearing of younger people, for whom the major cause of hearing loss is recreational activities, particularly the misuse of ear phones,

(iii) the continuing risk to hearing in industrial workplaces, farming activities, and from the use of do-it-yourself electrical equipment in the home,

(iv) measures emerging in Europe to address volume control of personal sound systems and to limit noise in public venues frequented by young people,

(v) the need for more research to increase public knowledge and awareness of these issues, and

(vi) the absence of legislation to better protect the hearing of young Australians; and

(b) calls on the Government to further investigate the need for national legislation to address these important hearing issues.

Question agreed to.

MATTERS OF URGENCY

The DEPUTY PRESIDENT (4.25 pm)—I inform the Senate that Senator Bernardi has withdrawn the urgency motion which he had indicated he intended to move today.

COMMITTEES

Scrutiny of Bills Committee

Report

Senator ELLISON (Western Australia) (4.26 pm)—Mr Deputy President, I do not think that I have had the opportunity to congratulate you on your election. It is well deserved. I present the seventh report of 2008 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 7 of 2008, dated 27 August 2008.

Ordered that the report be printed.

Senator ELLISON—I move:

That the Senate take note of the report.

I seek leave to have my tabling statement incorporated in Hansard.

Leave granted.

The statement read as follows—

In tabling the Committee’s Alert Digest No. 6 of 2008, I was highly critical of the quality of the explanatory memoranda for the package of four Offshore Petroleum Amendment (Greenhouse Gas Storage) bills. These bills included, among other things, confusing commencement provisions and numerous strict liability provisions, which were poorly explained, or not explained at all, in the accompanying explanatory memoranda.

The Committee’s Seventh Report of 2008, which I am tabling today, includes comments from the Minister for Resources and Energy in response to the issues raised by the Committee about these bills. I would like to congratulate the Minister on his comprehensive and informative response, which provides clear rationale for the strict liability provisions, and addresses other matters that had caused the Committee some concern.

It is unfortunate that this information was not included in the explanatory memoranda to these bills. The Scrutiny of Bills Committee places considerable reliance on explanatory memoranda in determining whether or not provisions in bills raise concerns within its terms of reference. If the explanatory memoranda are lacking, then the Committee must seek additional advice from
Ministers, as it did in this case, creating additional work for all concerned.

On behalf of the Committee, I would also like to thank the Minister for his commitment to amend the commencement provisions for these bills. As they currently stand, the commencement provisions are confusing and commonly link commencement of provisions in these bills to the commencement of provisions in other Acts, which in turn were linked to commencement provisions in yet more Acts.

The Minister’s commitment to move amendments, simplifying the commencement provisions of these bills, is welcomed by the Committee. Such amendments will assist the reader to ascertain when it is intended for the various provisions to come into effect.

I commend the Committee’s Seventh Report of 2008 and Alert Digest No. 7 of 2008 to the Senate.

Question agreed to.

**EXCISE LEGISLATION AMENDMENT (CONDENSATE) BILL 2008**

**EXCISE TARIFF AMENDMENT (CONDENSATE) BILL 2008**

Report of Economics Committee

Senator O’BRIEN (Tasmania) (4.27 pm)—On behalf of the Chair of the Standing Committee on Economics, Senator Hurley, I present the report of the committee on the Excise Legislation Amendment (Condensate) Bill 2008, the Excise Tariff Amendment (Condensate) Bill 2008 and related matters, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

**NATIONAL FUELWATCH (EMPOWERING CONSUMERS) BILL 2008**

**NATIONAL FUELWATCH (EMPOWERING CONSUMERS) (CONSEQUENTIAL AMENDMENTS) BILL 2008**

Report of Economics Committee

Senator O’BRIEN (Tasmania) (4.27 pm)—On behalf of Senator Hurley I present an interim report of the Economics Committee on the National Fuelwatch (Empowering Consumers) Bill 2008 and a related bill.

Ordered that the report be printed.

**MINISTERIAL STATEMENTS**

**Aged Care**

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.28 pm)—I table a ministerial statement on unannounced visits at nursing homes.

**COMMITTEES**

**Migration Committee**

Membership

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.28 pm)—by leave—I move:

That Senator Hanson-Young be appointed as a member of the Joint Standing Committee on Migration.
Bills received from the House of Representatives.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.29 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.30 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

GREAT BARRIER REEF MARINE PARK AND OTHER LEGISLATION AMENDMENT BILL 2008

The Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 will put in place a modern, future-focused regulatory framework for securing the long-term protection and ecologically sustainable management of the Great Barrier Reef.

The Great Barrier Reef is the world’s largest and most complex coral reef ecosystem and is indeed one of our great national treasures, extending approximately 2,300 kilometres along the Queensland coast and covering an area of over 344,400 square kilometres. The Great Barrier Reef contains unparalleled biological diversity and globally unique ecosystems. Its significant natural values are internationally recognised through its inclusion on the World Heritage List. The Great Barrier Reef supports substantial economic activity. Tourism generates approximately six billion dollars per annum, recreational activities $554 million per annum, and commercial fishing $251 million per annum. It is also used for a wide variety of non-commercial purposes, such as research, public enjoyment, Traditional Owner cultural practices and defence force training.

Coral reefs, including the Great Barrier Reef, have been specifically identified by the Intergovernmental Panel on Climate Change as areas where climate change impacts will occur—we have already seen this through bleaching events. We are fortunate in Australia that the Great Barrier Reef is well preserved compared to reef systems elsewhere in the world. This makes it a drawcard for domestic and international tourists but its iconic status also has the potential to make it an international symbol for the impacts of climate change.

The government is addressing the impacts of climate change through initiatives aimed at increasing the resilience of the Great Barrier Reef and through measures to reduce greenhouse gas emissions. The release of a vulnerability assessment in relation to climate change and the Great Barrier Reef, a Great Barrier Reef Climate Change Action Plan for 2007 to 2012 and the $200 million Reef Rescue Plan demonstrate the level of importance the Government is giving to this threat.

The Great Barrier Reef Marine Park Act 1975 is a key component in the framework for protection of the Great Barrier Reef. The Act provides for the creation of the Great Barrier Reef Marine Park and establishes the Great Barrier Reef Marine Park Authority. The Authority is responsible for...
managing the Marine Park and advising government on matters relating to the Marine Park.

The Great Barrier Reef Marine Park Act has been in place for over 30 years. It was groundbreaking legislation at its inception and it has served its purpose well. However, a 2006 review of the Act found that it is now starting to show its age, and that substantial updating is required to put in place a regulatory framework capable of meeting the challenges of the next 30 years and beyond.

A great deal has changed since inception of the Act in 1975. The Great Barrier Reef Marine Park has been progressively established. The Capricornia section of 12 000 square kilometres was the first area to be declared in 1979 and the last ten coastal areas were declared in 2001 to give us the Marine Park of today that covers some 344 400 square kilometres. Use of the Marine Park has steadily increased and will continue to do so.

In 2004, a zoning plan establishing a comprehensive network of zones and a high level of protection was put in place throughout the Marine Park. The zoning plan provides a strong framework for protecting the Great Barrier Reef and ensuring use is ecologically sustainable. Delivery of this framework requires a modern, robust regulatory system providing ‘on the ground’ administrative and enforcement capability. This bill will put in place such a system.

In 1999, the Environment Protection and Biodiversity Conservation Act (EPBC Act) was established as the Commonwealth’s primary environmental law. The Great Barrier Reef Marine Park Act and the EPBC Act are poorly integrated and overlap in places, for example in environmental impact assessment, and this places unnecessary imposts on business and the community. More-over the Great Barrier Reef Marine Park Act provides minimal flexibility for enforcement action and for penalties to vary according to circumstances. There are also gaps in the protection offered by the Great Barrier Reef Marine Park Act, for example, in relation to responding to emergencies presenting a risk of serious environment harm. The bill will address these issues.

Finally, the Great Barrier Reef Marine Park Act is simply out of date. For example, it does not recognise the World Heritage status of the Great Barrier Reef nor incorporate concepts such as ecological sustainability and the precautionary principle. The bill will update the Act to reflect modern realities and approaches to environmental protection and management.

This bill will put in place a robust, comprehensive regulatory framework for the Great Barrier Reef, fit for meeting the challenges of the future. It will establish a modern framework for administration of the Act and for management of the Marine Park that is integrated and aligned with the EPBC Act and other relevant legislation. It will put in place robust and streamlined environmental impact assessment and permitting arrangements. It will enhance investigation capacity and allow for a more tailored and flexible approach to enforcement and compliance. It will encourage responsible and ecologically sustainable use of the Marine Park by ensuring appropriate incentives are in place and management tools are available.

I turn now to specific elements of the bill.

The bill places the Great Barrier Reef Marine Park Act on a modern footing. The objects of the Act are updated to focus on long-term protection and ecologically sustainable management. Administration of the Act and management of the Marine Park will be guided by modern concepts such as ecologically sustainable use and the precautionary principle, as well as protection of the World Heritage values of the Great Barrier Reef.

The bill improves integration and alignment of the Great Barrier Reef Marine Park Act with other relevant legislation, notably the EPBC Act, but also with Queensland legislation. This will reduce regulatory and administrative ‘red tape’, and facilitate a more consistent and integrated approach to environmental regulation and management by the Australian and Queensland governments.

The bill establishes the EPBC Act as the primary basis for environmental impact assessment and approval arrangements applying to the Marine Park. In doing this, it recognises the Great Barrier Reef as a ‘matter of national environmental significance’, providing a strong legal basis for protection. The best-practice environmental impact assessment provisions of the EPBC Act include streamlined assessment processes, statutory time-frames for decision making, transparency mechanisms and opportunities for public involvement. The changes will remove circuitous and at times
The Great Barrier Reef Marine Park Authority will continue to be responsible for managing activities in the Marine Park.

The bill establishes a consistent and robust environmental investigations regime for the Marine Park through the EPBC Act. The EPBC Act provisions were reviewed and updated in 2007. Under the changes in the bill, inspectors appointed by the Authority will be able to use a single set of powers to investigate compliance with both Acts.

The bill establishes a broader range of enforcement mechanisms. This includes a civil penalty regime, expanded availability of infringement notices for minor offences, and administrative enforcement options backed by legal enforceability. This provides flexibility so that enforcement action can reflect the particular circumstances of each contravention, allowing legal requirements to be enforced more efficiently, effectively and fairly.

The bill includes a number of measures designed to encourage responsible use of the Marine Park and compliance with relevant laws. Penalties are amended to ensure they are neither too lenient nor too harsh. ‘Aggravated’ offence and civil penalty contraventions are established, carrying higher maximum penalties, differentiated from ‘base’ offences and contraventions, which carry lower penalties. This will help provide adequate deterrence, while ensuring that penalties are not excessive for minor offences. A range of alternative and additional sanctions will be available. For example, a person convicted of an offence could be ordered to take steps to publicise their conviction or remediate any environmental harm caused by their actions. Perverse incentives will be removed by ensuring that people are not able to profit from illegal behaviour. Park users will be expected to be aware of their location within the Park and the rules that apply. Executive officers of corporations, permit holders and fishing licensees will be expected to exercise due diligence in ensuring that people under their supervision comply with legal requirements. Such measures recognise that deterrence is the most efficient approach to compliance.

The bill introduces an environmental duty requiring Marine Park users to take reasonable steps to avoid or minimise any environmental harm associated with their use of the Park. Breach of this duty would not be an offence, but could be enforced through administrative means. As happens at state level, this duty will facilitate a flexible and collaborative approach to the achievement of desired environmental outcomes. Guidelines, best practice standards and industry codes of practice will articulate what is required to meet the duty.

The bill enhances the capacity of the Great Barrier Reef Marine Park Authority to respond to emergency incidents presenting a risk of serious harm to the environment of the Marine Park. This complements the powers of other emergency response agencies such as the Australian Maritime Safety Authority.

Finally, the bill addresses a specific election commitment of the Government to restore an Indigenous member to the Great Barrier Reef Marine Park Authority. This requirement was removed by the previous government in July 2007. There are more than seventy Traditional Owner groups along the coast from Bundaberg to the Torres Strait who have a long and continuing relationship with the sea country of the Great Barrier Reef. The knowledge and perspective of persons with expertise related to traditional use of the Marine Park, and Indigenous issues more generally, is invaluable in achieving ecologically sustainable management of the Great Barrier Reef.

The Great Barrier Reef is undisputedly one of the world’s most important natural assets. It is the oldest living system in the world and began to form over 600,000 years ago. The Great Barrier Reef as we know it today has evolved since the last Ice Age, that is over a period of 6,000 years. It is the biggest single structure made by living organisms and is large enough to be viewed from space. No wonder that it is one of the richest and most complex natural systems on earth. The Great Barrier Reef is home to 1,500 of the world’s marine fish species, over a third of its soft coral species and six of the seven species of marine turtles. It is also home to one of the world’s remaining populations of dugong, a species that has been listed internationally as vulnerable to extinction.

This bill demonstrates the Australian Government’s commitment to securing the future of the Great Barrier Reef, and strengthens our capacity...
to preserve this important feature of our nation’s and the world’s heritage for future generations.

THERAPEUTIC GOODS LEGISLATION AMENDMENT (ANNUAL CHARGES) BILL 2008

The bill makes a number of amendments to the Therapeutic Goods Act 1989 and the Therapeutic Goods (Charges) Act 1989 relating to the collection and imposition of annual charges, and the implementation of exemptions from a liability to pay annual charges because of low value turnover of therapeutic goods.

Generally, therapeutic goods are required to be registered, listed or included in the Australian Register of Therapeutic Goods before they can be lawfully imported into, manufactured in, supplied in, or exported from Australia. The Therapeutic Goods Act usually requires a person to obtain a manufacturing licence in order to manufacture therapeutic goods in Australia. Annual charges are payable for maintaining entries in the Register and for manufacturing licences issued under the Therapeutic Goods Act.

The current provisions fix the dates for payment of annual charges on the commencement of the registration, listing or inclusion of a medical device in the Register, or on the commencement of the issuing of a manufacturing licence. In subsequent years, the annual charges are payable on these anniversary dates. In general, these due dates can only be amended with the consent of the relevant sponsor or the manufacturer of therapeutic goods.

Currently there are around 50,000 registrations, listings and inclusions in the Register that are liable for an annual charge. In addition, a significant number of new entries are made in the Register every year. It is therefore an arduous task for the Therapeutic Goods Administration—the TGA—to issue a separate invoice for each Register entry and to seek payment of the annual charge on the date of regulatory approval in the first financial year, and on the anniversary date in the subsequent years.

The bill therefore proposes amendments to include the fixing of a uniform date for the payment of annual charges for all financial years after the year in which the initial charge is paid. For newly entered goods in the Register, the bill allows some flexibility for working out the payment dates in accordance with the Regulations, instead of on the commencement dates for the entry of goods in the Register. Some of these changes have already been implemented administratively, such as setting the date for payment of annual charges for goods already entered in the Register as 1 October of the relevant financial year, and therefore would not affect stakeholders adversely.

These changes will provide administrative efficiency for both the TGA and stakeholders.

Sponsors with low value turnover of therapeutic goods are currently entitled to an exemption from the liability to pay annual charges in relation those goods. Some concerns have been raised in relation to the transparency of the exemption. The Australian National Audit Office also recently raised some concerns on the lack of ability of the TGA to review the eligibility of sponsors applying for, or who have been granted, exemptions. Under the current provisions, the TGA does not have power to seek evidence verifying the eligibility of persons applying for, or who have been granted, exemptions.

The amendments set out in the bill are proposed to address those concerns and will provide for greater clarity, transparency and accountability in the processing and the granting of this exemption. New provisions allow the making of regulations to require a statement by an approved person supporting claims for the exemption, and provide powers to obtain additional information from the applicant or the person who has already been granted an exemption.

In addition to other technical and consequential amendments, the bill also makes it clear that an annual charge can be set at nil amounts. The amendments set out in the bill are proposed to commence on 1 July 2009.

FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL 2008

The Financial Framework Legislation Amendment Bill 2008 primarily amends the Financial Management and Accountability Act 1997 (the
FMA Act) to further simplify the financial management framework. This bill will reduce red tape in the Government’s internal administration of the 100 agencies that are governed by the FMA Act, including 19 Departments of State and a range of statutory and executive agencies. The bill also sets out consequential amendments and corrects minor errors in other laws.

This is the fifth financial framework bill since 2004, being part of an ongoing approach to maintaining the financial framework of the Australian Government. This ongoing process of monitoring and review, and clarifying issues as they arise, is consistent with responsible Government.

The bill’s proposed amendments primarily clarify the operation of the law, rather than change it substantively and allow for more efficient processes.

For example, a key reform included in this bill relates to contracts that involve non-Commonwealth entities handling public money. The current law allows these entities, called “outsiders”, to receive or hold public money, and thus effectively only remit that money to the Commonwealth. There are cases, however, where outsiders legitimately need to make payments of public money, but this can only occur currently through an unnecessarily complex process.

Accordingly, an amendment is proposed to section 12 of the FMA Act that will allow outsiders to make payments of public money, where the relevant arrangement is authorised by me, as the Finance Minister, or by my delegate, or by the Parliament. This is an important deregulation initiative that, by definition, benefits not only the Commonwealth, but also contractors, trustees and other outsiders, who are in a position of handling public money that could also involve the making of payments.

Second, and also affecting contracting processes, the bill adds a short note in section 44 explaining that the obligation on chief executives to promote the “proper use” of Commonwealth resources includes an implied capacity for chief executives to enter contracts. By definition, such contracts are made on behalf of the Commonwealth, using the executive power of the Commonwealth, but this process has not necessarily been sufficiently clear to date.

The ability for other officials in agencies to enter contracts can then also more clearly be seen as requiring a delegation, or an authorisation, made to them by their Chief Executive, in relation to that agency. Similarly, a relevant chief executive or an appropriately authorised official can enter arrangements on behalf of agencies as well as their own, such as relating to whole-of-Government procurement initiatives and the “proper use” of Commonwealth resources across the Government generally.

A third important reform in the bill relates to the definition of “proper use” of Commonwealth resources in section 44. The current reference to “efficient, effective and ethical use” of Commonwealth resources will be expanded to refer to efficient, effective and ethical use “that is not inconsistent with the policies of the Commonwealth”.

A proper use of resources would, in many ways, already take account of relevant Commonwealth policies. There are several benefits in this being stated expressly.

For a start, it reinforces the clear role that policy plays in agencies ascertaining the efficient, effective and ethical use of Commonwealth resources. Also, it helps ensure that contracts entered into by FMA Act agency chief executives, or their officials, are not inconsistent with Commonwealth policy. Next, it reinforces the long-standing requirement in regulations made under the FMA Act that require approvers of proposals for procurement and grants etc, to ensure that the spending proposal is efficient, effective and in accordance with Commonwealth policy. And, last, but not least, it places an appropriate emphasis on how policies are developed, implemented and maintained in and across agencies.

Another important proposal in the bill involves an explicit recognition that Ministers responsible for FMA Act agencies may request information relating to that agency’s operations. This requirement is implied in the exercise of responsible government, but has not been explicitly articulated on the face of the FMA Act. The new proposed section 44A will, however, mirror equivalent provisions that already apply to bodies governed by the Commonwealth Authorities and Companies Act 1997 (colloquially known as the “CAC Act”).
thereby improving consistency between the FMA Act and the CAC Act.

Some other clarifications proposed by the bill to the FMA Act include: the way that payments supported by appropriations can occur between and within FMA Act agencies; simplifying requirements for drawing rights that support payments of public money; updating penalty provisions; clarifying the application of the Legislative Instruments Act 2003; moving certain requirements to the FMA regulations to allow more efficient placement and updating; and simplifying how investments are made on behalf of the Commonwealth, by removing two archaic bodies corporate from section 39 of the FMA Act.

The bill also updates or affects five other laws, of which two are a consequence of updates being made to the FMA Act in this bill.

First, the bill amends the Defence Home Ownership Assistance Scheme Act 2008, as a consequence of the reforms relating to “outsiders” that I mentioned are being made in this bill. And, second, the bill makes an appropriations-related amendment to an explanatory note in the Public Service Act 1999, which mirrors a similar update being made by the bill to the act of grace provisions in the FMA Act.

Turning to other Acts being amended, the bill corrects references in the Reserve Bank Act 1959 to the CAC Act, that have been outdated since changes to the CAC Act occurred in 1999. Fourth, the bill amends the Act supporting the Albury-Wodonga Development Corporation to place that organisation under the CAC Act, as one of the two accepted frameworks supporting Commonwealth-created entities. And, fifth, the bill implements a transfer of funding for the Water Smart Australia program, which is moving from the National Water Commission to the Department of the Environment, Water, Heritage and the Arts.

In summary, this bill reflects the filet that the FMA Act and the CAC Act comprise a robust financial framework. Since their commencement in 1998, both have accommodated a number of different policy imperatives, including devolution and the introduction of accrual budgeting. The present reforms will ensure the financial framework remains responsive to the needs of the government and of the Parliament.

In that regard, this bill is consistent with updates made to the CAC Act that I introduced into this House on 13 February 2008, and which will commence on 1 July 2008, including an important clarification to the mechanism by which general policies of the Government apply, and are made transparent to, over 80 relevant bodies under the CAC Act.

Overall, this work demonstrates this Government’s ongoing commitment to deregulation, where appropriate, of the financial framework, while optimising the accountability and transparency of the operations of government generally.

I commend the bill.

Debate (on motion by Senator McLucas) adjourned.

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

GREAT BARRIER REEF MARINE PARK AND OTHER LEGISLATION AMENDMENT BILL 2008

Referral to Committee

Senator FIELDING (Victoria—Leader of the Family First Party) (4.31 pm)—I move:


The reason Family First has put forward this motion to refer the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 be referred to the Environment, Communications and the Arts Committee for inquiry and report is that there is concern about the changes in the definitions and direction of the management of the park and about the definition of the precautionary principle, which basically could end up stopping any recreational fishing in the marine park. Everybody is rightly concerned to make sure that the Great Barrier Reef Marine Park is looked after, but we need to make sure that we do not stop recreational fishers
from legitimately fishing within those boundaries. There have been serious concerns raised by various groups that warrant and justify the Senate looking into this legislation and those concerns before making a decision. I do not want to pre-empt the outcome of any Senate inquiry, but quite clearly there are concerns from various groups. Given those concerns, I think it makes sense for the Senate to look into this bill because it proposes some significant changes to what is currently in place.

There is no need to rush this bill through. The reporting date of 10 November for the inquiry would allow the government to get the legislation through this year, so we are not wanting to frustrate the government. The reporting date gives plenty of time and scope for various interest groups to have their say and for the Senate to listen to both sides of the arguments and make sure there are no unintended consequences. The Senate is the house of review to look at legislation, so I think an inquiry makes sense. I appeal to all senators, not just to the government of the day, to support this motion. It is for an inquiry into a bill that various community groups have concerns with. I think we need to have an inquiry to hear those concerns, to hear both sides, and then the Senate can look at the committee’s report.

Senator Joyce (Queensland) (4.35 pm)—The concerns that have been raised by Senator Fielding have been raised over a period of time by some of the peak body groups in Queensland and have also been well and truly addressed within the coalition. I note that a media release was circulated the other day from my office and I also note the strong attention that has been paid to this matter by Senator Macdonald and Senator Boswell. In particular, two sections of the bill come to mind. One of them—I think it is section 9—pertaining to the definition of fishing is ludicrous in its explanation. We get a definition of fishing where you can be in the process of a criminal activity if you even consider fishing rather than actually engage in it. This is an Orwellian type of oversight. I would say it is an extreme environmentalists’ oversight that has completely taken the place of people’s liberties in certain areas, and they are no longer given the benefit of the doubt. This is a serious issue that needs to be the subject of an inquiry. Likewise, the precautionary principle as a catch-all is an issue that also needs discussing.

I would also like to note the work that has been done within the coalition in bringing this matter to the fore. The coalition and others who wish to support this issue will determine the number of inquiries, where they will be held and the outcome that is obtained from them. It stands as a matter of course that the outcome of the vote and the inquiry will be determined by a majority in the Senate. It will be the weight of the Senate majority rather than any individual senator that will determine the outcome of this bill. It is important that the people who engage in commercial and recreational fishing, to whom this process is truly important, have the opportunity to clearly understand this issue. We must now engage in this debate in such a way as to garner a majority vote in this chamber.

This is one of the issues on which I hope we can shine a strong light. If people do not see it from the context of fishing, they will see it in the context of how a law can become unreasonable and oppressive when the definitions of certain terms that have worked their way into the legislation become so all encompassing that all manner of people will not be given the benefit of the doubt under this legislation that they would be given in any other facet of law and order and as they should. As I mentioned, particular attention should be paid to the definition of ‘fishing’. This definition will now include not only
people who are caught in the act but also those who may intend to go fishing or look like they may go fishing. If I were driving down the coast near an excluded zone and were looking out the window considering fishing and someone truly knew that, would the act allow someone to convict me for it? So it is more than just a matter of a fishing issue; it is a matter that goes to the sentiment of the law. We must be ever vigilant in this chamber to ensure that laws do not become overarching, and remain reasonable. When we start putting forward unreasonable laws, we start to lose our validity and the respect that we hope this chamber would attract.

I know that others will wish to speak on this. In closing, it is very important that I note the work that people such as Senator Boswell and my LNP colleague Senator Ian Macdonald have done on this issue. This work will be ongoing throughout this inquiry. I look forward to the inquiry, which I hope will be conducted in various centres around Queensland in proximity to the fishing zone. I hope that those who are concerned about this issue will attend the inquiries so that they can discuss their concerns.

Finally, I suggest that, if this legislation goes forward in its current overarching form, it will become an onerous precedent to other legislation in similar fishing areas around our coast. What will start with the Great Barrier Reef Marine Park Authority will soon become legislation for Moreton Bay, Tasmania and Western Australia. When they see the precedent that this bill sets, they too would have good reason to be concerned about where this is going. It is not just about fishing; it is about the precedent set by a law that not only applies to those committing an act but includes the ridiculous principle of applying to those considering an act. How can anybody possibly determine whether someone is considering an act? It is onerous in the extreme. I believe the Greens may want to look at this as well because, if they believe in this principle for fishing, they must also believe that it should apply in terrorism and everywhere else.

Senator IAN MACDONALD (Queensland) (4.42 pm)—The coalition will be supporting this motion to refer the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 to a committee. I assume that, in accordance with past practice, the Greens will also be supporting it. And I suspect the Labor Party will not have any objection to it either. So, on behalf of the coalition, I indicate that we will be supporting the motion to refer the bill to a committee.

The bill arose from a widespread review of the Great Barrier Reef Marine Park Act. The review took place last year and the year before. It was conducted by a very senior group of public servants, including the secretary and some independent people. They reviewed the whole act and came forward with recommendations. I think the bill was prepared by the previous government but it was not dealt with before the parliament rose for the election. The new government has brought the bill forward, basically in accordance with the recommendations of the review committee, although there have been some amendments to it by the new government. These will be debated and looked into by the committee that will be reviewing this and by the Senate itself.

I have already given notice that the coalition will be moving an amendment in relation to appointments to the board, requiring that one of the appointments to the board of GBRMPA be a person with experience in the tourism industry or another industry related to the Great Barrier Reef. We have also tabled today a further amendment raising the issue that I mentioned briefly earlier this afternoon of the fishermen who had been con-
pect under the original law and received fines—perhaps not great in a monetary sense—for offences under the act as it was then.

They were treated as serious criminal offences and the impact of that was that those who were convicted have a permanent criminal record, which can have an impact on them when they apply for international access arrangements, for example, visas to the United States. That of course was an unintended consequence of the original legislation. That is why the former government previously had amended the act to provide that, in future, for people breaching the no-go zones, the green zones, the offences would be dealt with by an on-the-spot ticket which carried a substantial fine but which did not have a criminal record attached to it. That is an amendment that we will be moving.

Senator Boswell, Senator Joyce, Senator Trood and others have done a lot of work on this over the last 12 to 18 months. I did mention earlier this afternoon, and will only briefly repeat it now, that I raised this in the May estimates session with the Minister representing the Minister for Home Affairs, Mr Debus, whose department I understand deals with pardons and also with the Minister representing the Minister for the Environment, Heritage and the Arts. I received from public officials and the ministers—I will not verbalise them by saying encouragement—certainly not discouragement from the process of applying for pardons, which I then took further and encouraged those convicted to apply for a pardon. I put a proforma application form on my website hoping that people would take it up and that the government would realise that this needed to be addressed and in fact then address it.

I again mention that before the last election some good work by Senator Boswell had then Prime Minister Howard giving an election commitment to have these convictions overturned should the then government win the election. As we know, that did not happen of course. At that time Senator Kerry O’Brien, who was then the opposition’s shadow minister for agriculture, fisheries and forestry, promised that a Labor government upon election would also overturn these convictions. That is recorded in the Townsville Bulletin and people went to the election accepting that both major parties would overturn those convictions. It has been somewhat of a disappointment to me that the Labor government have not honoured that commitment by introducing separate legislation. According to Senator Ludwig there were four people who applied for pardons and, as I understand it, they have been rejected by the government. I am disappointed about that. This amendment that we have already tabled will allow the Senate, the government and Senator O’Brien in particular to have those convictions treated as spent convictions under the Crimes Act. There are other issues involved in this bill that require investigation and Senator Joyce has mentioned some of them; there will be others. In supporting Senator Fielding’s motion for reference to a committee the coalition takes the view that it would be good to expose this to the widest range of people.

I conclude by saying that, whatever we do, it is essential that the government, legislation and the Great Barrier Reef Marine Park Authority do everything possible to protect what is one of the nine wonders of the world—that is, Australia’s Great Barrier Reef. It is a magnificent and quite unique reef that is worth millions and millions of dollars to the tourism industry and worth uncountable dollars to our marine environment. It is very important that we do protect it. It is one of the best managed coral reefs in the world and all credit to the Great Barrier Reef.
Reef Marine Park Authority and, might I say, to Malcolm Fraser, who first introduced legis-
lation in the federal parliament—

Senator Chris Evans—It is good to hear you saying something nice about Malcolm.

Senator IAN MACDONALD—It was the Liberal Party and we Liberals have al-
ways been the party of the environment. It is good that Malcolm Fraser all those years ago
took this initiative, as we took with the Greenhouse Office, Senator Evans. We are the party of the environment.

Senator Chris Evans—A great success that.

Senator IAN MACDONALD—It was a great success. We actually started it. The Labor Party never did anything about those sorts of things, so these are environmental issues on which the Liberal Party is proud to be judged. It is a very important asset for Australia and whatever we do with this legis-
lation, which is meant to protect the reef in the best possible administrative way, it is important that that underlying principle re-
mains. As I mentioned on behalf of the oppo-
sition, we support the motion to refer the bill to the committee.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.50 pm)—The Greens will not be supporting this motion. There has been enormously exten-
sive community consultation over this im-
portant legislation to modernise the anti-
quated legislation to protect the Great Barrier Reef Marine Park and World Heritage area, which is one of the great icons of the world. It is also to be noted here that this is legis-
lation drawn up under the previous govern-
ment. It essentially comes from that govern-
ment, and now the opposition, having moved to the other side of the House, are saying that they want another inquiry into it. It is quite untoward and unnecessary. We want to see this legislation in place and working after the

extensive consultation and stakeholder sup-
port for it. We will not be supporting this motion.

Senator CHRIS EVANS (Western Aus-
tralia—Minister for Immigration and Citi-
zenship) (4.51 pm)—The government will not be supporting this motion on the referral of the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 to committee either. We are a bit confused by the opposition’s position on this. They seem to have had another change of heart, I do not know whether there has been another party room meeting and a revision of their policy position. When this was before the Selection of Bills Committee earlier this year and when the report was adopted by the Senate on 25 June 2008, the opposition then sup-
ported the recommendation that the bill not be referred to a committee. So, as late as 25 June, the opposition were quite happy for the bill to be brought on for debate and did not require it to be referred to a committee. It seems that today they have another position. I am not quite sure what has changed. If you look at when this bill was debated in the House, you see opposition members sup-
ported it quite enthusiastically, as I under-
stand it. I am getting used to the situation where the opposition seem to flip-flop on issues but this seems to be a bit remarkable.

Senator Macdonald quite rightly made the point that there has been a very long and ef-
effective process, and coalition senators played a very important role, as did other senators, in that consultation process. The outcome, as I understand it, has been largely supported by stakeholders. The first of the bills arising out of that review was passed through the par-
liament in June 2007 on the initiation of the previous government. This bill is the second, which I understand was contemplated by the previous government and which seeks to implement the review that they supported. So it is of some surprise to us today that the op-

CHAMBER
position have again reversed their position and now seek to refer the bill to a committee. As late as June, senators from the opposition were prepared to support its passage and it being brought on for debate.

Now we have a motion by Senator Fielding that this bill be referred not only to a committee—and I understand that Senator Macdonald may have some concerns now which he might not have been aware of before, even though the position of his party was clear—but to a committee that will report on 10 November 2008. A process has been extensively carried out by this parliament over a number of years, with a lot of stakeholder consultation, a report endorsed by the parliament and the first stage of the legislation passed. At the eleventh hour, Senator Fielding comes in here and wants it to be delayed to November with, to be honest, not much rationale for such a long delay. It is not like he is asking for it to be deferred until next week or for a Friday committee. Despite that extensive consultation, which Senator Macdonald and the opposition have lauded, we are going to do it all over again. I am not sure why we are going to do it all over again and, quite frankly, no cogent case has been made.

I understand that, if there is support for this from the opposition and Senator Fielding, it may well be carried. But, quite frankly, we do not understand the opposition’s about-face on this issue. We do not understand what seems to be a rejection of all the work that they put into it. We do not understand the rejection of the stakeholder consultation and the extensive processes that occurred. We do not understand what changed between 25 June 2008, when they supported the proposition from the Selection of Bills Committee that it not be subject to inquiry and now. We are confused by the opposition’s position. We do not think that there has been a cogent argument made, given the extensive process and the wide support that it enjoyed from the then government and now opposition and the support that it enjoyed weeks ago in the House of Representatives. I am a bit bemused.

I do not know whether Senator Fielding has had a long interest in this, but he has to explain why this legislation—which we think is important—will be delayed again for months and why, if there are particular concerns, they could not be addressed in the committee stage of the bill.

Senator FIELDING (Victoria—Leader of the Family First Party) (4.56 pm)—I heard what Senator Evans had to say, and I can tell you that it was not that convincing. He talked about the eleventh hour and Friday committees. It sounded as though he wanted to just rush this bill through without a decent hearing. There are legitimate concerns about this issue. You can talk about what others have done, but there are serious concerns that warrant an inquiry. I can assure you that there is no rush to this legislation. I look forward to the chamber supporting this inquiry.

Question put:

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

The Senate divided. [5.01 pm]

(The President—Senator the Hon. JJ Hogg)

| Ayes | 34 |
| Noes | 34 |
| Majority | 0 |

AYES

I visited Indigenous communities and The Lands north of Kalgoorlie this month and I saw how deeply disadvantage has struck those communities. But equally evident were the wonderful qualities in these communities—the strong kinship, family and community bonds and the connection to country. These qualities endure in the face of poor education and health, limited economic opportunities and, in some cases, violence and substance abuse. We have such a long way to go in reducing inequality between Aboriginal and non-Aboriginal Australians—a long way to go to close the gap, to reach reconciliation in the deepest and truest sense of the word. It is going to take ongoing investment in these communities and it will take real leadership—the leadership our nation needs to meet the complex challenges in this and many other policy areas.

I have been profoundly fortunate to have already had the opportunity to serve my state and its people in the upper house of the parliament of Western Australia. As parliamentarians we all have tremendous privileges, immunities and resources to represent the people of our states, to pursue their causes and to defend our convictions. Our work in this place takes a different shape to the work of our lower house colleagues. The Senate committee system, the role of the Senate in scrutinising legislation, our opportunities to work with diverse communities are all reasons that I relish the role of being an upper house parliamentarian. I know, Mr President, that this is a role that you also relish and I
offer you congratulations on your election as President.

I would like to acknowledge the contribution of outgoing senators, including Western Australian senator Ruth Webber. I want to congratulate all the new senators who take their place in the chamber. I look forward to working with you and all my new colleagues. It is indeed wonderful to work with friends and comrades who share a mutual commitment to working towards a better world. I sincerely thank the Australian Labor Party for giving me the enormous privilege of serving the Labor movement in parliament.

I thank Sally Talbot, Jon Ford and all my former state parliamentary colleagues for their encouragement and assistance. I would like to wish the Carpenter government well on 6 September. It is great to see issues of significance to WA firmly on the COAG agenda—issues like national health reform, closing the gap on Indigenous health and poverty, addressing the skills shortage, early childhood policy and housing affordability. This reform requires a high level of state and federal collaboration, and only state and federal Labor in partnership can deliver on this agenda.

To my friends, comrades and mentors: Stephen Dawson, Dennis Liddelow, Alanna Clohesy, Philip O’Donoghue, Justine Parker, Daniel Smith, Penny Sharpe, Kate Deverall, Kylie Turner, Ashley Hogan, Feyi Akindoyeni, Linda Whatman, Jo Tilly, Julian Hill, Alan Kirkland, Adrian Lovney, Jessica Sumich, Erik Locke and Sam Gowegatti, I thank you for your support.

I also thank the LHMU, the ETU, the MUA and the CEPU. In particular, I would like to acknowledge Jock Ferguson, Steve McCartney and the Australian Manufacturing Workers Union, of which I am a very proud member. The AMWU is a union of great courage and strong values, a union that can be found wherever its members need support but also wherever injustice and indifference threaten people’s wellbeing.

In my first speech to the Legislative Council of the WA parliament, I had the opportunity to reflect on my early life story. Today I want to acknowledge the ongoing importance of the support of my parents, Greg and Sandra, and my siblings, Nicholas and Fleur. Dad, as a stepfather, you proved to me from the first that family means so much more than blood relative. Mum, you have always inspired both my feminist and my family values. To my beloved partner, Aram Hosie, thank you for your love, patience and forbearance. You are a constant source of inspiration and support in both the personal and political parts of my life.

My experience in state politics strengthened my convictions, my commitment and my enthusiasm but my political engagement began long before. I cut my teeth on a journey into community activism that began two decades ago. The issues that first inspired me are the ones I remain committed to today. While studying, I learned the importance of universal access to education and I saw the importance of community support for those who struggle to overcome barriers to their participation. I fought against Western Australia’s homophobic laws—laws that not only reflected but fostered prejudice by discriminating against young gays, same-sex couples and their families. I was, and I remain, very proud to have been part of the Western Australian government that completely removed this discrimination against same-sex couples and their children in all state laws.

Despite the predictions of the nay-sayers, there has been no significant backlash against these reforms in Western Australia. In fact, I am very proud to be able to say that support for the removal of discrimination
against same-sex couples remains very high in my home state. A recent Newspoll found not only that most Australians support federal recognition of same-sex relationships but also that support for recognition was strongest in WA. I think that this just goes to show how potentially divisive issues can be an opportunity to combat prejudice and build community consensus in favour of progressive solutions—solutions for the challenges of a rapidly changing world. It is done with good leadership. It is our responsibility to offer such leadership.

I look forward to a time when we will have removed at a federal level all discrimination on the grounds of gender identity and sexuality, to a time when my partner is not denied a passport because his gender is not recognised under our laws, to a time when my friends’ children all enjoy the same rights and protections under Commonwealth law regardless of whether their parents are straight or gay, to a time when, if my gay friends wish to be legally married, they can be.

Conservative forces in this country do not offer the kind of leadership we need to face this and other challenges. Far from it: they have a history of fostering division. I saw the devastating impact of regressive industrial relations laws in Western Australia under a conservative Court government and participated in a community and union campaign to overturn them—a story that has now repeated itself at a national level. Again, I am proud to be part of a government that is committed to a sustainable, fair and equitable industrial relations system in Australia. I think it is worth repeating in this chamber that this issue took centre stage at the last election. There can be no doubt that Labor has a very clear mandate to restore balance to industrial relations in this country—a clear mandate both to safeguard the working conditions of ordinary Australians and to respect the legitimate role that unions have to play in defending working people’s interests.

Labor also has a clear mandate on climate change. We have a very precious custodianship over the environment of our great continent, its islands and its oceans—a precious custodianship and a great responsibility. Scientists and climate change campaigners have put a huge effort into highlighting the fragility of our environment and bringing it to the forefront of Australia’s body politic. Rudd Labor pledged to take a much more proactive approach to the sustainable use of our environment, and we will make good on that pledge. We have a long way to go, but I am thankful that the nation is now in a position to make a meaningful commitment to addressing the issue of climate change. We can no longer resolve conflicts between the economy and the environment at the environment’s expense. Neither the environment nor the economy can afford it.

With the whole community involved, and with their involvement supported by good leadership, we can and will adapt. This is not an impossible task. Just look at the enormous economic and social changes we have adapted to in the last 100 years. But as we act, we are going to need to look after the communities that are most vulnerable to the impacts of readjustment in our economy and our community. We need a just transition. However, these changes also represent big economic opportunities for jobs that are embedded in a sustainable future for our planet. As the AMWU states, we need new jobs for new times. Far from signalling an end to prosperity, a properly managed response to the climate change challenge could drive the world’s next industrial revolution.

The coalition squandered a decade-long opportunity for leadership on this critical issue—and many others. There was a similar lack of leadership during the Howard years...
on issues of nuclear nonproliferation. The Howard government was eager to sell more and more uranium and flirted with the introduction of nuclear power to Australia, but it did not do anything to assist global efforts to shore up and strengthen nuclear nonproliferation. Personally, this makes me particularly proud of WA’s continued stance against the export of uranium. I do not believe the world should continue to expand the use of nuclear technologies when we face the continued proliferation of weapons and a growing worldwide nuclear waste problem. On this and many other critical international issues, Australia actually went backwards in the last decade and, in the process, Australia’s postwar reputation as a good global citizen was undermined.

The Howard government agreed to the Millennium Development Goals in 2000, goals which committed developed nations to work to alleviate poverty, illiteracy and preventable diseases by fostering growth and development through aid, trade and investment. Despite this commitment, the Howard government allowed our international aid commitment to decline during its term in office to its lowest level in 30 years. The Howard government did not bother to understand the complexities of the foreign aid debate and it did not bother to make good on our commitment to the Millennium Development Goals. But it had no hesitation in restricting overseas aid for abortion advice, training and services in a political deal. And that is despite the fact that a clear majority of Australians support a woman’s right to choose, despite the fact that women have had access to abortion here, despite the fact that it is legal in many of the countries that receive our aid, and despite the fact that in some developing regions up to 12 per cent of all maternal deaths are the result of unsafe abortions. I am delighted that the Rudd government has already demonstrated that it takes the Millennium Development Goals seriously by committing to a substantial increase in foreign aid. And it is my hope that this aid will be free of morally judgemental restrictions on access to reproductive health services and advice.

Immigration is another issue where we went backwards. The postwar consensus over immigration, a consensus based on Australia’s economic interests and humanitarian obligations, was put at grave risk by the Howard government. That government risked that bipartisan legacy by scapegoating refugees, including children, in a scramble for electoral advantage. This should never and will never be forgotten. I am very thankful this particular shame is now behind us, and I would like to wish the Leader of the Government in the Senate and the immigration minister well as he continues to untangle the mess that the previous government made of our immigration system. In particular, the exploitation of workers arising under 457 visas needs to be resolved, and I am pleased this work is underway. Unless all those who work in Australia enjoy the same rights and entitlements, even those whose licence to stay here is only temporary, community support for our immigration system will be undermined.

Mr President, I am very pleased that the Rudd government has signalled its willingness to offer the strong leadership needed to tackle the global challenges I have outlined. This leadership must engage the entire Australian community in meeting challenges like climate change. Meeting these challenges will require all Australian citizens to confront change, to make sacrifices, to seize opportunities and to adapt. And this cannot and will not happen if parts of our own community are themselves marginalised or excluded.
Social inclusion is fundamental to our country. We must use all the capacities of all our people as we face local and global challenges from climate change to increasing labour productivity. Good leadership requires a commitment to social inclusion. It requires a recognition of existing inequalities and the many ways in which Australians may be marginalised or excluded. Australia needs governments that address social inclusion at all levels of decision making. It is fitting that we now have a Minister for Social Inclusion, and I think it should be a portfolio that grows in importance and recognition.

We need governments to address in policy—and promote in their dialogue with citizens—the need to assist individuals and communities in their efforts to overcome barriers to participation. We need governments that recognise that a person’s social vulnerability can increase exponentially when they are disadvantaged on more than one front. Irrespective of an individual’s economic means, geographic location or isolation, level of education, age, disability, mental or physical health, aboriginality, racial or cultural background, religion, level of family support or family structure, experience of trauma, sexuality, gender or gender identity—irrespective of any of these things—everyone has the right to participate fully in our society. And government at all levels has the responsibility to make sure they can exercise that right. This does not just mean freedom from discrimination; it means active support for the disadvantaged from government, business and the wider community.

Everyone in our community must be valued and included within Australian society—and be motivated to participate and able to contribute to the best of their ability. Not just because it is fair but because it is important for all of us. There is now a large body of evidence demonstrating that small differences in income inequality have major impacts on the whole community—major impacts on life expectancy, on the prevalence of chronic diseases and on the rates of violent crimes like murder. Inequality poisons whole societies, not just the lives of those at the bottom of the ladder. Under those circumstances, it becomes all too easy for lazy political leaders, egged on by talkback radio shock jocks, to scapegoat the most vulnerable in our society as an easy alternative to dealing with the much tougher root causes of inequality and disadvantage.

Trends associating income inequality with high mortality and poor health are borne out by research from many developed countries. The differences appear to be greatest when we look at people’s access to market income—that is, income earned in the paid workforce. Access to paid work, and to the benefits that flow from it, is central to individual wellbeing. Making sure everyone has that access is central to our society’s wellbeing. That is not news to labour feminists and it is not news to Indigenous activists.

Workforce status is critical to social status. Workforce inclusion is fundamental to social inclusion. The Labor tradition has long recognised the centrality of economic participation to all questions of social inclusion; whether people can work, the conditions in which they do work, how their work is recognised and remunerated, and—for labour feminists—whether it is even recognised as work. For example, it is well past time Australia joined the rest of the world in providing paid maternity leave—after all, we all know that mothering a newborn is no holiday.

There has been a social movement in Australia fighting for Australians’ workforce participation and workplace rights since before Australia was a nation. I speak of the union movement. At the last election, the union
movement played a strong part in the fight against the Howard government’s unfair, unjust, un-Australian, extremist industrial laws. Unions have long fought for Australian values—giving ordinary Australians, no matter what their background, dignity and security in their employment. I will continue to work with the union movement from within government to hasten the demise of the Howard government’s unjust IR laws, including the arbitrary and extreme powers of the ABCC.

The principles of dignity in working life and social inclusion are at the heart of traditional Labor values and are fundamental to the answers to the many challenges we face today. In my view, work is the key to unlocking the potential of a truly socially inclusive society. So, fellow senators, I really relish the new challenge before me—the challenge of being part of a national government committed to a socially inclusive, environmentally sustainable, economically productive and globally responsible Australia. I will continue to work with the many committed Australians who are striving for positive change.

At the last federal election, Australians chose a government that offered strong political leadership—a government genuinely committed to addressing the challenges of social and economic marginalisation and environmental degradation. I believe that Australia has the social, economic and intellectual capital to meet those challenges, and I am confident that the Rudd Labor government has the resources and the will to deliver on the commitments we made to the Australian people. As I take up my responsibilities as a new senator for Western Australia, I look forward to playing my part. Thank you.

FIRST SPEECH
The PRESIDENT—Before I call Senator Xenophon, I remind honourable senators that this is his first speech. I, therefore, ask that the usual courtesies be extended to him.

Senator XENOPHON (South Australia)  (5.31 pm)—Mr President, before I begin, let me offer you my sincere congratulations on your election to the office of President of the Senate. I look forward to your independent, wise and even-handed guidance in this chamber.

Whilst this is my first speech in federal parliament, it is not actually my first speech in parliament. Eleven years ago I decided to run as an Independent for the upper house of the South Australian parliament to highlight the devastating impact poker machines were having in my state. I never expected to win. Unlike so many poker machine players, I knew the odds and the odds were against me. But I ran to make a point, and thanks to an improbable series of preference deals I was elected.

I well remember making that first speech in the South Australian upper house. Back then I was awed by the task ahead, and today I have the same feelings. A six-year term can seem like a long time, but after a decade in the South Australian parliament I know all too well there is never enough time to do everything that needs to be done. Especially while fighting for the rights of asbestos victims, I was painfully aware of the limitations of time.

So as I stand here making my first speech I am actually thinking a lot about what I am going to say in my last speech. Will I have made a difference? Will I have fought the battles that needed fighting and helped those who needed helping? Will I have sought every opportunity to make life a little better for people, a little fairer for people and maybe even a little easier for people?

No-one makes it to this place on their own, and I have a lot of people to thank. Most of them I will thank privately. I know I
am an Independent, but over the years I have been absolutely dependent on a loyal band of supporters who were ready to help me fight for what I believed in. I still struggle to comprehend how 1,200 volunteers saw fit to give up their time and their labour to help me on election day. I am awed by the support of the almost 150,000 South Australians who sent me here to advocate for them and to be their watchdog. I will always be grateful for their support.

I take this opportunity to pay tribute to my mother and father, who emigrated from Greece and Cyprus respectively almost six decades ago. I am immensely proud of my heritage and I am so grateful for the support of my parents, family, extended family and friends.

I thank the Hon. John Darley for assuming my responsibilities in the South Australian parliament and for his wise advice and encouragement. I thank my running mate at the last election, Roger Bryson, and also Tim Costello, who for the last 11 years has been a mentor and a great friend.

There is one last supporter I would like to thank by name, and that is my beautiful son, Aleksis. He is both my mate and my meaning. There is no greater force in this world than the love a parent feels for their child. As a father I am immensely proud of him, and I will work tirelessly to make him proud of me in this place.

A lot of people ask me where I am on the political spectrum: am I conservative or progressive? Apart from a youthful indiscretion while at uni where I flirted briefly with the Young Libs, for most of my life and in my political career I have tended not to see things in terms of Left or Right. Instead, I try to think about what is right and what is wrong.

On the issue of poker machines that is not hard to do. Poker machines are an unsafe product that causes untold harm to the most vulnerable in the community. Today in this country there are hundreds of thousands of Australians who in some direct way have been damaged by the poker machine industry. In my former life as a lawyer and since, I have seen so many good people whose lives have been ruined by these machines. I could not stand by and say nothing.

According to the industry’s own figures, poker machines make more than 50 per cent of their revenue from problem gamblers. For a long time I have debated with the industry, quoting studies, experts and reports that quantify the devastating effect these machines have on those who become addicted. But I now realise this has played in a way into the gambling industry’s hands. I quote an expert and then all they do is quote some other expert with some dubious figures in order to muddy the waters.

The industry do this not because they want to win the argument—they know they cannot; their position is untenable. Instead, all they really want to do is to keep the argument going, because as long as they can do that they can keep their machines running and take money from problem gamblers and their families. Their arguments and their denials all echo the tactics used by the tobacco industry in decades past. I say enough is enough. The debate is over. These machines are unsafe and need to be removed from the community.

State governments have also become addicted to these machines, thanks to the $4 billion a year they receive from poker machine taxes. My decision to run for the Senate was triggered on 11 September last year, when I read about the then opposition leader’s views on poker machines. He said he hated them and that he knew something of the impact they have on families. I was encouraged. Not only was the now Prime Min-
ister right; the Australian people knew he was right on this and many other issues. My message to the Prime Minister is simple: I want to work constructively with him, his government, the crossbenchers and the opposition to eradicate this scourge from our suburbs as well as internet gambling from our lounge rooms. As Tim Costello says, ‘With online gambling, it’s now possible to lose your home without ever actually having to leave it.’ Poker machines are a litmus test of good government. If governments are willing to sacrifice their own citizens for gambling taxes, what else are they getting wrong?

When I first made it into the upper house in South Australia, a lot of politicians—state and federal—approached me in the same sort of way I suspect they would have approached the village idiot. I remember meeting the Hon. Philip Ruddock at a community event in Adelaide in 1998, where he asked me what party I was from. I replied I was an Independent who had run on a ‘no pokies’ platform. He looked at me stunned and said words to the effect of, ‘You actually got voted in on that?’ His reaction and the initial reaction of a number of my state parliamentary colleagues reminded me of Tony Benn, the old left-wing warhorse of the British Labour Party, who once said:

“It’s the same each time with progress. First they ignore you, then they say you’re mad, then dangerous, then there’s a pause and then you can’t find anyone who disagrees with you. This was my experience in state politics, and I hope on key issues I will experience the same here. So the poker machine industry can consider itself put on notice.

I also want to work constructively with the government, and indeed all my colleagues, on what I believe is the biggest crisis facing our nation and my state in particular—that is, the crisis facing the Murray-Darling Basin. It is too big and too important to be treated as a partisan issue. This crisis not only reflects environmental failures but also represents a failure of Federation. For more than a century state governments have put parochial interests above the national interest and allowed this once great river system to be drained to death’s door. We know from the High Court’s decision on Work Choices the extent of Commonwealth power. I believe that power should be used for the good of the entire river system and the communities that depend on it for their survival. The irrigators need help and the environment needs protecting. This should not be about state against state, region against region or irrigator against environmentalist. With one river system, there should be one set of rules to run the rivers in the national interest. Governments should not give in to the temptation to play divide and rule as the river dies. It was Mark Twain who likened the River Murray to America’s great river the Mississippi. However, as the Courier-Mail’s Mike O’Connor wrote last week:

Were Twain to see the Murray River today it is unlikely he would repeat the comparison, for the Murray and its sibling the Darling are dying, strangled by a combination of political apathy, cowardice and stupidity.

In 1999 Phillip Coorey wrote in the Adelaide Advertiser of a leaked CSIRO report that said Adelaide’s water would be too salty to drink on two days out of five by 2020 unless there was a major shift in water management along the Murray-Darling river system. We are still waiting for that major shift. I cannot accept that the Council of Australian Governments agreement of 3 July this year, which will not be fully implemented until 2018, reflects the urgency required. The science says we cannot wait. How can one of the wealthiest, smartest countries on the planet be facing an environmental disaster in the Coorong and Lower Lakes reminiscent of
the devastation of the Aral Sea in the former Soviet Union? This is not a crisis the current federal government created. Like a tragic game of pass the parcel, they just got left with the mess when the music stopped. The government did not cause the problem, but they do have the power and the opportunity to deliver a solution. I believe that only a full federal government takeover of the entire basin will achieve this.

In October 1942, during the heat of a federal election campaign, allegations emerged about a ‘Brisbane line’—that is, the nation north of Brisbane would be dissected from east to west and the area above the line abandoned in the event of a Japanese invasion. I wonder whether there is a vertical South Australian line. Perhaps it starts somewhere to the east of Renmark, a line not planned or premeditated but nonetheless caused by political decisions, a line that deems part of this country as expendable. Make no mistake: not acting is still making a choice. This line will come into being in the absence of bold action on water. None of us wants to see that come to pass, but perhaps by imagining the worst we will be spurred on to fix this problem.

I also want to play my part in helping raise the level of political engagement in this country. Donald Horne referred to Australia, with calculated irony, as the ‘lucky country’ to make the point that we should not rely on luck alone, and I think he was right. Luck is great, as long as you do not count on it. We must never take our luck for granted and we must work hard to protect what we have. This place—the Australian Senate—by virtue of the powers afforded to it by the Constitution, is entrusted to play, amongst other things, a watchdog role over the executive arm of government. I say, as would many others, that that role was diminished in the last three years. And good governance is not just about what happens in parliament. The authorities set up by acts of parliament—whether they be the ACCC, the Australian National Audit Office or the Ombudsman—have to be given real authority and adequate resources to do their jobs. Our trade practices laws need to reflect a commitment not just to free markets but also to fair markets.

Good governance is also about the freedom to speak out when it is in the national interest. In 2007 News Ltd journalists Michael Harvey and Gerard McManus were convicted of contempt of court. Their ‘crime’ was refusing to testify in a matter relating to senior public servant Desmond Kelly. Mr Kelly had been accused of leaking cabinet documents that showed the then government intended to short-change war veterans’ entitlements to the tune of hundreds of millions of dollars. The story was in the national interest. The public had a right to know. The journalists and any source should never have been charged.

Nor should Allan Kessing have been charged and convicted. He was a Customs official accused of leaking the report on security breaches at Sydney airport that lead to a $200 million emergency upgrade in airport security. For democracy to work we need to know not just the good things about a government but also the things that do not reflect well on it. If we really believe in a citizen’s right to exercise democratic choice, surely we must all agree this has to be an informed choice.

Finally on the topic of good governance, I note that we are not just the lucky country; we are also meant to be the clever country. That does make me wonder whether it is that smart to be cutting the budget of the CSIRO, given all the challenges created by climate change. Policy choices must also be informed and based on the best evidence available.
A lot of people talk about the power of this senator or that senator, but none of us have any power other than the power entrusted in us by the people, the voters. They give us this power and they can take it away. That is why I do not swear allegiance to a party and that is why I do not owe allegiance to any one ideology. That is what I believe Independents must do. An Independent must take every issue as it comes and ask, ‘If we change things, who might it hurt and who will it help?’ and then hopefully make the right choice. I also do not believe in horse trading. Horse trading implies a willingness to vote for something you do not believe in order to get something else you want. When people do try to horse trade they can end up with a donkey or, worse still, end up making an ass of themselves.

The task ahead will not be easy. It is going to be hard work, but I have been given the job and I am ready for the responsibility. I am acutely aware of the expectations and obligations that face me. I am reminded of that quote from my role model, and some might say my kindred spirit, Woody Allen, in the opening scene of the movie Annie Hall. The film opens with Woody Allen’s character, Alvy Singer, looking into the camera and saying:

There’s an old joke—um ... two elderly women are at a Catskill Mountain resort, and one of ‘em says, ‘Boy, the food at this place is really terrible.’ The other one says, ‘Yeah, I know; and such small portions.’

Woody goes on to say:

Well, that’s essentially how I feel about life—full of loneliness, and misery, and suffering, and unhappiness, and it’s all over much too quickly.

I am sure that is how I am going to feel while I am here, but I would not have it any other way. The great Australian novelist Tim Winton once said that ‘ordinary life flows with divine grace’. I like that quote. It is another way of saying that everything and everyone has value, and I think that is important to remember.

Anyway, I have probably said enough for now. I am conscious of never taking more of the Senate’s time than I need to to have my say. I have got the next six years to get to know everyone here, but if you want the Reader’s Digest version of my approach to this job, here it is: I would rather go down fighting than still be standing because I stayed silent.

FIRST SPEECH

The PRESIDENT—Before I call Senator Bilyk, I remind honourable senators that this is her first speech. I therefore ask that the usual courtesies be extended to her.

Senator BILYK (Tasmania) (5.52 pm)—Thank you, Mr President. Might I congratulate you also on your election win yesterday. It is a great privilege to be elected to represent the Australian Labor Party and the people of the beautiful state of Tasmania in the Australian parliament. It is my intention to carry out my role with dignity, loyalty and integrity.

I bring to the Senate strong convictions and ambition for the people of Tasmania. I would like to see Tasmania continue to prosper through sensible development while nurturing our people and caring for our beautiful and unique environment. Tasmania, one of the world’s most mountainous islands, has many special qualities and, as an island state, a unique identity. It is made up of one major and approximately 334 smaller islands. It has beautiful coastlines, rugged mountains, farm-lands, cities and towns of all sizes. It is home to friendly, hardworking people who live a variety of different lifestyles right across the state. Over one-third of the state is reserved in a network of national parks and the Tasmanian Wilderness World Heritage area. It has a strong and diverse economic base with employment continuing to grow. Tasmania is
truly a beautiful environment in which to live, work and play.

I grew up in an average middle-class family during the 1960s and 1970s, the fourth child in a family of five. I was taught to work hard—my mother and father both worked until they were nearly 70—to be resolute in whatever task I was undertaking, to look out for others, to enjoy and celebrate life and that with rights come responsibilities. Even when young I believed in a fair go for all, in a strong sense of community, in opportunity; in freedom for people to follow their dreams and in assisting people who need a helping hand. It was little wonder that I joined the Australian Labor Party with its similar ideals.

Growing up in Hobart and surrounding suburbs I attended Taroona and Lenah Valley primary schools, Ogilvie High School and Hobart Matriculation College. I have been in the full-time workforce for just on 30 years, beginning in psychiatric health research and medical and clerical administration. I lived and worked in Canberra in the early 1980s and was employed as an accounts clerk for a local hardware chain. Interestingly, my primary role was facilitating quotes for supplies to the businesses involved in building this beautiful place. I then worked for over 10 years in the childcare industry. Following that, I became an industrial officer and trainer with the Tasmanian branch of the Australian Services Union. In the three years prior to being elected, I was employed by the Tasmanian state government as a ministerial adviser and electorate officer. You can see that I bring to the Senate a vast range of skills and life experiences. In so doing, I believe I may be the first former childcare worker to become a senator in the Australian parliament—certainly the first former family day carer.

The journey that brought me that to where I am today began in the early 1980s when I became a childcare worker, in particular, a family day carer. I quickly realised that the wages and conditions in the childcare industry were not commensurate with the responsibility of caring for other people’s children. Along with two other day carers, Margaret Midgley and Rosalie Pyke, I decided to try and do something about improving the working conditions and professionalism of family day carers.

Similar to piece workers in other industries, family day carers are generally award free; in fact, they are deemed to be self-employed in most areas but have few industrial rights and are controlled in what they do and how they do it by three levels of government and a plethora of paperwork. Recognising the need for decent wages and conditions and appropriate and accredited training not only for home based carers but for childcare workers as a whole, we approached Trevor Cordwell, then Tasmanian secretary of the Municipal Employees Union and now the Australian Services Union. The branch took up the cause and, with the involvement of the union’s federal office and the MEU Victorian branch, we began a long battle in trying to achieve an industrial award for that sector of the industry. Having belonged to unions previously, this experience reaffirmed my long-held belief that, by becoming involved in a union and acting and bargaining collectively, workers increase their chances of improving their working conditions. I would like to record my thanks to those delegates and workers that I had the honour of representing. Most members I have had the privilege to know seek only a fair day’s work for a fair day’s pay, contrary to anti-union propaganda you too often hear.

The area of employment and training has long been of great interest to me. One of my greatest achievements while at the Australian
Services Union was being able to develop and implement a return-to-work program—initially for 20 long-term unemployed mature-age women—for the childcare industry. The pilot program involved placing employees with host employers and developing and organising off-the-job accredited training as part of their employment. These workers were employed under the relevant industrial award and enjoyed a mix of supervised work experience, structured training on the job and off the job and the opportunity to develop and practise new skills in a work environment. This was the first time a program of this type had been developed for the childcare industry and was later taken up by other organisations across Australia. Over a decade later, some of the women from that initial pilot program are still working in the childcare industry. Some are working in areas where they are able to develop other skills, such as food preparation; and others, having been supported and found their feet in the world of work and study, have continued on to further study. The success of this initial program led to the Australian Services Union placing over 300 long-term unemployed people in various occupations across the broad sphere of local government occupations in Tasmania.

National investment in education in Australia has not been keeping up with the rest of the world. Since 1995, Australia’s public investment in tertiary education has reduced by seven per cent compared with an average increase by other OECD countries of 48 per cent. It is disgraceful that Australia cut its public investment in tertiary education.

In the 1980s and 1990s, the Hawke and Keating governments implemented economic reforms. The first wave opened up and internationalised the Australian economy. The second wave implemented wide-ranging changes centred on national competition policy. Benchmarked against the United States economy, Australia’s labour productivity fell between 1998 and 2005, almost completely losing the relative productivity gains of the 1990s. A significant reason for this occurring was underinvestment in education.

It is now time for the third wave and that needs to centre on investment in human capital so that we can position Australia as a competitive, innovative, knowledge based economy that can compete and win in global markets. In the official launch of the Howard government’s election campaign in 2007, Mr Howard said nothing with regard to labour skills and training, universities, productivity, or investment in infrastructure and technology, such as high-speed broadband or innovation. Poor skills constrain productivity, innovation and investment. Improving skills can help to build a fairer and more prosperous society with higher social mobility and fewer regional discrepancies.

Australia’s economic prosperity can only be guaranteed by having a highly skilled workforce. We must develop and invest in skills that allow us to perform effectively in secure, sustainable and satisfying employment to ensure national economic prosperity. We need to ensure that the workforce has relevant and valued qualifications to allow the Australian economy to grow, innovate and prosper. We need to expand opportunities for Australians to undertake vocational education and training through apprenticeships or institutional based learning. We need to provide Australians with portable, national, mutually recognised and consistent vocational qualifications. We need to meet the needs of people from educationally and vocationally disadvantaged backgrounds to help them gain qualifications and employable skills. We need to maximise training opportunities for existing workers to continually update and raise their post-school qualifications and skill levels so that we prevent workers being forced into low-skilled
and precarious employment. We need Australia to become the educated country, the most skilled economy and the best trained workforce in the world, not to continue the trend towards the lowest common denominator.

More than anything else, it is strong productivity growth and high levels of workforce participation that will make Australia competitive. No policy is more important than Australia’s investment in human capital and in the education, skills and training of our people, who deserve to be able to increase their skills and have the opportunity to lead fulfilling and secure lives.

In the 2007 federal election, the Australian people voted for change with a massive swing of support to the Australian Labor Party. Nationally, the ALP’s first preference vote increased by 5.7 per cent in the House of Representatives and by 5.3 per cent in the Senate. This was a response to the platform of policies put to the Australian people by Kevin Rudd and the then Labor opposition. These included clear and strong policies on workplace reform, our response to climate change, the education revolution and reform of the health system. The swing to Labor was also a response by the Australian people to the previous government’s arrogant handling of its majority in the Senate.

In Tasmania, the ALP campaigned strongly to restore the balance in the Senate and Labor’s Senate first preference vote increased by a massive 6.6 per cent. Of all the states and territories it was in Tasmania where the ALP did best in translating its underlying support from the House of Representatives into Senate first preference votes. Tasmanians made a statement to change the make-up of the Senate. My presence here reflects that decision by the Tasmanian people in particular and I owe a great debt to them for putting their trust in the Labor Party by electing three Labor senators on 24 November 2007.

What do I want to achieve while in this place? I will work towards developing a prosperous Australia with a strong economy and a strong community, for you cannot have one without the other. For too long the previous government focused on quick political fixes. For too long our national budgets concentrated on the next election, not the challenges facing our country, and for too long the previous government failed to invest in Australia’s future. They did not appear to recognise that what we do not do leaves an appalling legacy for our children and future generations.

Australia has the opportunity now to look forward, to lift our sights and to start making the decisions that will give future generations a better Australia in which to live. We need to build an economy that is strong and dynamic enough to meet the challenges of the 21st century with optimism and with confidence.

Australia has a number of long-term challenges that we have to tackle to give us a chance of building a prosperous future. We have to boost education and training to build our skills base. We need to build world-class infrastructure to remove restrictions in our economy that are obstacles to growth. We need to invest in innovation, research and development to boost our competitiveness and to retain the vibrancy in our economy. Investment in the areas that drive our economy is vital to build the industries of the future that will sustain Australia’s economic and social prosperity. The longer these challenges are neglected the harder it will be to deal with them. In implementing the Rudd government’s vision for the future of Australia there is no time to waste.

In 2007 people voted for a fairer society and for a government which would provide
greater opportunity for all, which consults and engages with the community and which acts in the best interests of all. As an elected representative of the Tasmanian people, I look forward to being a part of this exciting new era in Australian politics. I believe in an Australia that is prosperous, fair and caring. I want to see people thrive in a society where we care for each other, help those in need and strengthen our shared community assets for the benefit and enjoyment of all. We live in a world in real turmoil where there are great challenges to our future not just economically but environmentally and socially. I believe there is great goodwill to face and tackle these challenges and I hope that goodwill spills over into this chamber.

In March of this year I underwent emergency surgery for the removal of two brain tumours. It was not a very pleasant experience but one that was made easier by the wonderful staff at both the Hobart Private Hospital and the Royal Hobart Hospital, especially staff in the neurosurgery ward and high-dependency unit. I thank everyone involved at these facilities—even the nurses taking blood samples, although at the time I was not endeared to them—for the dedicated, professional and caring manner with which they carry out their jobs. I also thank my family and friends for their love and prayers through this time. I am pleased to report that I am recovered and ready to represent the interests of the people of Tasmania and the democratic parliamentary process. I look forward to contributing in all aspects of my role as a senator.

I would like to pay tribute to the 2007 ALP campaign team in Tasmania, in particular Senator Carol Brown and the ALP state secretary at the time, Julie Collins, who is now the federal member for Franklin. I thank senators Nick Sherry, Helen Polley and Kerry O’Brien for their support. I thank the other Tasmanian House of Representatives members—Dick Adams, Sid Sidebottom, Duncan Kerr and Jodie Campbell—who, though candidates themselves, helped with my campaign. It is a great privilege to finally join you in the parliament, and I am proud to be part of the federal Tasmanian Labor Party team. I also thank Grace, Julie D, Kacee and Dona for their help and friendship.

The election campaign the ALP ran in 2007 was disciplined, strategic, well coordinated and very successful. I thank the Prime Minister, Kevin Rudd; the ALP national secretary, Tim Gartrell; the national secretariat staff; and the volunteers involved. I thank the former Premier of Tasmania, Paul Lennon, and the former Tasmanian Treasurer, Dr David Crean, for supporting and encouraging me over many years. I thank the many state branches and members of the ALP in Tasmania for their support.

To my small but dynamic campaign team of Daniel Hulme and Geoff Butler—thank you for the hours of work, assistance, laughs and friendship. I also thank Nicole and Heather and their respective families for being so understanding and patient. I thank Margaret and Roger Midgley, Eric and Tracy Siedler, Phillip Tardif and Tania Parkes, Rosemary Rush, Diane Hodel and Lorraine Norris, all long-term friends and active supporters. To our dear friends John Boddington and Sue Fairbanks, Breh, Emily and my godson, Daniel—thank you all for many years of love, support, encouragement and friendship. I thank David Llewellyn MHA and his wife, Julie, who have encouraged and mentored me, and I thank David’s staff, past and pre-
sent, who have supported me in my goal to represent Tasmania in this place.

I thank Paul Slape, Trevor Cordwell, Sean Kelly, Brendan O’Connor MP, Darell Cochrane, Brian Parkinson, Russell Atwood, my dear departed friend Phil Smythe and others at the Australian Services Union for believing in me and in what I was trying to achieve for childcare workers. You gave me chances and experiences to pursue those beliefs and others that otherwise I would not have had. Many thanks also to those other unions who have supported me over many years.

Thank you to all those people who volunteered their services, especially the Benson extended family and those members of Australian Young Labor who helped out on my campaign. The future looks bright with such energy and enthusiasm amongst our future political aspirants.

In being here I do not follow in any family dynasty, although I do admit to family members, by marriage, on both sides of politics previously serving in the Tasmanian parliament. My parents, who are in the gallery today, believe passionately in my work and involvement in the ALP. I know they are proud to see me standing here as a senator representing the state and the party that they have supported all of their lives. Thank you, Mum and Dad, for all your assistance and encouragement. To my extended family members who have been there throughout the highs and lows and who have constantly offered support, love and caring, thank you so much. Finally and most importantly, to my family, Robert, Kieran and Alissa, who are also in the gallery today, thank you for your support and love. I thank the Senate for their patience.

COMMITTEES
Community Affairs Committee
Reference
Debate resumed from 26 August, on motion by Senator Bob Brown:
That the following matters be referred to the Community Affairs Committee for inquiry and report by 26 November 2008:
(a) exemptions for the Exclusive Brethren and its members from Australian laws or administrative decisions;
(b) public funding, tax or other arrangements which do or may advantage the Exclusive Brethren over other community organisations;
(c) the activities of the Exclusive Brethren or its members which threaten or harm families, in particular, the best interests of children;
(d) the covert, as against overt, activities of the Exclusive Brethren or its members in the political process in Australia; and
(e) any related matters.

Senator MILNE (Tasmania) (6.14 pm)—I rise in continuance of the debate on Senator Brown’s motion. Last night, in beginning my remarks, I was commenting on the fact that when I was teaching on the north-west coast of Tasmania many years ago I had a very bright and capable young woman in my class who was not allowed to go on to further education because the Exclusive Brethren prohibited it. They prohibit their young people from being able to go to university at all. As a former Meadowbank school principal, David Stewart, an Exclusive Brethren principal said:
We do not go in for higher learning. We gave up universities in the 1960s as the hotbed of atheism. They prove that everything is nothing to their own satisfaction. We have suffered no loss to our knowledge. We particularly recoil from novels and cinemas.

That is why those young people cannot go to university: because the brethren say so. They
also make sure that they have arranged marriages and that once women are married they cannot work. It is the most repressive culture. But even if you were to accept that, by far and away the worst they do is break up families. If anybody tries to leave the Exclusive Brethren, that is the point at which they are cut off. They are cut off from children, parents, families, whatever. A person leaves and it is as if they have died from that point on. No matter how much the person on the outside tries to make contact with their family, they are cut off and denied. How is it that we are allowing this in Australia? We have already had evidence, and we have seen, that they have tried to interfere, for example, in matters before the Family Court.

But I want to concentrate for a minute on schools, because the Exclusive Brethren gets Commonwealth government funding for its private schools. Why is taxpayers’ money going to fund schools which actively prohibit people from going on to further education? My understanding is that you get federal funding if you meet the curriculum requirements of the states. How can these schools meet the curriculum requirements of the states when the Brethren have said that they are not allowed to have computers? Until recently they could not even have fax machines. We understand that some computers have been bought and left in boxes in the foyer of the school. However, we have also heard recently that the Elect Vessel has decided that Exclusive Brethren can now have access to some computers but that they will be ordered through him and through his businesses. He will provide whatever is needed under these arrangements, and we do not even know whether that is in Australia or New Zealand.

I have seen a report from the Exclusive Brethren today arguing that they are being vilified. In fact they say they obey the law scrupulously. That is not so. We have had before the parliament in the last few years the discrepancies under the Electoral Act, where they did not obey the law scrupulously, and they set up front companies in order to fund the Howard government’s election campaign. To this day we still do not know who gave the donations to Willmac so that Willmac could then make a single donation to the Liberal Party during the 2004 election—and that is ongoing. Another way in which they do not obey the law scrupulously was demonstrated on a current affairs program. An Exclusive Brethren woman said that she had transferred money, large sums of cash, in and out of Australia. In Ngaire Thomas’s book she said that it is quite common for them to bring bound paper parcels of cash in and out of the country. There are all sorts of things that we need to look at in terms of these tax arrangements in the transporting money arrangements and the deductions that are granted for being members of a so-called religion when the businesses are being run on a for-profit basis.

I want to go to the schools argument for a moment. In his contribution Senator Brown talked about letters that he had had from people who have left the Exclusive Brethren. They told absolutely heart-wrenching stories of what it has meant to them to lose their families, and they are actually supporting and wanting an inquiry into the behaviour of this cult. The Prime Minister has acknowledged that it is a cult and yet we understand that the government is not going to support this inquiry. I simply do not understand why the government is not going to support an inquiry into this sect, and I give notice now that I will be seeking to have incorporated into the Hansard these particular letters. I will quote from one of them in relation to schools, and this is of particular interest to me because I understand how the Exclusive Brethren get around the current funding arrangements. In order to qualify for federal
government funding for non-government schools you have to have a certain number of students, so what they do is register one school and declare that it has up to 20 campuses all around the state, sometimes as far away as 600 kilometres or whatever from the school. So they set up a whole range of small schools and then claim it to be one school for the purposes of federal government funding.

I would like to know how the Howard government justified a 36 per cent increase in federal government funding for Brethren schools during the Howard years. It went from $10 million over three years to an estimated $50 million over four years for a national student population in total of about 2,000. How is that possible? Earlier today the coalition was talking about wanting transparency and openness in government processes. I want transparency and openness as to how it is that taxpayers’ money is being used to fund the schools of a cult which do not allow the same access to information technology that, under the curriculum, other students are required to have. I want to know how it is that we are using federal government taxpayers’ funding in schools which actively prevent kids from going on to further education and which actively prevent girls from doing subjects in the manual arts. I find that quite interesting.

Also quite interesting is the relationship between Brethren schools and Brethren businesses and politics. We know that the Liberal Party used the names and addresses of Brethren schools to authorise political advertisements during the 2004 election campaign. For example, there have been reports that when government funds are received at the Victorian Glenvale School the money is channelled into the Brethren marketing company, ProVision, putting at risk funds needed to pay for teachers. That is an allegation that I would like to see investigated in the course of an inquiry.

There are so many issues in relation to the Exclusive Brethren. One that is really of concern is about a website that was set up—peebs.net. It was set up by people who have left the Brethren and it is their main support network. These people have been in effectively closed societies for a long time and when they come out into the broader society it is the equivalent of coming out of jail because they have not had to interact with the broader society in their whole lives. This website has been particularly important in supporting them. If you go and have a look at the website you will see all their stories. They also have a suicide support watch on that website for people who are not coping with losing access to their families: children, parents and siblings. That website is critical and yet we now know that the Brethren in the USA are trying to force the closure of that website in spite of the fact that it has saved the lives of desperate people who have used it for emergency contact. We now know that there is litigation, as I said, in the United States to try to shut down this website.

That is the kind of power these people have. They have enough power to gain entry to the Prime Minister’s office. In spite of the fact that they do not vote, they feel comfortable intervening in elections in extremely dubious ways and, as I said, not transparent ways—particularly in relation to that Wil- mac incident in the 2004 election, because you cannot get behind the front company that they used to channel their donations to the Liberal Party. Of course, we will never forget the Tasmanian election where the same strategy was used and where advertisements—

*Senator Abetz interjecting—*

*Senator MILNE*—I am very glad that Senator Abetz is here to answer this because I have always wanted to know how it was that the Liberal Party wrote the ad, placed
the ad and paid for the ad from the Exclusive Brethren during that campaign.

Senator Abetz—We didn’t.

Senator MILNE—That came out in the Anti-Discrimination Tribunal in Tasmania when Damien Mantach was forced to admit that that was the case. He then argued that some kind of mix-up occurred as to why the Liberal Party’s cheques were paying for ads that were placed as part of the Exclusive Brethren campaign in the Tasmanian 2006 election.

Senator Abetz—That’s just wrong.

Senator MILNE—I would like to hear from Senator Abetz whether Damien Mantach was not telling the truth in the tribunal, whether the tribunal had false information or what was going on. There is a very clear and close relationship between the coalition and the Exclusive Brethren and there is a paper trail through that Anti-Discrimination Tribunal which demonstrates it.

It is no coincidence, in my view, that Damien Mantach worked in Prime Minister Howard’s office at the time that the Liberal Party ran the campaign with the Brethren against the Greens in the 2004 federal election and then moved to Tasmania to run the Liberal Party campaign in the 2006 state election where—surprise, surprise—exactly the same tactics were used. We were then able to prove through the Anti-Discrimination Tribunal that those ads were written, placed and paid for—

Senator Abetz—We proved—

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Senator Abetz!

Senator MILNE—as I indicated, by the Liberal Party. When I say ‘we’ I am referring to the people who took action in the Anti-Discrimination Tribunal. It was proved there. I do not mean ‘we’ in terms of the Greens.

Senator Abetz—A quick recovery now!

Senator MILNE—It is on the record that the Greens did not appear in the tribunal, so I am not alleging that I was in the tribunal.

Senator Abetz interjecting—

The ACTING DEPUTY PRESIDENT—
Senator Abetz?

Senator MILNE—However, I am not going to be distracted by this because the fact of the matter is that the Liberal Party and the Exclusive Brethren were as one in the community campaigning and it was not until the matter became very hot in the lead-up to the last federal election that the Prime Minister gave a directive to the Liberal Party not to associate as closely with the Exclusive Brethren.

I find it extraordinary that the Labor Party are not interested in actually examining the relationship between the Exclusive Brethren and the coalition. They ought to be interested in how Commonwealth money is spent. I think that, at the very least, we deserve to have an inquiry into the funding of Brethren schools and the basis on which that funding occurs and whether Brethren schools actually fulfil the state curriculum guidelines as required by state governments in order to qualify for federal government funding.

I also want to quote from another letter from an ex-Brethren member in Tasmania which says:

Since we made our decision to leave the cult, which was based on what was the best for our family, including our children, we believed it was in their best interests for us to give them the freedom of choice as they matured. This freedom of choice is to be able to partake in the activities of our community which the cult totally and absolutely forbids. Our daughter went to the Melbourne conservatory of music and is now doing a doctorate, our elder son was in the Air Force as a pilot officer and has a degree in aeronautical engineering, and our younger son is now a plasterer. He is also in the process of going to Uganda to work with the orphans there. I give you this back-
ground because, if we had stayed with the cult, our children would not have had these opportunities. Since we have left, which would be about 20 years ago now, my wife’s parents have not contacted her—not once. They have not even contacted their grandchildren. They did not advise her on the deaths of her grandparents. They disowned her and she may as well have been dead and buried simply because she chose to pursue a different lifestyle. When we made our decision the cult offered to look after our children whilst we reconsidered our decision. If we had allowed this, we would never have seen them again.

How can this be going on in Australia in 2008? How can we be allowing this cult to lead to the break-up of families and to this misery? And then they try to close down the only capacity those people have to contact each other and to talk to each other. How is that possible and how is it that the Senate could possibly deny an inquiry into the way this cult operates? I urge senators to reconsider this particular motion. We are asking for an inquiry into the industrial relations exemptions that they have had, their public funding, tax and other arrangements, and the activities which threaten families and the best interests of children. What is wrong with having an inquiry into this cult? Perhaps somebody can enlighten me as to what is wrong with inquiring into those activities when it is clear they are not in the best interests of our community.

We have the coalition prepared to go with interventions all over the country for whatever else it likes but apparently a parliament not interested in intervening in the best interests of a transparent, open, compassionate, decent Australian society. I do not believe that the activities of this cult contribute to that when they do not allow parents to contact their children and vice versa, and when they keep people from their parents, grandparents and the like. It is cruel, it is harmful and it should not be tolerated in our society today. Before I conclude I seek leave to incorporate into the Hansard the letter to the Prime Minister circulated yesterday by Senator Brown.

Leave not granted.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.31 pm)—I note that it was Senator Abetz who did not give leave.

Senator ABETZ (Tasmania) (6.32 pm)—Here we go again—a third attempt by Senator Bob Brown to get an inquiry into the Exclusive Brethren. An attempt was made by Senator Brown two years and 12 days ago on 15 August 2006. Nothing has changed except that Senator Brown is two years older but, unfortunately, none the wiser. The same hyperbole and vilification of yesterday’s speech by Senator Brown is contained in the Hansard of 15 August 2006. Many words, but no evidence. Senator Brown makes the same old points with a now decidedly worn out record playing the same old tune.

The coalition’s position on this is straightforward and principled. If there are allegations of wrongdoing, report them to the appropriate authorities. Other than that, within the laws of this country people are entitled to live their lives as they deem appropriate. And they are entitled to do so even if we disagree with them. As I have said before in this place, I doubt if anyone in this chamber would subscribe to the Exclusive Brethren approach to life. But no-one has shown any illegality by them and, if there is, report it to the authorities. Other than that, let them be.

It is instructive to learn that allegations have been made to the authorities and the Australian Federal Police, and dismissed. There is still one allegation being considered although no allegation of wrongdoing so far has been determined. My view is, and the coalition’s view is, let the cards fall where they will. If wrongdoing is found, let the law deal with those involved. But to suggest that
the behaviour of one or two members of a group requires a full inquiry into the whole group is, I must say, stretching credulity.

But we do have a bizarre conspiracy theory in Senator Brown’s speech yesterday. He told the Senate:

I think the Senate has every right to ask why ... the Australian Federal Police have not completed that inquiry and reported publicly.

Hello? Are the Australian Federal Police now involved in this huge conspiracy as well? You know what? The Senate does not have to ask that question. Senator Brown of his own volition can ask that question by— and this might be a unique experience for him— turning up to Senate estimates and asking the Australian Federal Police about this inquiry, how it is going, et cetera. That is open to every single individual senator in this place if they have a concern that the Australian Federal Police are being tardy. I would invite Senator Brown to take that course of action if he actually believes that the Australian Federal Police are somehow conspiring on the side of the Exclusive Brethren. But Senators Brown and Milne provide no evidence for their assertions that would support an inquiry.

One of their interesting allegations is that the Exclusive Brethren do not allow computers in their schools and actively discourage children from learning how to use computers. I do not know if that is the case but if that is the case I would say, as would the coalition, that is a matter of great regret. But ultimately the standards, curriculum and other requirements for all schools, and their registration, which of course is the precursor to funding, are vetted and administered by the eight state and territory Labor governments and their education departments. So now we have the eight Labor states and territories also involved in this conspiracy in providing funding to the Exclusive Brethren— no longer just Mr Howard’s former office, no longer the Australian Federal Police; now the eight Labor state and territory governments are apparently involved as well.

From the coalition point of view there are simply standards that apply to every single school and, if any Exclusive Brethren school falls within the categories, if they qualify for funding, then they should get funding. If they do not qualify according to the standards then they should not get funding. At the end of the day this is an issue of whether the standards are appropriate for the various schools but there is no specific category that says that only Exclusive Brethren schools will get this sort of funding. They are not mentioned by name. There is a broader category in each of the states and territories which determines whether or not a school is to receive funding.

But back to the computers, because Senator Brown relied on that in his speech yesterday—and, very interestingly, I note that Mr Rudd seems to have relied on it when just before the election he tried to jump on the bandwagon. Senator Brown quoted:

The Exclusive Brethren ... actively discourages children from using information technology, from learning how to use computers—

As I said before, if that is the case that is to be regretted and I do not think that they do their children any favours by such a policy.

I think that a number of senators would have received a copy of this letter today. It is by the federal member for Griffith who also happens to rejoice in the title of Prime Minister of this country. It is a letter dated 31 May 2007 addressed to a Mr Greg Thomas, principal of Agnew School, which I understand is in fact an Exclusive Brethren school. In it—and his familiarity with the principal is quite clear because it starts ‘Dear Greg’; it does not say ‘Dear Principal’ or ‘Dear Mr Thomas’—he says:
I am pleased to inform you that—

under the Investing in our Schools pro-
gram—

the application tendered by Agnew School ... has
been successful.

And guess what it was for: the provision of
wordex machines and computers. Mr Rudd
goes on:

I would like to extend my warmest congratula-
tions ...

So here we have proof positive that Exclu-
sive Brethren schools do seem to take com-
puters on board. If this is all fictitious, then
could I suggest that Senator Brown go to the
education Senate estimates and asks the de-
partment whether there is verification that
those computers have been delivered et cet-
era.

Some of these allegations on closer ex-
mination clearly do not stand up to scrutiny.
Indeed the federal minister for education,
Julia Gillard, has written to the Independent
member for New England, Mr Tony Win-
desor—and undoubtedly he is now part of the
conspiracy as well, as is Ms Gillard of course
by this. She says in a letter to Mr Windsor,
dated 16 April 2008:

I can confirm that the Meadowbank Education
Trust School—

which I understand is an Exclusive Brethren
school—

and its subsidiary campuses are being funded in
accordance with the Act and that it continues to
meet the conditions associated with the current
funding agreement and its legal obligations.

If the Greens senators have information that
can contradict that which Ms Gillard has
written to the Independent member for New
England, let them bring it forward, let them
mention it at Senate estimates, and let us
have a proper analysis of these matters.

I move on to the other matters that have
been raised, and that is Senator Brown’s re-
quest for a 15-page document to be put into
Hansard. I say to Senator Brown and the
Greens: if the information in that document
is to be incorporated into Hansard, there is
nothing stopping the Australian Greens from
actually reading the information contained in
that document and putting that onto the Han-
sard. But by giving leave, every individual
senator in this place would be vouching for
that information and allowing it to have
privilege. There is nothing stopping Senator
Brown from reading it into the Hansard and,
if he so wants, he can do so. But the coalition
does not want to be part of a process which
would say, and allow Senator Brown to say,
‘I tried to put it into Hansard and, guess
what: nobody objected so therefore it has the
imprimatur of the totality of the Senate.’ In
relation to that 15-page document, there was
a letter written to the Prime Minister—

Senator Bob Brown—Madam Acting
Deputy President Hurley, I rise on a point of
order. I seek a ruling from the President
whether giving leave for incorporation in-
deed puts the imprimatur of all senators on a
document.

The ACTING DEPUTY PRESIDENT—

I will take that question on notice and refer it
to the President.

Senator ABETZ—That of course would
be the claim that would be made by the Aus-
tralian Greens. But in relation to this letter to
the Prime Minister, Mr Rudd, quite rightly
said that all the allegations should be referred
to the appropriate authorities. Nobody has
suggested to us that all those allegations have
in fact been brought to the appropriate au-
thorities and that somehow the great conspir-
acy has gone further to ensure that those al-
legations have not been investigated. Until
people follow the proper course of action of
referring these matters to the appropriate
authorities, I on this rare occasion happen to
agree with the Prime Minister that these mat-
Can I say in response to Senator Milne’s contribution that it is disappointing when a former teacher refers to a pupil and quite clearly—because, although the name was not mentioned, Devonport in Tasmania is a small community—identifies an Exclusive Brethren girl student. There ain’t that many of them! So anybody who would have been at the school at the time would know and be able to identify who that girl is. I think it is a matter of regret that Senator Milne has stooped to that.

Having said that, I will say that the Exclusive Brethren have some beliefs—I suppose a lot of beliefs—that we on the coalition side clearly do not agree with. But the test is: are they illegal? Encouraging young people not to continue with education I think is a matter of great regret, if that is what they do. But, in this society, by the time people turn 18 they actually have a choice: they can decide whether or not they want to go on with education.

Senator Milne—They can’t; they will be thrown out.

Senator ABETZ—Senator Milne says they will be thrown out—and, chances are, that may well be right. But in a free society people will continue to join the Exclusive Brethren. They will also continue to leave the Exclusive Brethren—we had a story, through Senator Milne, of a family that left the Exclusive Brethren and did all sorts of wonderful things, including pursuing careers. And, whether we like it or not, some people will stop talking to each other in this society. Exclusive Brethren have a particular view with which I, respectfully, very strongly disagree. But how on earth can a Senate inquiry force somebody to talk to somebody else if their religious belief, for whatever reason, is that they will not talk to such a person? People actually do have free will, and if that is the decision they make, regrettable though it is, then that is unfortunately the way it will turn out.

I simply say in conclusion: what is all this about? Very simply, what all this is about was shown and exposed by Senator Brown’s own words in the Sunday Tasmanian of 13 August 2006. He said:

... my beef with the Exclusive Brethren is not about religious belief. So all this talk about cult and religious belief is not Senator Brown’s concern; he has admitted that himself. He went on to say:

“It’s about them venturing into politics ...
That is the beef that Senator Brown has. It is not their religious beliefs, that they do not allow people to talk to each other or allegedly allow computers to be used. That is not his concern. If they had not have ventured into politics, as he alleges, he would have been happy for them to continue with all the practices that he now claims he abhors. That shows the double standard with which Senator Brown comes to this debate. Even more so, under a heading of ‘Exclusive Brethren payback’ Senator Brown called for a public register of all Exclusive Brethren business premises. Can I say: that is very distasteful. Why would you have a public register of Exclusive Brethren businesses? Why not green businesses or Roman Catholic businesses or Protestant businesses or Muslim businesses? Very, very distasteful, might I suggest. And when the leader and deputy leader of an Australian political party start descending into this sort of behaviour on a personal vendetta because people dared to venture into politics, then I think we have come to a very, very sad state of affairs in this country.

In relation to the Exclusive Brethren not voting, I think it is an unfortunate decision, a regrettable decision. I encourage everybody
to vote. But the Commonwealth Electoral Act has an exclusion based on religious belief. It applies to everybody. I do not know how many Exclusive Brethren there are in this country. I would think 10,000 would be tops—by a long, long way.

Senator Bob Brown—you’re wrong again.

Senator ABETZ—Oh, Senator Brown says ‘wrong again’. Well, I would be interested to know what his figure is. Can I tell you this: it would not be 62,000—and that is how many people claimed the religious exemption, under the legislation Senator Milne complains about, at the 2004 election. Why have an inquiry only into the Exclusive Brethren exercising that right and not into the 52,000 other Australians who exercised that same exclusion for religious beliefs? That is why we as a coalition oppose this proposal.

Debate interrupted.

DOCUMENTS
Australian Landcare Council

Senator BARNETT (Tasmania) (6.51 pm)—I move:

That the Senate take note of the document.

I stand tonight to speak on the Australian Landcare Council annual report 2006-07 and to share some observations on the recent actions of the Rudd Labor government with respect to Landcare in Tasmania which have been very damaging indeed. The government’s budget cuts have slashed Landcare funding in Tasmania and across the country, but I will focus on what is happening in Tasmania, where the funding for Landcare projects has been slashed by 60 per cent across the state. It is very bad news for Tasmanian farmers and graziers, with a negative impact for rural and regional parts of Tasmania in particular. Federal Labor is providing funding of $119,910 to Landcare projects in the north for this financial year compared to an average of more than $300,000 under the Howard government.

This financial year, the north-west has received about $140,000 and the south has received $223,000. This represents a cut of 60 per cent from their previous funding. It is a body blow to the rural communities in my state of Tasmania, and especially to the volunteers in these different Landcare associations, who have worked so hard to make a difference. Of the 13 submissions received in the north, 11 projects were rejected. This is unusually high. Only two were accepted—Southern Farming Systems and Roberts Wool Link—and I would like to congratulate them on their successful submissions.

In another blow to those working to restore and protect natural resources, the Rudd Labor government has announced a mere $28 million in funding for Landcare projects across the country, which is well down on that planned to be spent by the coalition. So it affects all of the country, but I am focusing particularly on Tasmania. It is not good news.

In the 2007 budget, the coalition committed $112 million to Landcare over the next three years. That is an average of $37 million per year. But the budget papers showed a cut in funding in that respect of 20 per cent. To add insult to injury, those Landcare groups that were successful in this funding round have been told to get their applications in for Open Grants funding. How good is that? What will that be like for those entities? It will pit small, community based landcare groups up against the giants like CSIRO and other federal and state government agencies for the small funding pool available. I put it to the federal Labor government that this is not a good strategy.
The answer to climate change is not just in Mr Rudd’s Carbon Pollution Reduction Scheme but also in tackling the effects of the drought and climate change on the ground. This is the best way to deal with the global food security crisis.

I want to refer to the views of the different Landcare association representatives in Tasmania and also the Tasmanian Farmers and Graziers Association. One of the headings in the Mercury on 26 July stated:

Funding for Tasmanian Landcare projects and jobs has been slashed.

The article continued:

Tasmanian Landcare Association president Lyndley Chopping said yesterday the cutbacks would be extremely disappointing for the state’s community-based Landcare groups.

Mr Chopping said nine Landcare jobs were being made redundant.

Nine jobs have been made redundant as a result of this government’s handiwork. The article continued:

Mr Chopping said projects were already being rejected and future ones were in doubt.

“We are not happy about it,” Mr Chopping said.

Of course they are not happy about it. They have been gutted. These projects have been slashed. The article then quoted Mr Chopping as saying:

“The name Landcare has been built up over a period of years now—and it’s a well respected name—”

We all know that. Everyone in the Senate chamber knows that it is a well respected name. But now they have been gutted. It is bad news. The article went on:

“—and it should not be lost out of the equation,” Mr Chopping said.

Mr Chopping said it would be difficult to keep momentum going for Landcare work, much of which is undertaken by volunteers without adequate funding.

Those are his views. Then you have the views of the Tasmanian Farmers and Graziers Association. Chris Oldfield from the association is worried about it because of the inadequate effort to address the drought problems in Tasmania. He made his views clear in TасCountry and also in the Tasmanian newspapers. He also quizzed Tony Burke, the responsible federal minister. It was said that Tony Burke faced a barrage of questions about his government’s slashing of Landcare funding in Tasmania. Well, of course he did. I am particularly concerned for Don Defenderfer, who has lost his job in Launceston. (Time expired)

Question agreed to.

Consideration

General business orders of the day Nos 64 to 73 relating to government documents were called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Child Care

Senator LUNDY (Australian Capital Territory) (6.57 pm)—Last Thursday, 21 August, I was proud to assist in the ACT launch of the Big Steps in Childcare campaign. For many years now we have worked to support parents, children and childcare workers so that access to quality child care can be the right of every child. Senators will remember many of our campaigns and demonstrations in front of Parliament House over the last decade. Now, at last, the Australian federal government has made childcare reform a priority, and has committed to a national workforce strategy.

After 11 years of neglect and systematic downgrading of this sector by the Howard
government, we now have a Labor government that recognises how important to Australia’s future quality early childhood education and care are. One of the Rudd government’s early steps in its recognition of the importance of creating the best early childhood education and care system for children, families and the Australian economy was to appoint a Parliamentary Secretary for Early Childhood and Childcare, Ms Maxine McKew.

The government will consult with childcare experts and with state ministers with the aim of standardising the level of care and lifting the qualifications of carers. We need partnerships between all groups—managers, workers, the federal government, state and territory governments and local governments—to achieve our goals.

Recognising the problems that face the childcare sector, the parliamentary secretary has said that at present we have a very fragmented system that cannot guarantee quality. It is time that we had a national set of standards linking licensing with accreditation. At present we have different licensing systems in every state and territory. This means there is no Australia-wide standard ratio of workers to children, and it means different requirements in regard to qualifications. For babies up to the age of two years, for example, a staff-infant ratio of one to three is desirable, but the norm in most states is one to five. As was highlighted on The 7.30 Report on 6 August, an often unqualified young person who is responsible for the care of five babies cannot provide quality care for them all, yet this is legal in most states.

A big problem is that almost 40 per cent of the early childhood workforce in long day care centres has no formal childcare qualifications. I am not criticising these individuals as I know they do the best they can do, yet research clearly shows that staff qualifications and expertise are important and do make a difference. Without an adequate well-trained and well-paid staff it is impossible to give children the best quality care and education. Surveys tell us that what parents and children value most in a childcare centre is the quality or caring nature of the staff.

We know that there is a skills crisis in child care caused by low pay and poor career paths for workers. Teachers in child care earn, generally, 25 per cent less than primary school teachers. As a result we have poor retention rates in the early childhood sector of the workforce. I am sorry to say that here in the Australian Capital Territory we have one of the highest job turnover rates at 47 per cent and a high percentage of vacant positions, but all of the states and territories have unacceptably high rates. There is an acute shortage of trained childcare workers. Thousands of experienced childcare professionals leave the sector every year. They leave because of the heavy workload, poor wages, lack of recognition and high stress levels, yet bonding with the carer and continuity of staff are critically important for a child’s wellbeing. What we do know is that by 2013 a shortage of some 7,320 childcare professionals nationally is predicted. This is a dire situation.

The Rudd government has recognised the importance of early childhood education and care and the need to provide the best experience we can for our children. Our emphasis will now be on quality and ongoing professional development for childcare workers. In committing to reform of Australia’s early childhood sector the government has already announced funding of $10 million in 2007 and 2008 for projects to improve access to early childhood education programs; an allocation of $533 million to provide 15 hours of government funded, teacher led early education in the year before school by 2013; a national early years workforce strategy, which
will include additional early childhood education university places each year from 2009, increasing to 1,500 places by 2011; removal of TAFE fees for diplomas and advanced diplomas of children’s services and the creation of 8,000 new vocational education and training places; and a 50 per cent HECS-HELP remission for early childhood education teachers willing to work in rural and regional areas, Indigenous communities and areas of socioeconomic disadvantage. Further, there will be national collaboration in the development of a national Early Years Learning Framework which emphasises play based learning, early literacy and numeracy skills and social development. This framework will be linked to new national quality standards for child care and preschool.

And now the LHMU, the childcare union, has given us a blueprint for the steps needed to provide what is every Australian child’s fundamental right—the right to quality care and education. The LHMU Big Steps campaign is being undertaken in partnership with Early Childhood Australia, the National Association of Community Based Children’s Services, the Children’s Services Taskforce, the Community Services and Health Industry Skills Council and Sydney University’s Workplace Research Centre. Big Steps is about thinking in new ways to create the best early childhood education and care system for children, families and the Australian economy. This national campaign was launched in Sydney last month and builds on the exemplary initiatives taken by the Rudd Labor government to date.

A major aim of the Big Steps in Childcare campaign is to provide opportunities for existing staff to upskill to a certificate III, diploma or degree and to formally recognise workers’ skills and prior learning. Workers already in the system should be able to access the new training funding and improved status. In fact the first big step is workforce reform. The national workforce strategy developed by the LHMU will include recognition of prior learning and upskilling existing diploma holders in the workforce. This strategy is consistent with the government’s Skilling Australia initiative. We know that these reforms will come at a price but we realise that the benefits to Australia in years to come will more than recoup our outlays.

As Professor Frank Oberklaid, Director of the Centre for Community Child Health at the Royal Children’s Hospital in Melbourne has explained: ‘There’s no doubt it costs money, but we either pay now or pay later.’ Many problems of adults and older children, which cost the country huge amounts for remedial, rehabilitative or punitive programs, can be traced back to disadvantaged early learning environments where the nurturing, care and learning opportunities for which we now aim were not available. According to the professor, research demonstrates that what we spend on the first five years of life makes an even larger difference than does the school system. This is quite an extraordinary finding.

I am proud of this government’s commitment and its investment in Australia’s children. Together with our expenditure on preschools, this government is making an unprecedented investment in families and our youngest children—$3.2 billion in this year alone. I commend the government’s commitment to workers and families through the provision of programs for the ongoing professional development of childcare staff and through its commitment to improve staff-child ratios and programs for children. I also look forward to continuing to work for this important campaign, Big Steps in Childcare, in partnership with the childcare union and I urge all senators to support it.
Herbal Supplements

Senator BERNARDI (South Australia) (7.06 pm)—Mr President, it is a pleasure to make my first comments in this chamber under your presidency and I congratulate you on that. I rise tonight to talk about an issue that was raised with me by a constituent, Mrs Elaine Hartley, who was diagnosed by her eye specialist with macular degeneration and was advised to start taking a herbal supplement. Mrs Hartley started taking the supplement as directed. She began to feel nauseous and went off to her local GP, who diagnosed her with a mild gastric infection.

After a few weeks of taking the supplement and no sign of getting any better Mrs Hartley thought it might be a good idea to stop taking it, which she did. There was an immediate effect and she began to feel better. However, Mrs Hartley went to her local pharmacist to see if they could recommend an alternative supplement, seeing as she did not have any success with the one that her doctor had recommended. She said she wanted to continue taking something as her doctor had told her it would be a good idea as she was coming up to an appointment with her eye specialist.

The pharmacist recommended another product, a herbal supplement. Aware of what had previously occurred, Mrs Hartley made sure that she took this supplement with food and in accordance with all the directions. About an hour after initially taking the supplement, Mrs Hartley was struck with a severe headache that got worse as the day went on. She lay down on the couch and that was the last thing she remembered until she woke up in hospital with a fracture to the base of her spine and severe muscle pains. Mrs Hartley’s husband said that shortly after his wife had lain down on the couch he noticed that her body had gone stiff. He was unable to get a response from his wife, so Mr Hartley called an ambulance. Mrs Hartley was in pretty good health before this incident. She has been advised that she likely suffered an adverse reaction to the supplement.

In my local supermarket, and I am sure many other local supermarkets, you can buy the exact same supplement along with many other supplements that have caused a number of people considerable pain, distress and suffering. I went online and looked at the manufacturer’s website. There were no details displayed about any potential or likely side effects of this product. There was no advice as to where one could lodge a complaint about it or register any sort of side effect of the product. In fact, there was no information for the consumer about what to do or who to contact in the event of a severe reaction.

Mrs Hartley raised this with me and I did some investigation. In the past decade, there have been 62 reported deaths in Australia linked to complementary medicine and alternative health treatments. Seven women have suffered liver failure, five of whom needed a liver transplant due to a side effect from taking a supplement that contained black cohosh.

The herb ephedra, promoted as a slimming agent, caused severe reactions in 19,000 users around the world. Recently, the Therapeutic Goods Administration sent out a warning about excessive vitamin B6 intake after it was reported that two women began receiving ‘electric shocks’ to their feet and lower legs. These are just some of the instances that I have uncovered about the severe side effects of some complementary medicines and the deaths that have occurred because of the effectively self-regulated complementary health industry.

The use of complementary medicine is increasing across developed nations. Austra-
lians now spend more money out of their own pocket on complementary medicine and alternative medicines than they do on prescription medication. Conservative figures estimate that $2 billion is spent nationally by two-thirds of the adult population.

Obviously, there are some problems with this, because we have a responsibility to ensure that the claims of manufacturers are reputable for these sorts of products, that these products have been adequately tested and that the public is at no meaningful risk. The previous government invested $4 million to help establish the National Institute of Complementary Medicine in an attempt to strengthen and coordinate research nationwide. We announced a further $7 million contribution towards research into the effectiveness of complementary products. I acknowledge that the Rudd Labor government has chosen to honour this commitment. However, more needs to be done, and the government is dragging its feet a little bit on this.

I say that because the government representative on this, Senator McLucas, made in January this year a public statement advising that the Rudd government has asked the TGA to provide a formal response to concerns about the regulation of complementary medicines which were raised in an article in the Australian Medical Journal. Senator McLucas said quite strongly, and I support her in it, ‘I don’t want guff; I want a response to these proposals that is serious and deals with the issues that are there.’ In June, some six months later, Senator McLucas parroted the government line and said that the government was considering the establishment of a website. The public may well groan at that—not another website. But they are only considering its establishment. In June on the AM program, Senator McLucas acknowledged, quite rightly, that the information out there for consumers on complementary medicine is patchy. However, the next day Senator McLucas said:

We have a system that is robust and that provides good information to consumers without putting a burden on the sector that would add a layer of expense that would potentially not be in the best interest of the consumer.

Senator McLucas should continue to push and drive this issue. She has acknowledged that there is a real sense of urgency here. On 1 August she was quoted by the Age as stating that there was a real sense of urgency about reforming the complaints process and the information available to consumers. Over eight months, there has been an acknowledgment of this problem, which I think that this government was wise to make. That continues our acknowledgment of the problem from late last year. We need some action on this.

Currently, manufacturers of complementary medicines use an online computer system to register and get their products approved. All that a manufacturer has to do to gain a listing number through this electronic system is enter the ingredients into ELF, which is the electronic listing facility, and select from a drop-down list the purpose of the supplement. They can add a few words of their own in an allocated space before confirming that they have the evidence to back up whatever claims they want to make. They then pay a fee and are allocated a listing number. That is the approval process for a complementary medicine that could, in any combination with other products, whether prescription medicines or other complementary medicines, act to give someone an adverse reaction that could result in something similar to what Mrs Hartley experienced or something even worse.

The complementary medicine industry has gone to some pains not to endorse this. The chief executive of one organisation has boasted that the reality is that nobody has
died from taking complementary medicine. This claim I find preposterous given my research into it. Many other people disagree with this chief executive. It is a serious issue that we need to address. I am not one to support increasing bureaucracy or government regulation, but in this instance there is reasonable cause for people to be advised of the potential side effects where they are known. Just as importantly, where they are unknown but are experienced, there must be an easy process for people to register what these side effects are. In the case of Mrs Hartley, she went back to her pharmacist. The pharmacist said, ‘There is nothing I can do.’ They would not accept a complaint. She said, ‘I’m going to stay here until you do something about this complaint.’

The pharmacist, obviously a busy man—and they are very reputable and highly regarded by members of the public—put a few strokes into the computer and said, ‘There you go—it’s done.’ Whether it was done, I do not know. Mrs Hartley got no response from the manufacturer. She contacted numerous government departments and the buck was passed on many occasions. I think that what happened to Mrs Hartley is very sad and I hope that no-one else experiences it, but I think that government actually has a role in this and I would encourage the Rudd Labor government to step up to the plate and stop spinning its wheels. I discussed this with Senator McLucas before making this remark, and I do not condemn Senator McLucas over this but I do encourage her to play a very active role in driving this through the government. I would like to think that any support that I could extend to her on behalf of consumers would be given. However, it is time for action and I would encourage her to take it.

Obesity

Senator BARNETT (Tasmania) (7.15 pm)—Mr President, let me firstly congratulate you on your appointment, as this is the first opportunity I have had to do that. Tonight I rise to speak on the issue of the obesity epidemic and to highlight to the Senate some of the outcomes of the healthy lifestyle forum to help combat childhood obesity organised by me, held in Hobart and hosted by the YMCA in Glenorchy in Hobart last Friday. I want to put on the record my thanks to the YMCA for the wonderful work that they do in promoting healthy lifestyles and specifically Stuart Slade and his wife, Lynne, and the team at the YMCA at Glenorchy. They did a wonderful job in hosting the event.

I want to recognise upfront the wonderful support that we received at the forum from the special guest speakers and, firstly, to Professor Paul Zimmet, who is a guru with respect to the obesity epidemic and indeed diabetes. He is a professor, obviously, and a former director of the International Diabetes Institute, now the Baker Heart and Diabetes Institute, based in Melbourne. He is an author and is simply world renowned in terms of obesity and diabetes. He gave an excellent presentation and really hit us between the eyes with his knowledge of the obesity epidemic and its dreadful impact on us here in Australia.

Yes, we do lead the world—we are in the top four. One report was released recently saying we are the fattest nation on earth, but whether we are or whether we are in the top two, three or four really does not matter. It is not good enough. It is a dreadful record to have and we need to do a lot more about it—at all three levels of government. Yes, you can say that it is an individual’s responsibility, but of course it is more than that. We live in an obesogenic environment, and this point
was made very clear at the forum held in Hobart on Friday. So at all levels of government, and especially at the federal level, we have a responsibility to tackle it.

At this point I want to say the federal government does have a plan, and that is to have a plan. They have a plan to have a plan, and they wish to release that plan next year. They released the plan to have a plan earlier this year. Well, we need action, not just words, strategies and plans, and we need it fast. That point was made very clearly at the forum.

To Professor Jennie Brand-Miller from the University of Sydney, author of many books, former president of Nutrition Australia and certainly renowned in terms of nutrition: thank you for your wonderful presentation and keynote address to the forum on the importance of healthy eating. I also thank Lynne Pezzullo from Access Economics. Senators and people from around the country all saw the release of the Access Economics report at my forum. The report was commissioned by Diabetes Australia. I thank them particularly for being there. I thank Dr Gary Deed and Matt O’Brien, the Chief Executive Officer of Diabetes Australia, for their wonderful support and their initiative in trying to make a difference with respect to the obesity epidemic. We found quite clearly that obesity leads to type 2 diabetes and a range of other health complications, including heart disease, certain cancers and other diseases, which I will touch on shortly.

I want to touch on that Access Economics report very soon, but I first want to acknowledge Jenny Branch, who is the president of Tasmanian State School Parents and Friends Association and who spoke and helped on the organising committee. I also want to acknowledge Karena Brown from Maddington Child Services, based in Burnie. She gave an excellent presentation on the importance of having a happy, healthy and fun environment for our young kids aged between zero and six. I thank Dr Michael Aizen, a former president of the Australian Medical Association, for his assistance as convener and for making the day a success. I also thank my staff, Caroline Donaghy in particular. I want to put on record my thanks to her. She did a wonderful job as a key organiser. I thank Mary Dean, Claire Stewart and Tasman Stacey in particular, and also my former chief of staff, Barry Prismlall, who is now Deputy Editor of the Examiner newspaper. I put on record my thanks to them. There is a lot of work that goes into organising such an important and well-run forum such as that. I also particularly want to thank the Mercury newspaper. They have taken the obesity epidemic on board as a cause and they want to try and turn it around and make a difference. Thanks to Garry Bailey, as editor, and to the Mercury for their special interest.

The Access Economics report made it very clear that this year 3.71 million Australians, 17.5 per cent of the population, are estimated to be obese—1.76 million males and 1.95 million females. It said that by 2025 a total of 4.6 million Aussies are projected to be obese. Regarding the effects of these increases, 242,033 Australians had type 2 diabetes as a result of being obese, up from 102,204 in 2005—a 137 per cent increase in three years. That is huge. It is also scary. We now have about 1.5-odd million Australians with type 1 and type 2 diabetes, but this relates to type 2 diabetes in particular. This is a big issue. It proves quite categorically that the obesity epidemic is not just a health issue; it is a matter of economics. It is an economic issue. 644,843 Australians had cardiovascular disease as a result of being obese, up from 379,000 in 2005—a 70 per cent increase. 422,274 Australians had osteoarthritis as a result of being obese, up from 225,000 in 2005—an 88 per cent increase. And 30-odd thousand Australians had colorectal,
breast, uterine or kidney cancer as a result of being obese, up from 20-odd thousand—a 47 per cent increase.

So the direct costs, as estimated by Access Economics using the new obesity prevalence estimates of obesity this year, 2008, were estimated at $8.283 billion. The net cost of lost wellbeing was valued at a further $49.9 billion, bringing the total cost of obesity in 2008 to $58.2 billion. What a huge figure. To put it in context, the federal government’s budget for health and aged care is less than that. It is just above $50 billion—and it is very scary.

The figures that were done in 2005 show that the total cost was $21 billion. So we are talking about nearly three times the cost as estimated in 2005, just some three years ago. When the report and the terms of reference were being prepared, I specifically asked that the state and territory estimates be included so that the states and territories knew exactly what share they had. On a population share basis, the figures are as follows in terms of total costs: New South Wales, $19 billion; Victoria, over $14 billion; Queensland, over $11.6 billion; Western Australia, over $5.8 billion; South Australia, over $4.37 billion; Tasmania, over $1.36 billion; the ACT, $936 million; Northern Territory, $598 million—totalling, as I say, over $58 billion. Those figures are available on the Access Economics website and they are on my website guy-barnett.com. That is public information, and I hope it jerks all of us into gear to try and respond to this obesity epidemic.

Senator McGauran—Hear, hear!

Senator Barnett—Thank you, Senator McGauran. I agree entirely. We did have some focus groups in the afternoon. We put together some suggestions and recommendations in terms of government policy for kids at school and for children at home. Before I touch on that, I just want to thank Senator the Hon. Richard Colbeck, who is the shadow parliamentary secretary for health and has responsibility for the area of obesity. He attended the forum, listened and then gave the closing address. It was very much appreciated by all the participants. Certainly, the information and recommendations will be made available to not only the federal Labor government but obviously the federal opposition—the coalition—in terms of policies not just for the next election but from now on. We cannot wait. They will be made available to other state governments and local governments and others who would like to see what these great minds came up with last Friday at the forum. Some of the key initiatives related to basically having a healthier lifestyle at school, at home and in the public environment. We live in an obesogenic environment and we need policy operators and legislators to try to help create a healthier environment in which to live. It is not just health; this is a matter of economics, a social issue and an environmental issue. We can do something about it. (Time expired)

Rudd Government

Senator McGauran (Victoria) (7.25 pm)—Mr President, I congratulate you on your presidency. I thought I would take the last spot on tonight’s adjournment because, now that we start the long stretch up to Christmas, I want to make a few comments and observations in this first week, if I may. Straight after an election, as we saw with the defeat of one government after some 12 years in office, the new government—probably caught by surprise themselves that they did win government, at least in the last 12 months—behaved as if they were still in opposition. I guess they had to find their feet. I must say that we were no different in our early months of office. Ministers were just finding their feet and getting across their briefs. They have to get out of a mode of
opposition—of attack, attack, attack; everything is politics—into running a government; the serious business of management of a government. So, from my point of view, as one who has seen government and opposition, I quite understood. I was feeling for them, quite accepting of it.

But now the government is nine months in. This week, you would have thought we would see a government of more stature, a government more confident in its direction and a group of parliamentarians—in particular the ministers—moving away from the politics of everything and into the management of government. But we have not. What we have seen is the same old Labor Party playing politics with absolutely everything at their fingertips and still seeming utterly directionless—still with no plan and still coming in here and not taking responsibility for the economy and the anxiety that is out there. As if they do not know or understand the real anxiety—this has not been brought about by the previous government—this is a whole new set of problems. Whether or not they want to accept that they have created it, this is a whole new set of problems that they have to deal with. The buck stops right with the government, whoever they are.

So you want to take a leaf out of the Prime Minister’s book. This is all you, on the other side, seem to do. You are just mouths for the Prime Minister, Mr Rudd. If he says, ‘The genie is out of the bottle,’ you say it too. If he says ‘The economy is the previous government’s fault,’ you say it too. You seem to follow him like sheep. Mr Rudd this week has had to concede—I saw it in the parliament yesterday—that the Australian people are worse off after nine months of his government. He has had to concede that because he has been mugged by the reality that household expenditure and household wealth has slipped back some five per cent. These are Reserve Bank figures. The Prime Minister, Mr Rudd, said that, with the economic conditions under his government, Australians are worse off. Of course, he then went on and said, ‘We inherited it all.’ Typically, he would say that, wanting to blame the previous government.

No government has come into office where the fundamentals of the economy have been as strong—no government. We certainly did not. When we came into government in 1996, the voters threw the Keating government out in a landslide on the grounds of the economy. They had felt the recession and it was payback time. We took up a $96 billion debt, a $10 billion deficit and we had to adjust to that. That was our welcome to government. Your welcome to government was zero government debt. That is what you inherited: a surplus budget and a Future Fund. The fundamentals of the economy included inflation over 12 years within the Reserve Bank band and it had just fallen over the three per cent bank to 3.75 per cent.

You could not make the transfer. In particular, the new Treasurer could not make the transfer—he still has not, he never will and you know it yourself—from political head kicker into the office of Treasury. That was what this government inherited: sound economic fundamentals, in contrast to what we inherited. The Treasurer attempted to wreck the economy—even before you got to your first budget—by declaring that the inflation genie was out of the bottle, egging the Reserve Bank to lift interest rates and, just by your presence, allowing the banks, in an unprecedented manner, to lift their own interest rates. As much as you attempted in your very early days, December 2007 no less, to talk down the economy and talk up inflation it really was the first budget you brought down that seriously alerted the Australian people. That is where you can basically trace, again, another unprecedented trend of lack of con-
confidence by consumers and the business sector.

The first budget of any government sets out the direction that the government will take—indeed, the philosophy that the government will take and the mettle of that particular government. That is what first budgets are for. They are, in fact, probably the most important budget that new governments can hand down. I know our first budget in 1996 was probably the most important budget we handed down of our 11 budgets because it set the direction, the leadership and the mettle of the government. We set in place a debt regime and a privatisation regime that set the fundamentals and allowed this government in the very early days to buffer the Asian economic crisis. Thank goodness we did get about our business very quickly because that crisis came upon us very quickly. It was not the only challenge that the economy faced in our term. It faced many challenges. In fact, the Treasury faces daily challenges, but we know that the most important ones were the Asian economic crisis, September 11 and SARS.

Of course, there is buffeting going on all the time almost on a daily basis in an economy. That is why your first budget was your most important. You talked big about it and, on the night, never a truer word was spoken by the Treasurer when he said that this was a classic Labor budget. How right he was. That was a budget that introduced a new set of taxes that no-one saw coming, least of all Woodside and least of all the solar panel industry. No-one saw these taxes coming, but I guess we should have because it was a classic Labor budget. You introduced a stream of new taxes on which, I should add, the Senate has handed down this week a series of reports of the Senate inquiries on each one of those taxes. I recommend them as solid reading to the members on the other side. Read the dissenting reports because it is not just politics that is being played here. Those reports spell out the detriment of those taxes. They are inflationary taxes.

After all the talk that this was going to be an anti-inflation budget, you introduced a set of taxes to the tune of $19-plus billion. You did not decrease spending; you increased spending, which is classic Labor, of course. You have increased taxes; you have increased spending and you effortlessly—this is the most damaging part of the first budget—predicted or estimated 134,000 unemployed over the next 12 months. You have given away any ambition, certainly the ambition the previous government had with regard to full employment. That is what hurts most and we are seeing it coming through. We see the sackings in our manufacturing industry almost on a daily basis. *(Time expired)*

**Senate adjourned at 7.35 pm**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

- **Australian Government Solicitor (AGS)**—Statement of corporate intent 2008-09.
- **Australian Postal Corporation (Australia Post)**—Statement of corporate intent 2008-09 to 2010-11.
- **Crimes Act 1914**—Authorisations for the acquisition and use of assumed identities—Report for 2007-08—Australian Commission for Law Enforcement Integrity.
- **Productivity Commission**—Report no. 43—

  The market for retail tenancy leases in Australia, 31 March 2008.
The following documents were tabled by the Clerk:

Defence Act—Determinations under section 58B—Defence Determinations—
  2008/36—Benchmark schools – amendment.
  2008/37—Service residences – amendment.
  2008/38—Post indexes – amendment.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Nuclear Weapons
(Question No. 109)

Senator Milne asked the Minister representing the Minister for Foreign Affairs, upon notice, on 12 February 2008:

(1) Does the Government stand by its commitment to support a nuclear weapons convention, made on 14 August 2007 by the then Shadow Minister for Foreign Affairs Mr Robert McClelland in a speech to the United Nations Association.

(2) Does the Government still consider the idea of a nuclear weapons convention as ‘responsible and timely’; if so, to what extent and in what manner.

(3) Will the Government support moves to implement a nuclear weapons convention in the terms suggested by the Middle Powers Initiative and the updated model nuclear weapons convention, adopted by the United Nations (UN) General Assembly as a discussion document in December 2007.

(4) In detail, what is the Government’s response to the updated model nuclear weapons convention, tabled by Malaysia and Costa Rica in the UN General Assembly Plenary in December 2007.

(5) Will the Government proceed with the creation of a new Canberra Commission, as promised by the Prime Minister (Mr Rudd) prior to the 2007 election; if so, when.

(6) (a) Is the Minister aware that a key recommendation of the original Canberra Commission was the lowering of the operational readiness of nuclear weapons systems; and (b) how has the Government decided to respond to that recommendation and to recommendation 17 of the final report of the Weapons of Mass Destruction Committee, chaired by Dr Hans Blix and tabled on 1 June 2006, to the same effect.

(7) Does the Government consider the UN resolution ‘Renewed determination toward the total elimination of nuclear weapons’ (the renewed determination) to be an appropriate response.

(8) In regard to the more recent resolution L.29 on decreasing the operational readiness of nuclear weapons system, co-sponsored by New Zealand, Chile, Nigeria, Sweden and Switzerland: (a) in what way does it differ from the renewed determination; (b) why did Japan, a co-sponsor of the renewed determination, vote in favour of L.29; (c) were there any reasons, other than the exigencies of time, for the incoming Government not to have voted in support of resolution L.29 on operating status as Japan, Germany, Austria, Spain, Portugal, Italy, Iceland, Ireland, Norway, Finland, Sweden, and New Zealand did; (d) what is the reaction of the Government to the passage of that text by the UN General Assembly in a vote of 136 to 3; (e) why did the three nations, with whom Australia so frequently votes, vote for this resolution while Australia abstained; (f) why was this abstention maintained in the UN General Assembly Plenary; (g) from which non-government organisations did the Government receive correspondence suggesting that it ought to change its vote in the Plenary; and (h) is there anything in the text of resolution L.29 that is, or could be interpreted as being, in any way destabilising; if so, what constructive changes might be made to the resolution.

(9) Will the Government try to advance the issue of nuclear weapons operating status: (a) at the 2008 Nuclear Non-Proliferation Treaty Preparatory Committee (NPT PrepCom); (b) at the next UN General Assembly First Committee; and/or (c) in its discussions with the United States of America and/or Russia.
(10) Will the Government consider working together with: (a) New Zealand, Chile, Nigeria, Sweden and Switzerland at the NPT PrepCom to write a working paper on nuclear weapons operational status; (b) the New Agenda group, both on this issue and more widely on nuclear disarmament issues at the NPT PrepCom; and (c) the New Agenda and the Non-Aligned Movement groups, as well as the western groups and the nuclear weapons states, to promote ongoing progress in nuclear disarmament and strategic stability both via the measures set out in the final report of the Year 2000 NPT review and in the renewed determination, and via a lowering in nuclear weapons operational readiness.

(11) What further steps will the Government take towards: (a) lowering nuclear weapons operational readiness; and (b) bringing the world closer to the creation and implementation of a nuclear weapons convention, along the lines of the updated model convention submitted to the UN General Assembly Plenary.

Senator Faulkner—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:

(1) The Government supports exploration of possible legal frameworks for the eventual abolition of nuclear weapons, including at an appropriate time the possibility of negotiation of a nuclear weapons convention. The Government sees the negotiation of a possible nuclear weapons convention as a longer-term goal.

(2) It is timely and responsible to explore possible legal frameworks for the eventual abolition of nuclear weapons, including negotiation of a nuclear weapons convention. This process will require extensive consultation and planning.

(3) The Government is supportive of exploring possible legal frameworks for the eventual abolition of nuclear weapons, including the possibility of negotiation of a nuclear weapons convention. In the short term, the Government has prioritised immediate disarmament initiatives such as achieving entry into force of the CTBT, commencement of negotiations on an FMCT, and resumption of work in the Conference of Disarmament.

(4) See (3).

(5) On 9 June, the Prime Minister announced the establishment of an International Commission on Nuclear Non-Proliferation and Disarmament. The Commission will report to a major international conference of experts that will be sponsored by Australia. The objective of the Commission and the conference will be to reinvigorate the global effort against the proliferation of nuclear weapons and to shape a global consensus in the lead up to the NPT Review Conference in 2010.

(6) (a) Yes; (b) The Government supports the lowering of the operational readiness of nuclear weapons systems, in ways that promote international stability and security. The Government has welcomed the efforts of some nuclear-weapon states to reduce the operational status of their nuclear arsenals and to de-target nuclear-armed missiles and increase the time required for their launch. Such steps are practical disarmament measures that can raise the threshold for nuclear weapons use and help avoid the risk of miscalculation.

(7) Australia co-sponsored United Nations General Assembly (UNGA) Resolution 62/37 (“Renewed determination towards the total elimination of nuclear weapons”), Operative Paragraph 7 of which “calls for the nuclear-weapons States to further reduce the operational status of nuclear weapons systems in ways that promote international stability and security”.

(8) Following the federal election on 25 November 2007, the new Australian Government was sworn in on 3 December 2007. Before the Plenary voting on First Committee resolutions, which took place on 5 December 2007, the Australian Permanent Representative stated that the Government had just assumed office and had not had adequate time to consider each of the draft resolutions in the depth it would wish. The Permanent Representative further said that the new Government was
strongly committed to nuclear non-proliferation and disarmament and that this commitment would inform the Government’s approach to issues relating to international peace and security in the United Nations and other international forums. The Government is not able to comment on the reasons for particular voting decisions of other states.

(9) (a) At the second NPT Preparatory Committee meeting held in Geneva from 28 April to 10 May this year Australia welcomed the efforts of some nuclear weapons states to reduce the operational status of their nuclear arsenals and to de-target nuclear-armed missiles and increase the time required for their launch; (b); and (c) Yes.

(10) (a); (b); and (c) The Government is committed to pursuing a successful outcome to the 2010 NPT Review Cycle. At the second NPT Preparatory Committee meeting held in Geneva from 28 April to 10 May this year, Australia articulated its desire to work with all states to advance the common goals of nuclear disarmament and non-proliferation. As noted in (5), the Prime Minister has announced the establishment of an International Commission on Nuclear Non-Proliferation and Disarmament.

(11) (a) The Government will continue to advocate the lowering of the operational readiness of nuclear weapons in its bilateral contacts with states possessing nuclear arsenals and in multilateral fora such as the United Nations First Committee and the NPT review process; (b) See the answers to (2), to (5) above.

**National Competition Council**

(Question No. 504)

Senator Siewert asked the Minister representing the Treasurer, upon notice, on 20 June 2008:

In regard to the statement on page xxxvi of the Executive Overview of the report of the Independent Committee of Inquiry into National Competition Policy (The Hilmer report) where it is stated that, in addition to ‘its own Secretariat of perhaps 20 persons, in many cases it would be appropriate for [the Council] to contract out analytical work to other bodies, such as the Industry Commission’: Was that recommendation implemented; if so, how much of a role did the Industry Commission and its successor the Productivity Commission play in the decisions and recommendations of the National Competition Council.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:

Section 29N of the Trade Practices Act 1974 empowers the National Competition Council to engage persons to give advice to and perform services for the Council. The Council has from time to time engaged consultants although it has not engaged the Industry Commission or its successor the Productivity Commission.

**Taxation**

(Question No. 515)

Senator Siewert asked the Minister representing the Treasurer, upon notice, on 10 July 2008:

With reference to Tax Expenditures Statement — 2007:

(1) Can details be provided of how the department estimates the tax expenditures of capped exemptions for: (a) certain public and not-for-profit hospitals under Tax Expenditure Statement (TES) reference code D6; and (b) public benevolent institutions, excluding public hospitals, under TES reference code D8.
(2) (a) How many people does the department estimate utilise the fringe benefits tax exemption for both categories in (1) above; and (b) what amount of tax does the department estimate is foregone by on average per person for each of these tax free thresholds.

(3) What assumptions are made to calculate: (a) the number of people who take advantage of the capped exemption for both of the exemptions in (1) above, and the growth in numbers over the forward years; and (b) the amount of tax forgone for each person.

(4) Can an explanation be provided for the significant discrepancy in tax expenditure estimates from 2006 to 2007 in the capped exemption for public benevolent institutions (excluding public hospitals) under TES reference code D8.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:

(1) For both estimates, tax return data for employees of these organisations was used to calculate the value of reportable fringe benefits. Data relating to the taxable income of these employees was also used to estimate the average marginal tax rate that would have been payable if these exempt fringe benefits were instead paid as wages. The value of the concession is the amount of tax at the average marginal rate that would have been paid on the fringe benefits.

(2) This information is not publicly available.

(3) Historical data was used for the years where such data was available, with assumptions about growth in employment and fringe benefits incorporated to calculate estimates for future years.

(4) The variation in estimates is primarily related to the use of updated tax data which show an increase in the number of employees for which the exemption is being claimed.

Education, Employment and Workplace Relations: Printer Products

(Question Nos 520, 521, 522, 548 and 553)

Senator Milne asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 14 July 2008:

(1) Does the department have a policy regarding the use of remanufactured printer products as opposed to buying new ones; if so, does the department assess the cost and re-useability of the product as part of its decision-making in regard to the policy.

(2) Does the department have a policy directive to use remanufactured printer products and, by doing so, lower the balance of payments through reducing imports.

(3) What environmental standard has the department put in place in regard to the disposal of printer cartridges.

(4) Is the Minister aware that several of the printer companies are now putting chips in printer cartridges so that they cannot be re-used.

(5) Does the department have any contractual arrangements with Lexmark or Epson; if so, is the department party to any ‘Prebate’ program.

(6) Does the department know what happens to the printer cartridges when they are empty.

(7) With whom does the department hold a printer supply contract and what are the conditions of the contract.

(8) How much does the department spend on printer cartridges each financial year.

(9) Does the department use Planet Ark to recycle cartridges.

(10) Does the department use foreign companies such as Corporate Express when purchasing printer cartridges.
Senator Wong—The answer to the honourable senator’s question is as follows:

(1) No. However, the department seeks such options in its procurement process where feasible.

(2) No.

(3) The department has an arrangement with its stationery and print equipment suppliers under which all used printer cartridges are collected and sent to a specialist in recycling services including disposal.

(4) The department is aware that some printer companies build microchips into their printer cartridges to reduce the use of third-party or refilled cartridges. However, these cartridges can be reused by returning them to the original manufacturer.

(5) No.

(6) Used printer cartridges and toners are placed in specialised recycling bins for periodical collection by a contractor for recycling including disposal.

(7) The department has a contract with Ricoh Australia Pty Ltd for the supply of Multi Functional Devices which have a printing functionality. The printer supply contract uses the department’s standard terms and conditions for the provision of goods and services. The contract specifies the requirement for the contractor to pursue the reduction of the environmental impact of its office machines through low emission levels and low energy consumption to maximise recycling of product components and packaging and optimise re-use of toner cartridges and other components with a view to avoid disposal of product in landfill.

(8) The total spend on printer cartridges including toner for 2007/08 was $1,804,462.

(9) The department uses “Close the Loop”, which works in partnership with Planet Ark, to recycle toner cartridges.

(10) The department has contractual arrangements with OfficeMax Australia Pty Ltd and Ricoh Australia Pty Ltd which are Australian registered entities.

Treasury: Printer Products
(Question No. 523)

Senator Milne asked the Minister representing the Treasurer, upon notice, on 14 July 2008:

(1) Does the department have a policy regarding the use of remanufactured printer products as opposed to buying new ones; if so, does the department assess the cost and re-useability of the product as part of its decision-making in regard to the policy.

(2) Does the department have a policy directive to use remanufactured printer products and, by doing so, lower the balance of payments through reducing imports.

(3) What environmental standard has the department put in place in regard to the disposal of printer cartridges.

(4) Is the Minister aware that several of the printer companies are now putting chips in printer cartridges so that they cannot be re-used.

(5) Does the department have any contractual arrangements with Lexmark or Epson; if so, is the department party to any ‘Prebate’ program.

(6) Does the department know what happens to the printer cartridges when they are empty.

(7) With whom does the department hold a printer supply contract and what are the conditions of the contract.

(8) How much does the department spend on printer cartridges each financial year.
(9) Does the department use Planet Ark to recycle cartridges.

(10) Does the department use foreign companies such as Corporate Express when purchasing printer cartridges.

Senator Conroy—The Treasurer has provided the following answer to the honourable senator’s question:

(1) The Treasury’s policy regarding the use of printer products has been based on value for money along with environmental and occupational health and safety considerations.

Due to unverifiable cartridge yield levels, toner quality, toner ingredients and associated non-warrantable device service costs caused by defective cartridges the Treasury currently uses Original Equipment Manufacturer (OEM) cartridges only.

(2) See above (response to Question 1).

(3) All spent toner cartridges are sent to Planet Ark for recycling and safe disposal.

(4) Yes.

(5) The Treasury has no contractual arrangements with manufacturers. ATI is the Treasury’s managed print services provider (see also response to Question 7).

ATI purchases prebate cartridges on behalf of the Treasury. ATI then uses Planet Ark to recycle the spent cartridges.

(6) Yes, ATI coordinates the recycling of spent printer toner cartridges through Planet Ark. Details of Planet Ark’s recycling process are available on their website.

(7) The Treasury has a full managed printer supply and services contract with ATI, part of the ATI Group Pty Ltd, an Australian owned, small to medium enterprise.

The Treasury has a three-year managed printer services contract with an option of two additional two-year terms. ATI owns and maintains the printers and is responsible for the installation of new equipment, removal of redundant equipment, onsite valet service, provision of consumables and other process support services.

(8) Approximately $150,000 per annum.

(9) Yes, via ATI.

(10) No.

Innovation, Industry, Science and Research: Printer Products

(Question Nos 534 and 550)

Senator Milne asked the Minister for Innovation, Industry, Science and Research, and Minister representing the Minister for Small Business, Independent Contractors and the Service Economy, upon notice, on 14 July 2008:

(1) Does the department have a policy regarding the use of remanufactured printer products as opposed to buying new ones; if so, does the department assess the cost and re-useability of the product as part of its decision-making in regard to the policy.

(2) Does the department have a policy directive to use remanufactured printer products and, by doing so, lower the balance of payments through reducing imports.

(3) What environmental standard has the department put in place in regard to the disposal of printer cartridges.

(4) Is the Minister aware that several of the printer companies are now putting chips in printer cartridges so that they cannot be re-used.
(5) Does the department have any contractual arrangements with Lexmark or Epson; if so, is the department party to any ‘Prebate’ program.

(6) Does the department know what happens to the printer cartridges when they are empty.

(7) With whom does the department hold a printer supply contract and what are the conditions of the contract.

(8) How much does the department spend on printer cartridges each financial year.

(9) Does the department use Planet Ark to recycle cartridges.

(10) Does the department use foreign companies such as Corporate Express when purchasing printer cartridges.

Senator Carr—The Minister for Innovation, Industry, Science and Research will provide a Portfolio response to Questions 534 and 550. The answer to the honourable senator’s question is as follows:

(1) No. However the department has a contract with Canon Australia Pty Ltd to provide printing, photocopiering and scanning facilities. Under the contract Canon has established a recycling program.

(2) No.

(3) Under our contractual arrangements with Canon Australia Pty Ltd for the provision of multi-function devices (MFDs), at the department’s premises at Industry House, Canberra, repositories are available in all departmental utility zones to deposit toner cartridges, toner bottles and drum kits from all brands of photocopiers, faxes and printers. These products are ultimately recycled into a plastic wood ‘EWood’ used in the manufacture of outdoor materials (i.e. outdoor furniture). Other departmental offices (including State Offices) have various recycling processes in place, including using Planet Ark (refer Question 10 below) which either re-use or recycle printer cartridges.

(4) I understand that the department is aware that some printer companies build microchips into their printer cartridges to reduce the use of third-party or refilled cartridges. The advice is that these cartridges can be reused by returning them to the original manufacturer.

(5) No.

(6) Yes. Please refer to response provided in Question (3).

(7) There are no contracts currently in place for printer supplies, other than that with Canon Australia Pty Ltd for the provision of MFDs (which includes the supply of toner cartridges as part of the contractual charges).

(8) Please refer to the response provided at the Budget Estimates Hearing of 2-3 June 2008 to Question No BI-87.

(9) Not formally, however some of the department’s smaller state/regional offices use Planet Ark recycling repositories located at local Post Offices.

(10) Excluding MFDs, the department uses a number of companies (including Corporate Express) in sourcing printer cartridges.

Tasmania: Frogs
(Question No. 558)

Senator Milne asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 18 July 2008:

With reference to:

(a) the report by Lisa Clarkson, published in May 2008, Report on the findings of surveys conducted in the Dilston/Windermere area, Tamar Valley, Tasmania, and with specific reference to the green and gold
frog (Litoria raniformis) and the possible presence of a key threatening process, Batrachochytrium dendrobatidis or amphibian chytrid fungus); and (b) the Government’s recent substantial funding for amphibian chytrid fungus surveillance in Tasmania and the recommendations made in the Chief Scientist’s report on the scientific aspects of the Department of the Environment and Water Resources recommendation report: can the Minister confirm whether Commonwealth funding will be used to assess the status of the remaining populations of the green and gold frog (which is currently listed as vulnerable) in the Tamar Valley in northern Tasmania, particularly those frog populations impacted by proposed road upgrades and water pipeline infrastructure development along the eastern side of the Tamar estuary.

Senator Wong—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

The threats, population and distribution of the Green and Gold Frog were assessed when the frog was listed as a vulnerable species. There are no current plans to reassess the listing status of the frog populations in the Tamar Valley. A recovery plan is being prepared for the frog, and this will guide future actions to conserve the species across its range.

The EPBC Act provides protection for the frog by requiring that any project likely to have a significant impact on the frog have the approval of the Commonwealth Environment Minister and that the proponent adhere to any conditions that may subsequently be imposed by the Minister for protection of the species.

Australian Bureau of Statistics: Survey of Housing and Income

(Question No. 560)

Senator Milne asked the Minister representing the Assistant Treasurer, upon notice, on 18 July 2008:

With reference to the 2008 Survey of Housing and Income conducted by the Australian Bureau of Statistics:

(1) Are there circumstances under which residents are permitted to decline to be surveyed.

(2) Are residents compelled to participate in surveys, even when ill or unable to do so due to special circumstances, by incurring a fine of $110 per day for non-compliance; if so, will the Minister change the provisions of the Australian Bureau of Statistics Act 1975 to allow individuals to decline participation in surveys under special circumstances.

Senator Conroy—The Assistant Treasurer has provided the following answer to the honourable senator’s question:

(1) The ABS always seeks the willing cooperation of respondents selected in its surveys and the vast majority are happy to do so, as they appreciate the value of the statistics to the community. If a resident declines to participate, the ABS will ascertain the reason. In special circumstances, such as serious illness or a recent death in the family, the resident will be provided with an exemption from participation in the survey.

(2) No, the ABS will not compel residents to participate in surveys under these special circumstances.

Prospective Marriage Visas

(Question No. 564)

Senator Ellison asked the Minister for Immigration and Citizenship, upon notice, on 18 July 2008:

(1) Under current legislation, at what point can all options of a Prospective Marriage Visa (Subclass 300) holder’s ability to appeal decisions of the department or the Minister be exhausted in order that
such issues may, through ‘natural justice principles’, reach a conclusion and a final outcome established.

(2) (a) Can a Prospective Marriage Visa sponsor be provided information regarding the progress and outcome of a request for cancellation or is this information subject to the Privacy Act 1998; and (b) If the information is subject to the Privacy Act: (i) why is this the case; and (ii) why does allowable disclosure not apply.

Senator Chris Evans—The answer to the honourable senator’s question is as follows:

(1) A Prospective Marriage (Subclass 300) visa is granted with the expectation that the visa holder goes on to marry their partner and apply for a Partner visa. If a client who has entered Australia on a Prospective Marriage visa makes an unsuccessful application for a Partner Visa they can seek review of the decision of the Minister’s delegate by the Migration Review Tribunal (“the MRT”). The MRT operates within the strict time periods and legislative requirements set out in sections 338 and 347 of the Migration Act 1958 (the Act) and section 4.10 of the Migration Regulations 1994. Merits review at the MRT is only available to applicants within these prescribed timeframes.

The MRT essentially assesses the client’s visa application on the merits in the same way that delegates do. The MRT may also take into account new information which was not available to the delegate. If the MRT disagrees with the delegate’s decision, the MRT will generally remit the matter to the Department with a direction that a particular criterion or all criteria are met by the client. If the MRT directs that only specific criteria have been met, the Department will then proceed to assess the remainder of the criteria and make a new decision on the visa application.

Where the MRT affirms the delegate’s decision, the availability of the Minister’s personal intervention power under section 351 of the Act is activated. There is no application process associated with Minister’s personal intervention power. The Minister cannot be compelled to exercise his power nor is the Minister’s decision reviewable.

A client who receives an adverse decision from the MRT may seek judicial review of that decision in the courts. Under judicial review, the court’s focus is on legal error and it cannot re-examine the merits of the decision. Furthermore, applicants may seek judicial review without having first sought review by the MRT.

The Federal Magistrates Court has jurisdiction to review decisions of the MRT. If the Federal Magistrates Court dismisses the client’s application, the client may appeal that decision to the Federal Court in its appellate jurisdiction. If the client’s appeal is dismissed by the Federal Court, the client can make an application for special leave to appeal to the High Court. A grant of special leave is necessary before an appeal can proceed in the High Court. If unsuccessful, the client’s rights to seek judicial review are exhausted. Any further application to a court for judicial review of the same migration decision could be considered an abuse of process.

The High Court’s jurisdiction to review migration decisions is entrenched in section 75(v) of the Constitution. The jurisdiction conferred on the Federal Court and Federal Magistrates Court by Part 8 of the Act is the same as that given to the High Court by the Constitution. The Federal Court and Federal Magistrates Court are given the same jurisdiction as the High Court to provide a disincentive to clients to apply for judicial review in the High Court and divert that Court’s valuable resources from its important Constitutional and appellate work. Only these three courts have jurisdiction to judicially review migration decisions.

(2) (a) Information relating to the cancellation of a Prospective Marriage Visa is considered to be the visa holder’s ‘personal information’ as defined within section 6 of the Privacy Act 1988. A sponsor could only be provided with the personal information of a visa holder or applicant if
one of the exceptions in the Information Privacy Principle 11 (IPP 11) of section 14 of the Privacy Act 1988 applies. These exceptions are summarised below:

- The individual concerned is ‘reasonably likely to be aware’ that the information will be disclosed (usually through client application forms at time of collection or at interview);
- The individual concerned has consented (fully informed and freely given);
- The disclosure is reasonably necessary to prevent or lessen a serious and imminent threat to life or health;
- The disclosure is required or authorised by (Australian) law; or
- The disclosure is reasonably necessary for the enforcement of the (Australian) criminal law, or a (Australian) law of imposing a pecuniary penalty, or for the protection of the public revenue.

The Privacy Act 1988 legally applies to all organisations that collect and handle personal information, including the Department of Immigration and Citizenship, and the Department complies with and upholds the principles of that Act.

(b) (i) The personal information of individuals held by the Department is subject to the Privacy Act 1988. The Department is legally bound by the Privacy Act 1988 and the Department cannot disclose the personal information of an individual except under certain circumstances contained within IPP 11.

(ii) The Department cannot disclose the personal information of an individual (other than to the individual concerned) unless one of exceptions in IPP 11 applies.

If none of the exceptions apply, the Department cannot disclose information relating to the visa cancellation to the former sponsor as such information is considered to be the visa holder’s ‘personal information’.

**Nuclear Waste Repository**  
(Question No. 565)

Senator Ludlam asked the Minister representing the Minister for Resources and Energy, upon notice, on 25 July 2008:


(2) Will the Department of Defence sites being assessed under the Act be repealed in accordance with the platform to not proceed with the development of any of the current sites identified by the Howard Government in the Northern Territory, if no contracts have been entered into for those sites.

(3) Will the Minister confirm that, on repeal of the Act, the Muckaty site will no longer have legal status and will therefore be repealed in accordance with the resolution of the Northern Territory ALP conference in April 2008.

(4) Did the Minister meet, on 16 July 2008, with Northern Land Council representatives and/or the traditional owners of Muckaty Station; if so, what were the matters under discussion.

(5) Is the Minister undertaking negotiation or discussions on ‘transitional arrangements’ regarding the Muckaty site; if so, what is the nature of the negotiations or discussions.

(6) Given that the Northern Territory legislation prohibiting Commonwealth nuclear waste facilities will come back into effect on repeal of the Act, will the Government respect the right and jurisdiction of the Northern Territory Government.

Senator Carr—The Minister for Resources and Energy has provided the following answer to the honourable senator’s question:
(1) The Minister is presently considering an appropriate way forward to achieve a comprehensive, national approach to radioactive waste management. The Minister will make details of this approach available when it has been finalised.
(2) See answer to question (1).
(3) See answer to question (1).
(4) The Minister regularly meets with a range of organisations, but does not disclose specific details.
(5) See answer to question (1).
(6) See answer to question (1).