



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**AUSTRALIAN RESEARCH  
COUNCIL AMENDMENT BILL 2006**

**In Committee**

**SPEECH**

**Thursday, 22 June 2006**

BY AUTHORITY OF THE SENATE

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## SPEECH

<b>Date</b> Thursday, 22 June 2006	<b>Source</b> Senate
<b>Page</b> 252	<b>Proof</b> No
<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Stott Despoja, Sen Natasha	<b>Question No.</b>

**Senator STOTT DESPOJA** (South Australia) (11.54 pm)—The Australian Democrats will be supporting the Labor amendments. I just want to clarify that Senator Stephens was addressing amendments (1) to (3) only?

**The CHAIRMAN**—It is amendments (1) and (3) on sheet 4979.

**Senator STOTT DESPOJA**—I am just clarifying that Senator Stephens was addressing only those amendments.

**Senator Stephens**—I was covering them all.

**Senator STOTT DESPOJA**—That is what I thought. In that case, I will also cover the lot now in relation to the Democrat position on the Labor amendments.

**The CHAIRMAN**—You are most welcome to do so.

**Senator STOTT DESPOJA**—Thank you. In relation to retaining the board, obviously Labor's amendments simply oppose the provisions in the bill that deal with the abolition of the board. We have some sympathy for that position, so we will be supporting the amendments. In relation to no designated committees, I see that the Labor approach is again to simply oppose the provisions that deal with the designated committees. That is fine. On the peer review process, as I have discussed with the Labor opposition, there is no specific reference in the Labor amendments to the college of experts, and obviously that is a difference that you can see between the Democrat amendments that I will move shortly and the Labor amendments. I understand that Labor is keen to preserve the peer review process by retaining the board, and also through the amendment that they are dealing with after subsection 52(4). We will accept that.

In terms of initiating inquiries, we have a slightly different approach, but we are trying to come to the same end. I note from the running sheet that we are not in direct opposition and that it does not seem to be conflicting, so I think we are more than happy to support Labor and see what happens. The approach of the Labor Party is to repeal the part of the bill that stripped the ARC's previous power to initiate inquiries, and it is happy to retain the act's provisions on this.

Senator Stephens and others who have been involved in this process would note that the Democrats have found it somewhat confusing, or a little unsatisfactory, that in both the Senate committee process and through the estimates committee process I was unable to get a definitive response from the government and the department—for partly understandable reasons, I might add—as to whether or not the ARC retained the power to initiate its own inquiries, but specifically whether or not the CEO could initiate those inquiries without reference to, approval from or consultation with the minister. I am sure that the advisers are more than aware of the questions that I asked and the answers that I received on two occasions on that issue.

Before anyone advises me about the Public Service Act and the provisions in it, I am well aware of those provisions. However, there was still some element of uncertainty as to whether or not the CEO required permission from the minister. I note that in the case of the Labor Party amendments, the Labor Party has said that the board does not actually have to get the approval of the minister before initiating inquiries but merely consult the minister. We think this is an appropriate way for any statutory agency to operate—keep the minister informed and seek advice where relevant. So there is not a problem, as I understand it, with these Labor Party amendments in terms of the act as it currently stands.

However, the Labor Party and others would be aware of concerns that have been expressed by organisations which provided input into the Senate committee process. On that note, because I have incorporated my speech on the second reading, I do want to make a very clear point, given that committee processes seem to be a matter of debate at the moment. It is my understanding—and I am happy to be corrected if it is wrong—that the chair's report into this legislation did not even refer to the criticisms that were brought up by sector groups. The government needs to understand just how offensive and insulting that was. That was certainly how it was

perceived by groups that have a vested interest in their communities and their sectors but do not necessarily have a partisan perspective. They went to a lot of trouble to provide written submissions and verbal submissions, to answer questions and to turn up to hearings, and then they were not even cited in the chair's report. That is a bit much! I know the government is aware of those criticisms, even if it did not refer to them in the majority report.

The federation, or FASTS, said that the current act unnecessarily diminishes the power of the board to initiate inquiries by requiring it to consult the minister. So, even though the Labor Party's amendment is borne out of a dissatisfaction with the current wording of the act, and that is what it seeks to do with this amendment, the Democrats still have concerns that in fact that is not really good enough either. I have not been satisfied with the responses to the questions I have asked during a number of processes, and clearly organisations such as FASTS are also not happy. So our amendment, which I foreshadow, gives the CEO the ability to initiate inquiries without seeking ministerial approval, thus helping the ARC to fulfil its statutory requirements in providing high-level advice to the minister.

Essentially, we are supporting the Labor Party amendments. I think they are supporting our amendments too. We are trying to get to the same thing—trying to alleviate what we consider to be some of the worst aspects of this legislation and improve it in some very key ways to do with the College of Experts, the peer review process, the powers of the board and the role of the CEO. And I might put on the record once again my strong concern and that of my party about making sure that the CEO's ability to initiate an inquiry remains. I can speak to our amendments in more detail or maybe more quickly when they are moved, but in the meantime the Democrats give our support to the opposition amendments.