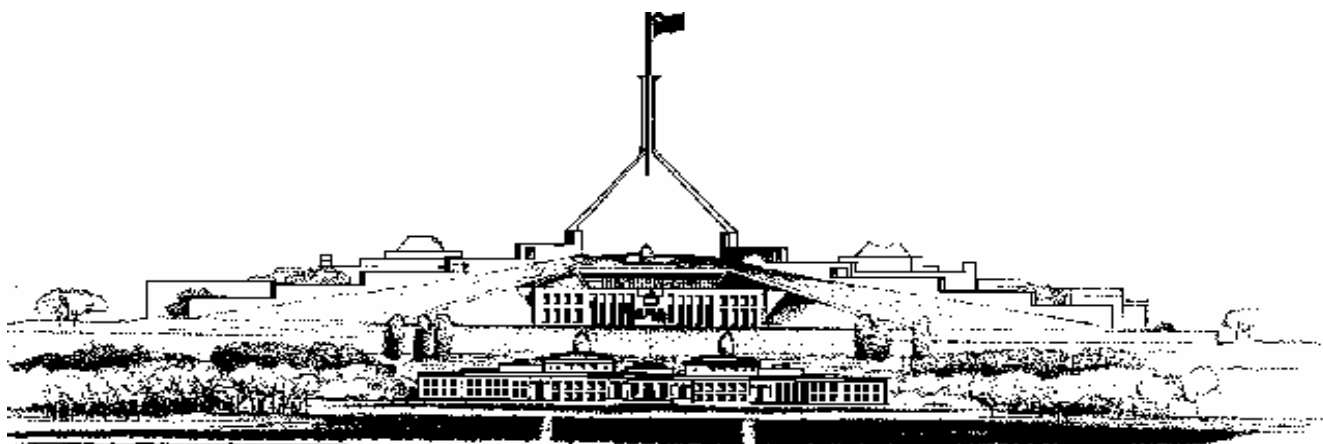




COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



**Senate**

**Official Hansard**

**No. 17, 2005**

**WEDNESDAY, 9 NOVEMBER 2005**

FORTY-FIRST PARLIAMENT  
FIRST SESSION—FOURTH PERIOD

BY AUTHORITY OF THE SENATE



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### SITTING DAYS—2005

Month	Date
February	8, 9, 10
March	7, 8, 9, 10, 14, 15, 16, 17
May	10, 11, 12
June	14, 15, 16, 20, 21, 22, 23
August	9, 10, 11, 16, 17, 18
September	5, 6, 7, 8, 12, 13, 14, 15
October	4, 5, 6, 10, 11, 12, 13
November	3, 7, 8, 9, 10, 28, 29, 30
December	1, 5, 6, 7, 8

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**FORTY-FIRST PARLIAMENT  
FIRST SESSION—FOURTH PERIOD**

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

**Senate Officeholders**

*President*—Senator the Hon. Paul Henry Calvert

*Deputy President and Chairman of Committees*—Senator John Joseph Hogg

*Temporary Chairmen of Committees*—Senators Guy Barnett, George Henry Brandis, Hedley Grant Pearson Chapman, Patricia Margaret Crossin, Alan Baird Ferguson, Michael George Forshaw, Stephen Patrick Hutchins, Linda Jean Kirk, Philip Ross Lightfoot, Gavin Mark Marshall, Claire Mary Moore, Andrew James Marshall Murray, Hon. Judith Mary Troeth and John Odin Wentworth Watson

*Leader of the Government in the Senate*—Senator the Hon. Robert Murray Hill

*Deputy Leader of the Government in the Senate*—Senator the Hon. Nicholas Hugh Minchin

*Leader of the Opposition in the Senate*—Senator Christopher Vaughan Evans

*Deputy Leader of the Opposition in the Senate*—Senator Stephen Michael Conroy

*Manager of Government Business in the Senate*—Senator the Hon. Christopher Martin Ellison

*Manager of Opposition Business in the Senate*—Senator Joseph William Ludwig

**Senate Party Leaders and Whips**

*Leader of the Liberal Party of Australia*—Senator the Hon. Robert Murray Hill

*Deputy Leader of the Liberal Party of Australia*—Senator the Hon. Nicholas Hugh Minchin

*Leader of The Nationals*—Senator the Hon. Ronald Leslie Doyle Boswell

*Deputy Leader of The Nationals*—Senator John Alexander

Lindsay (Sandy) Macdonald

*Leader of the Australian Labor Party*—Senator Christopher Vaughan Evans

*Deputy Leader of the Australian Labor Party*—Senator Stephen Michael Conroy

*Leader of the Australian Democrats*—Senator Lynette Fay Allison

*Leader of the Family First Party*—Senator Steve Fielding

*Liberal Party of Australia Whips*—Senators Jeannie Margaret Ferris and Alan Eggleston

*Nationals Whip*—Senator Julian John James McGauran

*Opposition Whips*—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber

*Australian Democrats Whip*—Senator Andrew John Julian Bartlett

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### Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	TAS	30.6.2011	LP
Adams, Judith	WA	30.6.2011	LP
Allison, Lynette Fay	VIC	30.6.2008	AD
Barnett, Guy	TAS	30.6.2011	LP
Bartlett, Andrew John Julian	QLD	30.6.2008	AD
Bishop, Thomas Mark	WA	30.6.2008	ALP
Boswell, Hon. Ronald Leslie Doyle	QLD	30.6.2008	NATS
Brandis, George Henry	QLD	30.6.2011	LP
Brown, Carol Louise <sup>(4)</sup>	TAS	30.6.2008	ALP
Brown, Robert James	TAS	30.6.2008	AG
Calvert, Hon. Paul Henry	TAS	30.6.2008	LP
Campbell, George	NSW	30.6.2008	ALP
Campbell, Hon. Ian Gordon	WA	30.6.2011	LP
Carr, Kim John	VIC	30.6.2011	ALP
Chapman, Hedley Grant Pearson	SA	30.6.2008	LP
Colbeck, Hon. Richard Mansell	TAS	30.6.2008	LP
Conroy, Stephen Michael	VIC	30.6.2011	ALP
Coonan, Hon. Helen Lloyd	NSW	30.6.2008	LP
Crossin, Patricia Margaret <sup>(3)</sup>	NT		ALP
Eggleston, Alan	WA	30.6.2008	LP
Ellison, Hon. Christopher Martin	WA	30.6.2011	LP
Evans, Christopher Vaughan	WA	30.6.2011	ALP
Faulkner, Hon. John Philip	NSW	30.6.2011	ALP
Ferguson, Alan Baird	SA	30.6.2011	LP
Ferris, Jeannie Margaret	SA	30.6.2008	LP
Fielding, Steve	VIC	30.6.2011	FF
Fierravanti-Wells, Concetta Anna	NSW	30.6.2011	LP
Fifield, Mitchell Peter <sup>(2)</sup>	VIC	30.6.2008	LP
Forshaw, Michael George	NSW	30.6.2011	ALP
Heffernan, Hon. William Daniel	NSW	30.6.2011	LP
Hill, Hon. Robert Murray	SA	30.6.2008	LP
Hogg, John Joseph	QLD	30.6.2008	ALP
Humphries, Gary John Joseph <sup>(3)</sup>	ACT		LP
Hurley, Annette	SA	30.6.2011	ALP
Hutchins, Stephen Patrick	NSW	30.6.2011	ALP
Johnston, David Albert Lloyd	WA	30.6.2008	LP
Joyce, Barnaby	QLD	30.6.2011	NATS
Kemp, Hon. Charles Roderick	VIC	30.6.2008	LP
Kirk, Linda Jean	SA	30.6.2008	ALP
Lightfoot, Philip Ross	WA	30.6.2008	LP
Ludwig, Joseph William	QLD	30.6.2011	ALP
Lundy, Kate Alexandra <sup>(3)</sup>	ACT		ALP
Macdonald, Hon. Ian Douglas	QLD	30.6.2008	LP
Macdonald, John Alexander Lindsay (Sandy)	NSW	30.6.2008	NATS
McEwen, Anne	SA	30.6.2011	ALP
McGauran, Julian John James	VIC	30.6.2011	NATS
McLucas, Jan Elizabeth	QLD	30.6.2011	ALP
Marshall, Gavin Mark	VIC	30.6.2008	ALP

Senator	State or Territory	Term expires	Party
Mason, Brett John	QLD	30.6.2011	LP
Milne, Christine	TAS	30.6.2011	AG
Minchin, Hon. Nicholas Hugh	SA	30.6.2011	LP
Moore, Claire Mary	QLD	30.6.2008	ALP
Murray, Andrew James Marshall	WA	30.6.2008	AD
Nash, Fiona	NSW	30.6.2011	NATS
Nettle, Kerry Michelle	NSW	30.6.2008	AG
O'Brien, Kerry Williams Kelso	TAS	30.6.2011	ALP
Parry, Stephen	TAS	30.6.2011	LP
Patterson, Hon. Kay Christine Lesley	VIC	30.6.2008	LP
Payne, Marise Ann	NSW	30.6.2008	LP
Polley, Helen	TAS	30.6.2011	ALP
Ray, Hon. Robert Francis	VIC	30.6.2008	ALP
Ronaldson, Hon. Michael	VIC	30.6.2011	LP
Santoro, Santo <sup>(1)</sup>	QLD	30.6.2008	LP
Scullion, Nigel Gregory <sup>(3)</sup>	NT		CLP
Sherry, Hon. Nicholas John	TAS	30.6.2008	ALP
Siewert, Rachel	WA	30.6.2011	AG
Stephens, Ursula Mary	NSW	30.6.2008	ALP
Sterle, Glenn	WA	30.6.2011	ALP
Stott Despoja, Natasha Jessica	SA	30.6.2008	AD
Troeth, Hon. Judith Mary	VIC	30.6.2011	LP
Trood, Russell	QLD	30.6.2011	LP
Vanstone, Hon. Amanda Eloise	SA	30.6.2011	LP
Watson, John Odin Wentworth	TAS	30.6.2008	LP
Webber, Ruth Stephanie	WA	30.6.2008	ALP
Wong, Penelope Ying Yen	SA	30.6.2008	ALP
Wortley, Dana	SA	30.6.2011	ALP

(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.

(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.

(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.

#### PARTY ABBREVIATIONS

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

#### **Heads of Parliamentary Departments**

Clerk of the Senate—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—H R Penfold QC

## HOWARD MINISTRY

Prime Minister	The Hon. John Winston Howard MP
Minister for Trade and Deputy Prime Minister	The Hon. Mark Anthony James Vaile MP
Treasurer	The Hon. Peter Howard Costello MP
Minister for Transport and Regional Services	The Hon. Warren Errol Truss MP
Minister for Defence and Leader of the Government in the Senate	Senator the Hon. Robert Murray Hill
Minister for Foreign Affairs	The Hon. Alexander John Gosse Downer MP
Minister for Health and Ageing and Leader of the House	The Hon. Anthony John Abbott MP
Attorney-General	The Hon. Philip Maxwell Ruddock MP
Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council	Senator the Hon. Nicholas Hugh Minchin
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House	The Hon. Peter John McGauran MP
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs	Senator the Hon. Amanda Eloise Vanstone
Minister for Education, Science and Training	The Hon. Dr Brendan John Nelson MP
Minister for Family and Community Services and Minister Assisting the Prime Minister for Women's Issues	Senator the Hon. Kay Christine Lesley Patterson
Minister for Industry, Tourism and Resources	The Hon. Ian Elgin Macfarlane MP
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service	The Hon. Kevin James Andrews MP
Minister for Communications, Information Technology and the Arts	Senator the Hon. Helen Lloyd Coonan
Minister for the Environment and Heritage	Senator the Hon. Ian Gordon Campbell

**(The above ministers constitute the cabinet)**



# **HOWARD MINISTRY—*continued***

Minister for Justice and Customs and Manager of Government Business in the Senate	Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation	Senator the Hon. Ian Douglas Macdonald
Minister for the Arts and Sport	Senator the Hon. Charles Roderick Kemp
Minister for Human Services	The Hon. Joseph Benedict Hockey MP
Minister for Citizenship and Multicultural Affairs	The Hon. John Kenneth Cobb MP
Minister for Revenue and Assistant Treasurer	The Hon. Malcolm Thomas Brough MP
Special Minister of State	Senator the Hon. Eric Abetz
Minister for Vocational and Technical Education and Minister Assisting the Prime Minister	The Hon. Gary Douglas Hardgrave MP
Minister for Ageing	The Hon. Julie Isabel Bishop MP
Minister for Small Business and Tourism	The Hon. Frances Esther Bailey MP
Minister for Local Government, Territories and Roads	The Hon. James Eric Lloyd MP
Minister for Veterans' Affairs and Minister Assisting the Minister for Defence	The Hon. De-Anne Margaret Kelly MP
Minister for Workforce Participation	The Hon. Peter Craig Dutton MP
Parliamentary Secretary to the Minister for Finance and Administration	The Hon. Dr Sharman Nancy Stone MP
Parliamentary Secretary to the Minister for Industry, Tourism and Resources	The Hon. Warren George Entsch MP
Parliamentary Secretary to the Minister for Health and Ageing	The Hon. Christopher Maurice Pyne MP
Parliamentary Secretary to the Minister for Defence	The Hon. Teresa Gambaro MP
Parliamentary Secretary (Trade)	Senator the Hon. John Alexander Lindsay (Sandy) Macdonald
Parliamentary Secretary (Foreign Affairs) and Parliamentary Secretary to the Minister for Immigration and Multicultural and Indigenous Affairs	The Hon. Bruce Fredrick Billson MP
Parliamentary Secretary to the Prime Minister	The Hon. Gary Roy Nairn MP
Parliamentary Secretary to the Treasurer	The Hon. Christopher John Pearce MP
Parliamentary Secretary to the Minister for the Environment and Heritage	The Hon. Gregory Andrew Hunt MP
Parliamentary Secretary (Children and Youth Affairs)	The Hon. Sussan Penelope Ley MP
Parliamentary Secretary to the Minister for Education, Science and Training	The Hon. Patrick Francis Farmer MP
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry	Senator the Hon. Richard Mansell Colbeck

## SHADOW MINISTRY

Leader of the Opposition	The Hon. Kim Christian Beazley MP
Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research	Jennifer Louise Macklin MP
Leader of the Opposition in the Senate, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services	Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology	Senator Stephen Michael Conroy
Shadow Minister for Health and Manager of Opposition Business in the House	Julia Eileen Gillard MP
Shadow Treasurer	Wayne Maxwell Swan MP
Shadow Attorney-General	Nicola Louise Roxon MP
Shadow Minister for Industry, Infrastructure and Industrial Relations	Stephen Francis Smith MP
Shadow Minister for Foreign Affairs and Trade and Shadow Minister for International Security	Kevin Michael Rudd MP
Shadow Minister for Defence	Robert Bruce McClelland MP
Shadow Minister for Regional Development	The Hon. Simon Findlay Crean MP
Shadow Minister for Primary Industries, Resources, Forestry and Tourism	Martin John Ferguson MP
Shadow Minister for Environment and Heritage, Shadow Minister for Water and Deputy Manager of Opposition Business in the House	Anthony Norman Albanese MP
Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories	Senator Kim John Carr
Shadow Minister for Public Accountability and Shadow Minister for Human Services	Kelvin John Thomson MP
Shadow Minister for Finance	Lindsay James Tanner MP
Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services	Senator the Hon. Nicholas John Sherry
Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women	Tanya Joan Plibersek MP
Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate Governance and Responsibility	Senator Penelope Ying Yen Wong

**(The above are shadow cabinet ministers)**

# **SHADOW MINISTRY—*continued***

Shadow Minister for Consumer Affairs and Shadow Minister for Population Health and Health Regulation	Laurie Donald Thomas Ferguson MP
Shadow Minister for Agriculture and Fisheries	Gavan Michael O'Connor MP
Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition	Joel Andrew Fitzgibbon MP
Shadow Minister for Transport	Senator Kerry Williams Kelso O'Brien
Shadow Minister for Sport and Recreation	Senator Kate Alexandra Lundy
Shadow Minister for Homeland Security and Shadow Minister for Aviation and Transport Security	The Hon. Archibald Ronald Bevis MP
Shadow Minister for Veterans' Affairs and Shadow Special Minister of State	Alan Peter Griffin MP
Shadow Minister for Defence Industry, Procurement and Personnel	Senator Thomas Mark Bishop
Shadow Minister for Immigration	Anthony Stephen Burke MP
Shadow Minister for Aged Care, Disabilities and Carers	Senator Jan Elizabeth McLucas
Shadow Minister for Justice and Customs and Manager of Opposition Business in the Senate	Senator Joseph William Ludwig
Shadow Minister for Overseas Aid and Pacific Island Affairs	Robert Charles Grant Sercombe MP
Shadow Parliamentary Secretary for Reconciliation and the Arts	Peter Robert Garrett MP
Shadow Parliamentary Secretary to the Leader of the Opposition	John Paul Murphy MP
Shadow Parliamentary Secretary for Defence and Veterans' Affairs	The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Education	Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary for Environment and Heritage	Jennie George MP
Shadow Parliamentary Secretary for Industry, Infrastructure and Industrial Relations	Bernard Fernando Ripoll MP
Shadow Parliamentary Secretary for Immigration	Ann Kathleen Corcoran MP
Shadow Parliamentary Secretary for Treasury	Catherine Fiona King MP
Shadow Parliamentary Secretary for Science and Water	Senator Ursula Mary Stephens
Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs	The Hon. Warren Edward Snowdon MP

## CONTENTS

WEDNESDAY, 9 NOVEMBER

### **Chamber**

Business—	
Rearrangement.....	1
Committees—	
Community Affairs Legislation Committee—Reference .....	1
Defence Legislation Amendment Bill (No. 2) 2005—	
Second Reading .....	27
Third Reading.....	43
Australian Workplace Safety Standards Bill 2005 and	
National Occupational Health and Safety Commission (Repeal, Consequential and	
Transitional Provisions) Bill 2005—	
In Committee.....	43
Third Reading.....	44
Business—	
Rearrangement.....	44
Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005—	
Second Reading .....	45
Matters of Public Interest—	
Australian Broadcasting Corporation .....	45
Fusion Australia.....	49
Telstra .....	49
Marine Conservation .....	52
Water Management.....	55
Abortion .....	58
Electoral System: Western Australia .....	58
National Security.....	61
Immigration: Detainees .....	61
Questions Without Notice—	
Workplace Relations.....	64
Australian Federal Police: Sudan .....	65
Workplace Relations.....	66
Indigenous Women's Development Program.....	68
Welfare to Work.....	69
Workplace Relations.....	71
Distinguished Visitors.....	72
Questions Without Notice—	
Whaling .....	73
Workplace Relations.....	75
Illegal Fishing.....	77
Housing Market.....	78
Questions Without Notice: Take Note of Answers—	
Workplace Relations.....	79
Whaling .....	85
Petitions—	
Human Rights.....	86
Notices—	
Presentation .....	87

## CONTENTS—*continued*

Committees—	
Selection of Bills Committee—Report.....	88
Notices—	
Postponement .....	95
Committees—	
Economics Legislation Committee—Extension of Time .....	95
Welfare to Work.....	95
Committees—	
Legal and Constitutional References Committee—Extension of Time .....	95
Mr Rod Donald .....	96
Parliamentary Charter of Rights and Freedoms Bill 2001 .....	96
Commonwealth Scientific and Industrial Research Organisation.....	96
Committees—	
Scrutiny of Bills Committee— <i>Alert Digest</i> .....	97
Electoral Matters Committee—Corrigendum .....	97
Public Works Committee—Reports .....	100
Membership.....	101
Law and Justice Legislation Amendment (Serious Drug Offences and Other Measures)	
Bill 2005,	
Copyright Amendment (Film Directors' Rights) Bill 2005 and	
Customs Tariff Amendment (Commonwealth Games) Bill 2005—	
Assent .....	102
Committees—	
Procedure Committee—Adoption of Report .....	102
Employment, Workplace Relations and Education Legislation Committee—Reference.	102
Membership.....	110
Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005—	
Second Reading .....	110
Documents—	
Land and Water Australia .....	134
Director of National Parks.....	135
Consideration.....	136
Adjournment—	
Hasluck Electorate: Commonwealth Land .....	137
Higher Education.....	140
Workplace Relations.....	142
Road Transport Industry .....	145
Investment and Financial Services Association.....	146
Documents—	
Tabling.....	147
Tabling.....	147
<b>Questions on Notice</b>	
Working Party on the Registration of Drugs for Use in Children—(Question No. 907)..	148
Treasury: Grants—(Question No. 1004) .....	150
Pre-Mixed Drinks—(Question No. 1041 amended).....	155
Shipping: Dangerous Goods—(Question No. 1170) .....	156
Governor-General: Visit to Papua New Guinea—(Question No. 1225).....	157
Selective Serotonin Reuptake Inhibitors—(Question No. 1272).....	162
Pan Pharmaceuticals—(Question No. 1286) .....	163
Australia's Eating Habits and Physical Activity Project—(Question No. 1292).....	163



*Wednesday, 9 November 2005*

**The PRESIDENT (Senator the Hon. Paul Calvert)** took the chair at 9.30 am and read prayers.

### **BUSINESS**

#### **Rearrangement**

**Senator ELLISON** (Western Australia—Manager of Government Business in the Senate) (9.31 am)—I move:

That intervening business be postponed till after consideration of business of the Senate notice of motion no. 1 standing in the name of the Minister for Defence (Senator Hill) for today, proposing the reference of certain bills and related matters to the Community Affairs Legislation Committee.

Question agreed to.

### **COMMITTEES**

#### **Community Affairs Legislation Committee**

##### **Reference**

**Senator ELLISON** (Western Australia—Manager of Government Business in the Senate) (9.44 am)—At the request of Senator Hill, I move:

That, upon their introduction in the House of Representatives, the provisions of the Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Bill 2005 and the Family and Community Services Legislation Amendment (Welfare to Work) Bill 2005 be referred to the Community Affairs Legislation Committee for inquiry and report by 28 November 2005, with particular reference to increasing participation by, and reducing welfare dependence of, parents, people with disabilities, the very long-term unemployed and mature age people through:

- (a) the provision of employment services and other assistance; and
- (b) a responsive compliance system that encourages and rewards active participation.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (9.31 am)—I will formally oppose the motion in order to make some points about the failure of process and the serious concern the opposition have with the way the government is treating the Senate and its procedures. We have been asked to become a sausage factory as we push through bill after bill with little time for consideration, debate or analysis of the issues involved. This is another example. We sought to have this bill considered by a committee of the parliament some weeks ago. With minor party support, Senator Wong moved a motion that the bill be considered by the committee with adequate time to report back early in the new year.

I understand that this bill is not urgent—the implementation date is July. I have traversed this subject matter with the minister at estimates and while there are some systems issues to be implemented these provisions will not be introduced until July. So there is time for the proper consideration of the bill, there is time for the community to analyse its implications and there is time for proper scrutiny by the Senate. We are seeing an attempt by the government to bypass all the procedures of the Senate to push through before Christmas what is an extreme ideological agenda.

People can muse on why that is and what the urgency of this is but the one bill that is urgent is the terrorism bill. Labor accept the need for the terrorism changes; Labor will be supporting the bill. But we also want to make sure it has the proper scrutiny and that it is the best bill the parliament can pass. That will require time, it will require consideration and it will require work by all senators to examine the bills to make sure they get the balance right between protecting Australians against terrorism and protecting individual liberties within our community. I think all

senators are committed to that, but we get the best results when we go through the proper process. We got the best results on the ASIO legislation; we can get the best results on the terrorism bill if allowed time.

This government expect the Senate in eight days of sitting in the next fortnight to push through—important though it is—major terrorism legislation, very serious and complicated bills and push through the most radical industrial relations changes seen in this country for 100 years. The government will introduce a package of welfare to work measures which strip disability pensioners and single mothers of their entitlement to pensions and institute a range of changes to our welfare system, and they will introduce their bill on their ideological obsession, voluntary student unionism, which will effectively disrupt the services provided to students on many campuses. I do not want to debate the merits of all those bills today; I want to debate them in proper time with proper scrutiny. We have a government bent on abusing the democratic processes and the traditional role of the Senate to ram through legislation before Christmas. These bills—apart from the terrorist bill—are not urgent, but what we have is a deliberate attempt to bypass the Senate processes. We saw it with the Telstra bill and now we are going to see it with terrorism, IR, welfare to work and VSU.

It is interesting that the government is feeling the heat on this stuff. Despite Senator Hill's botched attempt to produce a one-day inquiry into one of the bills, the government has been forced to react to community concern about its actions. The community are increasingly concerned by the arrogance of this government and its disregard for proper parliamentary processes. Today we have the latest example of the government allowing a quick and dirty inquiry. The pressure from the community has been such that people have said, 'Hang on, this is not a good look.'

This is not going down well in the community. Not allowing the Senate to see the terrorism bills, asking them to pass legislation virtually sight unseen, is not considered by even those who support it as good process. It is not good for our democracy.

Under pressure, the government are now allowing quick and dirty inquiries on terrorism, IR and welfare to work—all, I might add, under limited terms of reference with limited time frames. They are saying, 'We need the legislation by Christmas. You can have the two up weeks to go through the pretence of proper inquiries, people can make submissions by yesterday, hearings can start on Monday, it can all be done quick and dirty and we can have the protection of saying we had an inquiry.'

Most organisations will not be able to submit in time; many will not have seen the legislation. I have not yet seen the welfare to work legislation; I understand it was introduced in the House of Representatives yesterday. No doubt the inquiry will start on Monday. I do not know what sort of inquiry; I have not been able to talk yet to the chairman of the committee. The Community Affairs Legislation Committee has been given the reference. Do you know why? The committee it should have gone to—the Employment, Workplace Relations and Education Legislation Committee—is busy dealing with the IR legislation. The sausage factory is working at such a speed that the relevant committee cannot even get the time to inquire into it. Even the government concedes that they are far too busy dealing with other legislation to get the reference.

*Honourable senators interjecting—*

**Senator CHRIS EVANS**—As I understand it, this is a bill introduced by the Minister for Employment and Workplace Relations but it is not going to the employment committee; it is going to community affairs,



purely because of the pressure of time, purely because the government is insisting on ramming this stuff through.

So we have quick and dirty inquiries to give the pretence of democratic process and of continuing the traditions of the Senate. But this is not proper scrutiny. There is no time allowed for community consultation. There is no time allowed for people affected by the legislation to examine it, make submissions and engage in the process that has made the Senate strong and made Australian democracy strong. This is being denied, and this motion is the latest example.

No doubt, when I sit down, the minister will either allow a Green or Democrat to speak or he will gag the debate. Yesterday, after three speakers on the issue of the Employment, Workplace Relations and Education Legislation Committee's work, the government gagged the debate. No doubt in the next sitting fortnight we will see the gag and the guillotine used time and time again because, quite frankly, the government will have to. There is no way they will be able to allow proper debate on these bills and have them all passed in eight sitting days. It is just impossible. The government senators know that. It is not as if these are minor bills. This is not the Tax Laws Amendment (2005 Measures No. 5) Bill 2005 that deals with some minor amendment on the tax impact of some minor measure; these are major bills that go to the heart of major issues in Australian society. Take the issue of terrorism—if the government are serious about it, if they are serious about getting the response to terrorism right, they will allow the parliament and the Senate to do its job. But, no, we have to be rushed through it.

Labor are committed to getting the bills passed by Christmas, but if we do not get proper process we will not get proper bills. The ASIO bills that we dealt with a couple of

years ago are the classic example. The government again came in with fear tactics and said, 'Pass the ASIO bills or Australians will be at risk.' Labor argued that we needed to consider them properly. The Prime Minister and the then minister, Mr Ruddock, wanted to paint the Labor Party as being anti the fight against terrorism et cetera. We had all that normal rubbish. But, in the end, even the Prime Minister conceded that, having allowed the Senate to do its work, we got better ASIO legislation. The Prime Minister and Mr Ruddock both agreed that, despite their attempts to ram that stuff through the parliament and despite their attempts to paint people as anti the fight against terrorism unless we passed the bills immediately, we got much different, properly scrutinised legislation that gave a better result. Even the Prime Minister and Mr Ruddock had to accept that the Senate had done its job and that the proper process of scrutiny had occurred. The community input had been allowed and they conceded that we ended up with better ASIO legislation. I think that if the parliament is allowed to do its job on the terrorism bills we will end up with better terrorism bills.

I pay credit to people like Senator Brandis and others who have done good work on changing the terrorism laws. The pressure from the premiers and the Liberal backbench has improved the legislation considerably. But more work needs to be done. What concerns me about that process is that it is done in the dark; it is done in secret. All we learn about it is from whoever is spinning their role in the success or otherwise of the result from inside those dark and secret processes.

But the Senate has a role to play. I am surprised that coalition senators are not more concerned about the need to scrutinise legislation. I am surprised that they are not conscious that the world turns and that they will not forever be in government. They might consider whether or not a reduction in the

role of the Senate, the absence of scrutiny and the guillotining of important legislation without proper debate, is a good thing for the Senate and a good thing for Australian democracy.

*Senator Brandis interjecting—*

**Senator CHRIS EVANS**—I would have thought that you would have felt that quite keenly, Senator Brandis.

**Senator Ferguson**—You might not be here much longer.

**Senator CHRIS EVANS**—I may not be here but I know one thing: you will be overseas. That is one thing that is for sure. I may not be here but you will be overseas on another junket. I will be here trying to ensure that we get some proper scrutiny of important legislation. The Liberal senators may laugh but I will hold them to this because they have voted for the gag, the guillotine and the denial of the Senate scrutiny process, time and time again on the Telstra bills, the terrorism bills, the IR bills and now the Welfare to Work bills. The Senate is being asked to become a sausage factory for bad legislation—not a chamber that provides scrutiny, not a chamber that allows the community to provide input into the bills. We will all pay the price because it will mean the government is less accountable and the legislation is not of the standard that it should be.

The legislation on terrorism will, in the end, be supported by both the government and Labor. I suspect, like on the previous terrorism legislation, even the Greens and Democrats might sign up. Despite the rhetoric of the other day, the abuse of the Labor Party et cetera, I do not remember them calling a division on the minor terror bill. Despite their rhetoric, they did not have the courage to call a division. I noted that, despite the ferocity of their critique of both the government and Labor, they did not vote against the legislation. That is a point I think

not widely noted, unfortunately. Nevertheless, I give them credit for not opposing the legislation despite their rhetoric. We supported it all the way.

I want to reinforce the point that there is no urgency about the current legislation other than the terrorism legislation. If, in the two weeks coming, we do not get the opportunity to consider that in detail and provide it with proper scrutiny, it will not be legislation that is as good as this parliament can produce. It will not have the proper balance. It will not be the proper outcome of the parliamentary process that I think all senators wish it to be. That is our obligation; we ought to make sure that we get it right. I take that very seriously, and I hope the coalition senators take it very seriously, for that is the role of this parliament.

This government are saying, ‘Don’t worry about your role. Don’t worry about scrutiny. We have ideological obsessions on VSU, welfare to work and industrial relations and we’re going to ram them through.’ What are they afraid of? Why will scrutiny so distract them? They know they cannot win the intellectual debate because they have not got the arguments to support their case.

This is ideological. It is driven by the agenda of an ageing Prime Minister worried about his tenure and his legacy. But, in worrying about that, the government are prepared to shred every Senate process that has been agreed, I think, across the chamber as being useful. Every Senate process will be shredded in order to get all of this legislation through by Christmas. We all know that they will need the gag and the guillotine. Even as we saw in Telstra—

**Senator Hill**—At least you are telling us that in advance!

**Senator CHRIS EVANS**—You are probably not competent enough to organise it

properly. We also know that you may not be here.

**Senator Hill**—At least you are telling us that we will not get a vote without the guillotine. That is a helpful bit of information.

**Senator CHRIS EVANS**—If you think that the Senate is going to deal with the terrorism bills, the IR bills, welfare to work and VSU as well as whatever other bills you have in the pipeline in eight days then I am telling you that I think it is highly unlikely that the Senate will do that. We will sit for extra time. Senator Hill, you have no basis for a defence of this. This is an abuse of Senate process and an abuse of your power. It is a sign of arrogance. The same arrogance that has them putting the word on you, putting the drip on you and trying to undermine your position. It is the same arrogance. Because they have the numbers they will do you over, they will do the Senate over and they will do democracy over. It is not good enough. They are four serious bills.

**Senator Ferguson**—And having the numbers isn't democracy?

**Senator CHRIS EVANS**—I accept that the government has the numbers. I accept the result of the last election. But I do not accept that we should abuse every process, convention and method of providing scrutiny of legislation that I thought all parliamentary—

**Senator Ferguson**—They didn't vote for you, Chris!

**Senator CHRIS EVANS**—Senator Ferguson, you can join the debate and argue for this. You can provide the intellectual defence for this abuse of the Senate. If you cannot, then shut up!

**The PRESIDENT**—Order!

**Senator Eggleston**—Senator Ferguson just argued that it was democratic!

**Senator CHRIS EVANS**—He argued, did he? I do not see him on his feet, Senator

Eggleston. I see him, like you, heckling but unprepared to debate the issues. Stand up for democracy! Stand up for Senate processes!

**The PRESIDENT**—Order! Senator Evans, ignore the interjections and address your remarks through the chair. Senator Ferguson, I ask you to come to order.

**Senator CHRIS EVANS**—Thank you, Mr President. I will ignore the interjections. It would be better, of course, if the President actually stopped them interjecting. But, if they continue to interject, I will deal with it because I have to deal with it. I am dealing with the interjections because they have been made.

I want to make the point that Australians ought to look very carefully at what is going on here today. I know that Senate processes are a mystery to many outside of the Senate. They are a mystery to many senators. But what we know about them is that they have served Australia well. People like Senator Hill have in the past argued for them. Senator Hill's record on the *Hansard* of support for Senate processes makes very interesting reading. He has had a conversion on the road to Damascus as power has corrupted his position and as arrogance has crept into the government. I am sorry—it has not crept in; it has rushed in. It took them about 24 hours. I got a letter the day before parliament started saying, 'We're going to change the questions process and abuse our power on questions.' It has carried on from there.

Do you remember the Telstra debate? We had virtually no committee stage and we had the gag moved. They had to rush Senator Joyce in to give him five minutes to speak in the second reading debate because otherwise he would not have been allowed to. They had to corrupt the speakers list process in order to get Senator Joyce on his feet to give some pretence that he was allowed to speak in the parliament. Senator Fielding was not even

allowed the call. That is democracy for you! That is the tyranny of the majority that has taken over this government.

We are happy to have a proper inquiry into the welfare to work legislation. We think it should go to the appropriate committee, which is the employment committee. It should have time to examine the issues. We know that there has been a furious debate inside the coalition party room about this and that we have had the standover merchants like Tuckey and Heffernan at it again. But others are allowed to debate these issues too. The coalition party room is not the proper process for public debate about these issues. It is secret and lacks transparency—except to the extent that leaks. I admit it leaks fairly hugely—

**Senator Ferguson**—Yours is pretty tight too!

**Senator CHRIS EVANS**—Ours has been known to be not the most secret and confidential as well. But that is not a democratic process. That does not allow community input. I think the government ought to rethink this process. I have no trouble dealing with the terrorism legislation properly because there is some urgency about that. Labor has committed to passing that by Christmas. What we are effectively being asked to do now is deal also with a very complex piece of IR legislation, a very complex and controversial piece of legislation regarding welfare to work and a very controversial piece of legislation relating to VSU in addition to all of the other bills that are still on the red.

I do not know whether the Manager of Government Business has completely bugged it up. Perhaps the failure of the Manager of Government Business to manage business is at the core of this. But you have to ask: why the rush? Is it because Prime Minister Howard is planning his retirement? I do not know. Is it because they know that

Liberal senators might get a bit bolshie in the fullness of time? There is very little sign of it, I might add, but maybe they will get a bit more independent and focused on their legislative duties. Maybe it is because they know they cannot win the intellectual argument on any of these issues. You know that the community is concerned about IR, welfare to work and VSU, just as some of the more honourable backbenchers of the Liberal Party are. You know that, if you have proper scrutiny and proper debate, despite your numbers the legislation will be very different when it passes the parliament.

The terrorism legislation is a classic case. Since the terrorism legislation was made public, the government has been backpedalling. Why? It is because intelligent and rational commentary has pointed out the flaws in it. It has been a useful process. The Senate process will add to that. We will get better legislation. But legislation rushed into the parliament, discussed in secret in the Liberal Party party room and then presented to the parliament as a *fait accompli* with little time for scrutiny and debate is not proper process. It overrides the role of the Senate and it is a blow for democracy in this country. I urge the government to reconsider and allow us to deal with legislation properly. You have the numbers, so what are you afraid of? You have the numbers at the end of the day. Why are you afraid of the scrutiny and debate? Do you have something to hide or is it just such an ideological agenda that you know you cannot win the argument so you have to ram it through the parliament? We need an explanation as to why the parliament is not going to be allowed to do its job. (*Time expired*)

**The PRESIDENT**—Senator Evans, I would just make the point that you did use unparliamentary language. I ask you to withdraw that particular piece of language that you used. I think you are aware of what it

was. I did not want to interrupt your debate because I thought you might reflect on the chair again.

**Senator Chris Evans**—I have been known to use unparliamentary language. I am not particularly aware of what language I used at the time, but, if I did use it, I withdraw it. I am just not sure what it was, I am sorry.

**Senator Ellison**—Mr President, on a point of order: perhaps you could draw Senator Evans's attention to the piece of language that should be withdrawn, if he is incapable of identifying it.

**The PRESIDENT**—Senator Evans, I think you would be aware of the particular language. Points of objection were taken on the other side when you used the term, which I am not going to repeat. It started with a 'B'.

**Senator Chris Evans**—Mr President, if you say that I used unparliamentary language, I accept that and withdraw it.

**The PRESIDENT**—I know that during your debate you did not intend to reflect upon the chair, so I did not call on you. I know that you would not do that.

**Senator HILL** (South Australia—Leader of the Government in the Senate) (9.53 am)—That was an extraordinary contribution from Senator Evans. Senator Evans comes in here and argues that there is insufficient time for debate and then spends 20 minutes of Senate time—

**Senator Chris Evans**—Twenty minutes—outrageous!

**Senator HILL**—It is 20 minutes of Senate time that could have been used to debate the first bill on the agenda today, which is the Defence Legislation Amendment Bill (No. 2) 2005, arising out of the military justice inquiry, which I thought Senator Evans regarded as important.

**Senator Chris Evans**—I'm on the speakers list.

**Senator HILL**—Yes, a number of Labor Party members are on the speakers list, which is all part of the new tactic to waste as much time as possible in the Senate and then come in here and argue that there is insufficient time for debate. It is so extraordinary: this motion is a motion to refer bills to a Senate committee for scrutiny, and Senator Evans comes in here and opposes it. He spends 20 minutes opposing a reference to send bills to a committee for scrutiny. Senator Evans says, 'Why the rush?' I will tell Senator Evans why the rush. Because the government believes that these are important bills that should be implemented for the benefit of all Australians. The government believes that Welfare to Work reforms, getting Australians off welfare and into work, are important.

**Senator Wong**—Onto the dole!

**Senator HILL**—The Labor Party, with all its traditional prejudices, interjects with 'onto the dole'. No, not onto the dole; into work. That is what the government are all about. The government are proud of the number of Australians who have been able to get work under it. It is a success of the government. Our success in record unemployment is something of which we are proud. Real wages growth and record low unemployment are boasts of this government of which we are proud. We want to take it to the next step. We are not ashamed of it. We are not embarrassed. We want to take it to the next step to get more Australians off the dole and into work.

These are promises and commitments that we took to the Australian people, which the Australian people have now given us the responsibility to implement. That is what this is all about. Senator Evans says, 'Why the rush?' Part of the rush is that it is now nearly

a year since the last election, and we want to get on with the job and we want to get more Australians off the dole and into work. That may not suit the Labor Party's agenda. The Labor Party's agenda, of course, is not to expand the economy and provide new jobs; the Labor Party's agenda is a negative agenda.

**Senator Chris Evans**—Why can't we debate it in February?

**Senator HILL**—Because we need to get the law put into place so that it can be implemented by the starting date. Senator Evans knows what is involved in setting up the processes to enable implementation by a starting date. The advice is that we need to get it through before the end of this session to achieve that goal, and that is a goal to which we are committed.

What is this motion? This is a motion to allow a Senate committee the next fortnight to pore over the detail of these bills. I would have thought that was something that Senator Evans would have applauded. The other day he complained because I was proposing a Senate inquiry for eight days. He said that it was not long enough. We come into the chamber with this motion, allowing the two up weeks of the Senate for detailed examination of these bills, so the bills can then be debated the following fortnight. Senator Evans gives us a lecture on the history of the Senate. When this new process was set up, it was envisaged that these committees would meet on a Friday to deal with these inquiries. That is how it was set up. This is not a one-day inquiry. This is to allow 14 days—two full weeks: more than adequate.

**Senator Chris Evans**—You're so generous!

**Senator HILL**—Senator Evans and the Labor Party may not be prepared to do the hard work over the next fortnight, but I can tell you that coalition senators will be here to

give proper and detailed consideration to this legislation. This motion is about referring these bills to a Senate committee so that they can be given detailed consideration in order to facilitate the debate in the chamber during the following fortnight. It is logical, sensible Senate practice, allowing the Senate to do its job. In response to that, what happens? Senator Evans comes in here and says that he will oppose the reference to the committee. On the one hand, he says, 'I want the Senate to have the opportunity for scrutiny.' On the other hand, he says, 'I'll come in and oppose your reference to a Senate inquiry.' What a load of nonsense! And he spent 20 minutes explaining that to us. This is not about arrogance. We were elected to do the job, and our commitment to get even more Australians into work is foremost amongst all our commitments.

We are putting before the parliament a balanced package to provide incentives and encouragement to get people off welfare and into work, where they will get a better outcome than remaining on welfare. We will pursue that through the legislative processes in an orderly way, allowing the Senate more than adequate time for proper scrutiny of the detail. We have been told by Senator Evans today that the bills will not get through the Senate unless they are guillotined through. I think that is very disappointing. I would have thought that even the opposition would have liked to get more Australians off welfare and into work, yet we are to be disappointed about that again.

Senator Evans comes in here and says that we in the government are afraid of the intellectual debate, that we do not want to debate the substance. We do want to debate the substance and we even want the Senate to help us debate the substance by giving us the benefit of a fortnight's detailed inquiry. That is the purpose of this reference. We want these bills to go off to a Senate committee to

be allowed the two up weeks. We on our side of the chamber give the commitment that they will receive proper and detailed scrutiny through that process. We want to bring them back into the chamber in the last fortnight. We want them debated. We hope that they will pass, because that was our commitment to the Australian people—a commitment that the Australian people endorsed.

I hope that by the end of that fortnight the Labor Party will see that we are entitled to a vote without us having to apply a gag. I do not think that that will be the case, because the Labor Party have now picked up the tactic of wasting as much of a day as is possible, as demonstrated by Senator Evans already this morning, who came in here and said that there is not enough time to properly debate the legislation. That is so transparent. They will never get away with that line. They will not distract us from our goal of, and our responsibility for, putting in place good legislation for the Australian people, particularly legislation that will benefit those who deserve jobs but who, under the Labor Party, never got them. I am proud to say that under coalition policy they have them in ever greater numbers.

**Senator BARTLETT** (Queensland) (10.02 am)—Just on 12 months ago, following the most recent election, when it became clear that the Democrats would no longer be able to provide the balance of power protection that we had done for over 20 years and that Mr Howard would have control of the Senate, the Prime Minister made the following statement:

... I want to assure the Australian people that the Government will use its majority in the new Senate very carefully, very wisely and not provocatively.

Mr Acting Deputy President Brandis, as you know, this Prime Minister has a reputation for being somewhat less than honest with his

statements, but that statement that he made following the last election has to rank up there as one of the most dishonest that he has made in his nearly 10 years in the office of Prime Minister. Clearly, not only are the government using their Senate majority with a complete lack of care, with total abandon and deliberately provocatively—as we saw yesterday when they gagged debate and did not even bother to put their own case for why the workplace relations legislation would not have a couple of extra days hearings—but the big thing they are certainly not doing is using their Senate majority wisely.

We can all get outraged and offended, and we justifiably will, about the grotesque abuse of Senate process that has been portrayed day after day by the government. It is a total lack of concern for due process. It is showing contempt not just for the Senate but for democracy and for the Australian people. The problem is that when you have bad process you get bad law, and when you get bad law people get hurt. All the government are concerned about—and we have just seen it again—is their political imperative to railroad all these huge pieces of legislation through the Senate before the end of this year. That is all they care about. They do not care about whether or not the law is drafted properly. They do not care about whether there are unintended consequences. They do not care about whether or not people will suffer as a direct consequence of that bad law. They do not care. All they care about is making sure that this massive package of ideologically driven, extremist legislation is all pushed through at the one time. Most of the coverage in the media will be about the justified outrage at the contempt for due process. We will not even have scrutiny of the details of, and the flaws in, the legislation.

The fact is that the welfare legislation has not even been tabled as yet. It has not even

been made public—unless it has been done in the last half hour or so in the House of Representatives. The concern is not, as Senator Hill repeatedly and misleadingly suggested, that we do not get enough time to debate legislation. The concern is that we do not get enough time to scrutinise what is in it. As we saw with the absurd process with the Telstra legislation, we had time to debate it. The problem was that I had to debate it one minute after it had been made public. We started the debate the second the legislation was made public. We had plenty of time to debate it but we did not actually have any time to read it, examine it, hear people's views on it and look at how it would work. We just had to stand up here and debate it. We saw the same farcical process in the House of Representatives when the workplace legislation was introduced: nobody could even get a copy of it to see what was in it before the debate started.

The problem is not having time to debate. We can all stand up here and make speeches. The problem is looking at what is actually in the law. The Senate is not here, first and foremost, as a debating chamber. It is here, first and foremost, as a legislative chamber that determines the content of the law. The law affects the Australian people in fundamental ways. Even though we do not yet know the details of these laws, we know from all the statements made by the coalition members that they will mean that many thousands of sole parents and people with disabilities will have dramatically reduced incomes. For all the rhetoric about Welfare to Work, these legislative changes will affect many of those people who have part-time work and will mean that they will be worse off as a consequence. Some incentive that is to get into work!

Senator Hill's contribution, I am sad to say, was feeble in the extreme. Sometimes there is a bit of a paradox in this place in that

it seems that the higher you rise in office the lower you have to sink to do the jobs that you have to do to try to justify the unjustifiable in what the government are trying to do. At least Senator Hill had the guts to try to make some sort of attempt today—unlike yesterday when the government stood up and moved a gag rather than even bothering to try to justify why they were preventing proper scrutiny of the workplace relations legislation.

Senator Hill misleadingly suggests that the ALP is opposing this motion and trying to prevent any inquiry. That sort of grotesque dishonesty by this government is becoming a daily occurrence. The Labor Party—and they can speak for themselves, assuming they are not gagged again, of course, by the government—and certainly the Democrats are not opposing an inquiry. We are opposing this motion put forward by the minister because it prevents any proper inquiry. There is an amendment circulated in the name of Senator Wong—and I draw that to the attention of the chamber just in case there is a gag brought down to prevent any further debate on this—to extend the reporting date to a perfectly reasonable reporting date, 7 February next year, in the first sitting week of the year. There is not a single reason why these bills could not be debated in the first sitting week of next year. As has been said repeatedly, they do not come into operation until 1 July. Although I know Centrelink and other agencies do have a reputation for stuffing up their systems from time to time, even they should be able to manage in the space of over four months to get their systems in order for any changes.

**Senator Patterson**—They only have three system changes a year. You wouldn't understand that, though.

**Senator BARTLETT**—As Senator Patterson's interjection indicated, what we are



seeing now in these changes from the government, in part because of the nips and tucks being made in response to various concerns raised in the secrecy of coalition party rooms, is a legislative arrangement that is going to be even more complicated, more of a shambles and more of a mess than was there before. Even people as experienced and as otherwise capable as Senator Hill are reduced to just parroting the slogan: 'Welfare to work, welfare to work,' as though saying the words means that it will happen and that anybody who opposes what they are doing is somehow opposing people going into work. That is the false and quite childish and pathetic dichotomy that this government is trying to put up: that anybody who opposes what they are doing is somehow opposed to people getting into work. We all support people getting into work.

The aspects of this package that provide extra assistance to enable people to get into work are welcome, but I have yet to hear a single coalition senator having the honesty to suggest that reducing people's income and reducing the amount of take-home pay they can keep if they get part-time work is actually going to help them get into work. Let us see one of them have the courage to argue that that is going to help people get into work. That is one of the consequences of this package of legislation, and to ignore it and say that it is not there is to ignore a very big component of the legislation. Of course there are going to be some people who get into work. If they get into full-time jobs that is great. Everybody wants to be free of welfare, I can assure you of that. Many people would love not just to be free to have more income but to be free of the very intrusive and extremely tiresome administrative and bureaucratic hoops that they have to jump through continually as part of being on welfare. People would love to be free of that.

But the fact is many people will not get free of that, and those that do not will have to live on less money. That is a simple fact. To pretend that that aspect is not there and then to accuse anybody that objects to it of being opposed to helping people into work is dishonesty at its height. It is symptomatic of what this government have sunk to. They do not even bother making a pretence of an argument anymore because they know that they do not need to. They can just roll up all the little cogs in the machine and they will just march across, sit where they are told to sit every time a vote is called and it will all happen. That is happening not just on pieces of bad legislation but in terms of processes like the ones we are seeing here, and that is particularly disappointing.

What is even more important than getting good law through on each individual issue is actually having a proper parliamentary and democratic process. That is why I am a Democrat and that is why, despite everything, I stay a Democrat. Democracy and proper democratic process is pivotal, above all else. If that is compromised and deliberately undermined then everybody gets damaged as a consequence—and you guarantee bad law. Whether you are talking about workplace laws or terror laws or welfare laws or whether you are talking about some of the other pieces of legislation that are also going to be railroaded through, such as the legislation enabling the radioactive dump the Northern Territory, the inevitable consequence of mashing everything through in some giant sausage machine without proper scrutiny is bad law. That means we are not doing the most fundamental and basic part of our job. We are failing in our duty if we do not do that. That is what the government is insisting on doing and that is what it is forcing all of us to do. It is the government that is basically ensuring that the parliament is

derelict in its duty to the Australian people at its fundamental core.

It is worth noting a couple of other comments that were made. We had the extraordinary statement from Senator Hill when he was talking about the rush. He said: 'Why the rush? The rush is because the government believe it is important and these welfare laws are important so we need to rush them.' I would have thought that it is the important stuff that you should not rush because you have to get it right. And we all know from reading the newspapers that there is still widespread disagreement, even amongst coalition MPs, about the detail of what should be in this legislation. Those MPs have had six months to argue amongst themselves about all that in the secrecy of their own backbench committees and party room.

Somehow or other the government have the contempt to say that the 100 or so coalition MPs get to have six months to argue about it in secret in their own backbench committees and the rest of the Australian community, not least those who are actually going to be directly affected, get two weeks to look at the end product. What contempt! What a joke! I do not have a problem with coalition members raising those concerns in their party room. It is quite appropriate and I know some of them have done good work in ensuring that they were able to scrutinise it. But this suggestion that the font of all wisdom in the entire nation lies with the 100 or so members of parliament who happen to have been elected for the Liberal and National parties, and that everybody else in the country can just wear it, shows the level of arrogance that has immediately consumed what appears to be the entire coalition party room. They are quite prepared to take that approach on major pieces of legislation.

We had the falsehood told repeatedly by Senator Hill that these were all promises they

took to the Australian people before the last election. I am sorry, you did not. It is arguable that you took the Telstra promise to the people at the last election—I will agree with that, although I do not believe that you attached to that promise the detail of how you ended up weakening the Australian Competition and Consumer Commission's overseeing of the activities of Telstra. But I will agree that there was a clear, core policy there that the government wanted to sell the rest of Telstra. However, that did not excuse rail-roading it through without proper scrutiny about the regulatory regime surrounding it.

To suggest that you took the details of this welfare package to the people at the last election is simply a lie. It is not true. To suggest that you took the details of the workplace changes to the people at the last election is also not true. To suggest that you took the details of the terror law changes to the people at the last election is also not true, let alone the radioactive dump legislation—and not only did you not take that to the people at the last election but you categorically denied that you would do precisely what you are now doing. We get this continual litany of flagrant untruths being parroted time after time, as though repetition of an untruth will somehow transform it magically into truth. I am sorry but, certainly from the Democrats' point of view, we will continue to highlight that it is an untruth and that it is basically a corruption of the democratic process and the parliamentary process.

This legislation will directly affect some of the poorest Australians, some of the most disadvantaged Australians, and will mean that many of the people who already have low incomes will end up with even lower incomes. The detail of this legislation, we all know—or those of us who actually bother to follow the detail as opposed to parroting slogans know—is inevitably going to be complex. The legislative regime surrounding the

social security-welfare system is very complex and, from everything we have heard in the last week or two, this is going to make it even more complex. It is one thing to argue a general principle about what you are proposing to do; it is another to get it right in the detail of the legislation.

What the government is doing is preventing the Senate from doing its job. The two-week period during which the Senate committee is meant to look at this issue is the same two-week period in which another Senate committee is meant to be looking at massive workplace changes—and, in fact, they do not even get two weeks; they only get a week and a bit. It is the same two-week period in which another Senate committee is meant to look at the changes to the terror laws. The reason for that is, as has been pointed out, that this legislation is actually going to be sent under the government's motion to the wrong committee. We hear: 'This is all about getting people into work. This is all about the work force. This is all about employment.' But what committee is it going to? Not the Employment, Workplace Relations and Education Committee; it is going off to the Community Affairs Committee, because the employment committee is already overloaded trying to deal with the huge, revolutionary and extreme changes to the workplace relations laws.

It is simply a farce. If you add on top of that the quite understandable attempt to get at least some degree of examination of the consequences and specifics of the legislation that will set up the radioactive dump in the Northern Territory—which, again, the government will try to force through over that same period of time—and add on top of that, of course, as we all know, the other committees dealing with other matters at the same time, it simply shows a total contempt for the process. Contempt for the process does not just mean a bad smell over everything; con-

tempt for the process means that bad laws will come out at the end of it, and that is not acceptable.

I should clarify for the record what Senator Evans said. The Democrats did indeed support the terrorism legislation last week. We did not object to that at all and at no stage did we indicate that we did object. However, we did object to, and still object to, the process that was used and the deliberate politicisation of important security issues by the Prime Minister. I maintain that concern and I believe that that concern is still very much vindicated. We have not seen anything in the last day or so following the police raids that in any way suggests that those raids could not have occurred under the law as it stood.

Indeed, these widespread raids that have taken place, whilst we will see the details in the courts, are further proof, as the head of ASIO said back in May, that the existing laws work very effectively. Indeed, he specifically said back in May that there was no argument being put forward by ASIO for the need to increase the powers under the existing legislation. So the key issue that has still not been addressed by the government is why these extra powers are needed. Of course, with the deliberate truncation of the committee inquiry process, we are not likely to get those sorts of basic answers on such a fundamental matter. In advance, I indicate that we will support Senator Wong's amendment. (*Time expired*)

**Senator SIEWERT** (Western Australia) (10.22 am)—I take the opportunity to pick up from where Senator Bartlett left off and express a deal of concern about the comments that Senator Evans made, reflecting on the Greens's so-called opposition to the introduction last week of the amendments to the anti-terror legislation. The Greens indicated at the time that we would not be oppos-

ing the amendments. We were concerned about the timing and the manipulation of the fear of terrorism at a time when the industrial relations legislation had just been introduced into parliament. We made it quite clear that that was our concern.

Moving on to yet another abuse of the Senate process, we are supposed to sit down, take it and not, so-called, use up the Senate's time in expressing our concern about the abuse of process yet again. We are supposed to just sit here and take the fact that this legislation is being referred to a committee, with a very restricted time frame and restricted terms of reference, at the same time as the Senate is dealing with the industrial relations legislation—and I think that is 687 pages worth of extremely complex legislation. Also at the same time, Senate committees will be dealing with the anti-terror legislation, the nuclear waste bill and this legislation. And, also at the same time, other committees are doing their work—for example, the Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Account is sitting, and some of us will have to abandon hearings of that committee to attend this one; and the Senate Environment, Communications, Information Technology and the Arts Committee is also sitting, looking at salinity. So a number of committees have already planned hearings.

Yet again, with the reduced time frame, we will see that community comment will be restricted. We will not be able to hear from all the organisations that are expressing genuine and, I believe, very well founded fears about the impact that this legislation is going to have on thousands of Australians who are on income support pensions, parenting pensions and disability pensions, who will be moved to Newstart and potentially seriously disadvantaged by this legislation.

**Senator Patterson**—No, they won't be moved.

**Senator SIEWERT**—In future they will be.

**Senator Patterson**—These people will not be moved.

**Senator SIEWERT**—It is effectively moving them. They would have been on—

*Senator Patterson interjecting—*

**The ACTING DEPUTY PRESIDENT (Senator Brandis)**—Order! Senator Patterson, Senator Siewert will be heard in silence.

**Senator SIEWERT**—It is effectively the same as moving them onto this new regime. An estimated 176,000 people in receipt of some form of income support or social security will be worse off under these changes. Estimates are that 48 per cent of these people live in rural areas and they will be much more severely disadvantaged. These changes will have the effect of reducing the incomes of hundreds of thousands of Australians. While we agree that it is important to help Australians on income support to get a job, a job is not a job is not a job. If you are in circumstances where you are getting paid less, you will eventually become the working poor, and that is not helping these people at all. We need genuine incentives and we need time to consider the implications of this legislation. When it is combined with the impact of the industrial relations legislation, it is absolutely essential that Australians and the Senate be given time to look at these changes.

The government have already acknowledged that there is a need for amendments. They have made some slight amendments, which not everybody has had time to consider in full either. The legislation was introduced just this morning. I was listening to the second reading speech before I came into the Senate chamber. It had not actually fin-

ished when we started here, so I did not hear the end of it, but there was talk about requiring mutual obligation for single parents who do not find a job. In effect, that is the same as the dole, so let us stop mincing words. We are using semantics here. These are fundamental changes that we need to get to the bottom of. Two weeks is not enough time when, as a number of speakers have already said, we already have a mass of far-reaching legislation before this chamber and the committees.

Let us look at what some of the community organisations, who have been working on these issues for many years and have a wealth of experience, have said about the legislation and some of the changes that have already been suggested. The organisations that have been commenting include the Australian Council of Social Services, Catholic Welfare Australia, the National Welfare Rights Network, Anglicare, the National Council of Single Mothers and Their Children, the Community Child Care Association, the Uniting Church, the Federation of Community Legal Centres, the St Vincent de Paul Society and Women's Health West. They, and many others, oppose these changes.

As I said, these groups have a lot of experience at the workplace, working with people who will be affected by these changes, and what do they say? They say that the changes just announced are trying to make it look better. That is essentially what they are doing. They are tinkering around the edges when a major overhaul is required. These groups have stated that there is 'still a way to go before a fair deal is struck for single parents and people with disabilities'. They have also observed that the changes 'fail to address the major concerns we hold about the package'. They describe the changes as half-baked, cosmetic, inconsistent and 'a patched-up set of arrangements, with a number of

strands for each payment and with a range of complexities and inconsistencies thrown in for good measure'. They have also commented that the changes show the government's lack of compassion. They have pointed out that they see major failings in the proposed legislation, like the 'lack of incentive for people to move from welfare to work', and the 'unduly harsh penalties for those who get into trouble'.

Then we get on to how the legislation will deal with breaches and the compliance regime. The minister announced in the chamber this morning further changes to those that have already been announced. Again, it is extremely complex and we will need time to look at it to see the impact it will have on people if they are breached or suspended—for example, the impact it will have on them being able to pay their mortgage, if, in fact, they have been lucky enough to get one in the first place.

Given these comments and given the complexity of the changes, it is no wonder that the government do not want to enable us to have time to properly analyse the impacts of these changes. If the government thought these changes were fair to Australians, they would allow the Senate time to adequately assess them and look at the impacts, as well as the problems and any mistakes within the legislation. They would allow a full review to try and make up for those problems.

Reflecting a number of other comments that have been made in the chamber today, I say that it is not fair to Australians for us to ram this through. It is not fair to the Senate to require us to have just two weeks to look at the impact that these changes are going to have. There will be far-reaching impacts that will affect hundreds of thousands of Australians. When you combine that with the impacts of the IR legislation, people will be required to get part-time work and just take

what is offered to them. They may be required to work for below minimum or minimum wages and to take contracts that in fact cut their conditions and undermine awards. We are setting up a situation where we will see working poor in this country. It is disgraceful that the Senate is being abused in this manner. It is disgraceful that we are not being given time to adequately review these changes.

Organisations that work with the Australians who are going to be affected by these changes are not being given time to adequately assess this legislation and get submissions in. There is no way that in the next two weeks they can fully assess and analyse the changes that this legislation and the industrial relations legislation combined will bring in and then work out what impacts they will have and how Australians are going to deal with them. It is farcical to think that they will be able to analyse all of this complex legislation.

I also would like to express the support of the Australian Greens for Senator Wong's amendment. We supported the terms of reference put forward at the time, and we are on record as doing that. We will support them again. We encourage and implore the Senate to fully consider what it is doing by setting such a minimal time for this committee.

**Senator FIELDING** (Victoria—Leader of the Family First Party) (10.31 am)—The Senate is a house of review, not a rubber stamp. The important process of making good laws sometimes takes a bit of time, and we have time on our side. This is an important issue. There is already a fair level of concern with some parts of what is being proposed. It makes sense to have an inquiry, but it also makes sense to have enough time to ensure we can fill any potential potholes to make sure that people do not fall into them. It is very important that we have an

inquiry, but it is also important that we have enough time to make sure that various people within the community can put their views forward after reading the 258 pages of the bill and the 17 pages of the other bill that is part of it. It is very important that those views are heard. We can then reconsider what we are doing and make any required changes to these bills before they are enacted. I am certainly supporting an inquiry—it would be foolish not to. The question is about the amount of time.

There are certainly people in Victoria who want to contribute to this, and hopefully there will be a hearing held in Victoria and hearings will not just be held in Canberra. That is the other thing I would be interested to hear about. As a member of the committee, I have not had anyone discuss with me the details of the inquiry, such as where the hearings will be, so I would be interested to know where that sits. This is a house of review and not a rubber stamp. Therefore, the appropriate amount of time needs to be spent on such an inquiry.

**Senator WONG** (South Australia) (10.33 am)—I rise to speak on Senator Hill's motion, and foreshadow that, prior to the conclusion of my contribution, I will move the amendment that has been circulated in the chamber. Before I do, I want to be very clear about what is occurring here. I want to talk about a bit of the history and the consequences of what we are being asked to do. In May, the Howard government announced its so-called Welfare to Work package. Essentially, what that involved was moving a great many sole parents and people with a disability in this country onto the dole, representing a very substantial reduction in income for them. On the government's own figures, by 2008 at least 200,000 Australians—and that does not include children—will be worse off as a result of these changes. These are not

Labor spin figures; this is not Labor rhetoric—these are the government's own figures.

Amendments have been made by the government, because they have come under considerable community and political pressure as a result of the harshness of these changes. These changes have been ameliorated on three or four occasions. We had the Prime Minister being asked a question in question time about what happens if someone is offered a job when they do not have child care. He did not give a particularly good answer, and then he had to announce later that day a change to the policy, saying, 'If a person can't get child care, they won't be required to take work.' That was backdown number one. In September, there was another set of announcements by Minister Andrews in which he suggested a range of things that would be altered. Then we had on Monday this week the indication that there were again going to be some changes. Yesterday, Minister Andrews announced, by way of a press release, some further changes.

The legislation that is being referred to this committee is legislation that this Senate has not yet seen. Senator Fielding is a bit ahead of me—he actually knows how many pages there are. I have been here in the chamber so I do not know what is in the legislation other than what was in the press release about it earlier this week. This legislation is not even before the Senate. As I understand it, it was tabled this morning by Minister Andrews in the other place. This Senate is being asked to vote on an inquiry that at best—because today is the ninth and the inquiry is supposed to report by the 28th—will have 19 days of inquiry. That includes the rest of this sitting week and includes next week, which is the one week this government has allocated for the inquiry into its industrial relations changes. Let us put this in context: in terms of social security, the changes which this government has proposed

are some of the most wide-ranging changes in our lifetime. What they mean for potentially hundreds of thousands of Australians into the future is a very different set of entitlements and rights under Australia's social security system.

Senator Bartlett was right; he called it right. The government are unable to debate the policy of this. They simply keep chanting the mantra 'welfare to work'. Actually, the core of their policy is to take people off one welfare benefit and to put them onto a lower welfare benefit. As yet, not a single person in the government has answered not only my question, not only the questions of the opposition and the minor parties, but also the community's questions: 'Why do you have to dump someone onto the dole? Why do you have to cut someone's payment in order to help them get a job?' Not one senator and not one minister on their side has ever attempted to explain that, because that is what their policy means.

In fact, their own figures show that they are going to put more people onto a lower income payment than they are going to get into work. So they are actually going to harm more people through this process than they are going to help. Again, these are not Labor Party figures; they are from Minister Andrews's own department. They say that 109,000 people are going to be moved into work as a result of the government's policies, but more than double that are going to be put onto lower payments or be financially disadvantaged.

Let us look at what the Senate is being asked to do and what has happened in the past. Frankly, Senator Hill ran quite a misleading argument. I am sure it was rhetorical, but he suggested that we were voting against an inquiry. Let us be clear about who has voted against inquiries into this matter. On 10 October—that is, one day short of a

month ago—I moved a motion that was virtually identical to the amendments I will move today. My amendment said that these bills should be referred to the Senate Employment and Workplace Relations and Education Legislation Committee for consideration. The government voted that down; they did not want the scrutiny. In fact, we now know that they did not want the scrutiny because they were in the middle of changing the bills. They were changing the bills because a number of coalition backbenchers have quite rightly put their concerns on the public record, responding in great part to community concerns about how harsh and extreme these changes are.

I want to put on the record that I congratulate members like Judi Moylan who are prepared to say, ‘I don’t think it’s a good thing to punish certain types of families in this country by taking income off them.’ I wish there were more members on that side of the chamber who had that kind of courage. I even congratulate Senator Joyce on trying to insert some reality into this debate and on asking why it is that people in certain regional areas where employment conditions are very difficult, even if they cannot get work because of the local labour market conditions, should have a reduction in their household budget. These are very real criticisms and these are issues that should be explored by the appropriate committee.

Just under a month ago the government voted down an amendment moved by me and supported by the crossbenches: the Greens, the Democrats and Senator Fielding. They voted it down on the basis that they were happy to have a legislation inquiry when the legislation was tabled. So what do we get? We get Senator Hill giving notice last night of this motion to refer a matter to the Community Affairs Legislation Committee—and I will come to that later. There was no discussion whatsoever with the opposition. I

understand there was no discussion with the Greens, and I presume there was none with the Democrats. There was no discussion with the other side of the chamber or the crossbenches. There was not even the courtesy of letting the deputy chair of the committee know. I think Senator Moore is the deputy chair, and she found out because I mentioned to her that this motion had come through from the whip’s office. There was no discussion. So Senator Hill gives notice of a motion, saying: ‘We will refer this on a bill that is not yet before the Senate and demand that they report back by 28 November.’ Today is 9 November. That is 19 days to examine some of the largest changes to social security in this country in our lifetime, and we are supposed to just say that we are happy there is an inquiry? That is the implication of the criticism of Senator Chris Evans and others for actually saying that this is not a good process.

Senator Chris Evans, Senator Siewert and Senator Bartlett have mentioned that the Senate is being asked, in this time frame—two sitting weeks, not including this week, as we have more two sitting weeks after this—to deal with not only wide-ranging antiterrorism laws, which Labor have indicated we are prepared not only to support but also to facilitate the passage of before Christmas, but also the most wide-ranging changes in industrial relations this country has seen for 100 years. I do not think there is anyone in this chamber who would disagree that this is a complete redraft of Australia’s industrial relations system. That legislation is supposed to be passed by the end of the year, as is legislation relating to the nuclear dump being imposed on the Northern Territory and, of course, Welfare to Work. This government is not able to refer this legislation to the correct committee because that committee is too busy. That committee, which is also a com-



mittee I am participating in, is dealing with the industrial relations changes.

The government trumpeted the portfolio and administrative changes moving the responsibility for working age payments to the Department of Employment and Workplace Relations as being a fantastic thing: 'We are going to take social security out of Department of Family and Community Services and put it into the department of employment, because we want to get people into work.' But they have a slight logical problem now, because the primary driver of the policy in this area is not the department associated with community affairs, which is the committee they want to use. They just picked another committee, as they know the employment committee is overworked because next week we have the five-day industrial relations inquiry. It is a complete joke. The government think, 'We'd better have an inquiry, because we might get criticised too much if we don't have any at all, so we'll rush through a motion we won't discuss with anyone else on a bill that is not yet before the Senate'—it might be by now; I do not know if it has been tabled here—'a bill that is going to be tabled in the other place, refer it to the wrong committee, and we will give them 19 days to report, including the sitting days.'

I do not know how anybody who observes this process, regardless of their politics, would think this is a good thing. What is the imperative of getting it through? This is a bit like the Telstra legislation again. In relation to Welfare to Work, there is no time imperative to get it through by the end of the year. Let us be very clear. The only imperative is a political one. It is a bit like Telstra. I think Senator Minchin said on a number of occasions that the government would sell Telstra when it saw fit, but we had to rush the legislation through. Why did we have to do that? It was the political imperative of ensuring that Senator Joyce stayed in the cart.

These welfare changes will not come in until 1 July next year. That is their implementation date. If you allow for the perhaps reasonable proposition that departments and agencies need time to put in place the appropriate procedures et cetera then you might say you would want to give the committee four or five months. That would probably be reasonable. But there is no reason that this has to be done by Christmas. There is no reason, other than a political imperative. The government want to get the nasties out of the way. They want to get Welfare to Work out of the way because it is causing them some political problems internally. They want to get the nuclear dump issue out of the way, which is causing them political problems in the community because people in the Northern Territory know the government have lied. They want to get industrial relations out of the way because they know, despite spending \$55 million of taxpayers' money, that people do not buy it. Australians can smell a rat. They know that all this talk about choice means employers' choice and an excuse for people to be exploited. The only imperative is political. There is no reason for this inquiry to be rushed through.

I saw in the paper—I think it was today—that one aspect of what the government wants to introduce in July is only just being put out to tender. It is called the comprehensive work capacity assessment. It was announced with much fanfare and then revised a few times by Minister Dutton. That was before, obviously, the coalition decided he was not up to it and Minister Andrews took over every announcement in relation to this area. The comprehensive work capacity assessment, which I think is now in Minister Hockey's portfolio, is currently being put out to tender. I am not sure what the closing date is, but I suspect that that is an indication of where the government is at in terms of its lack of preparedness on this issue. It is giv-

ing time for that process to be put out to tender, for people to tender and for the department to put in place the right process, but it is not prepared to give the Senate the same sort of time.

Let us have a look at what is before the Senate. As I said, Senator Hill is moving that these issues be referred to the Community Affairs Legislation Committee for report by 28 November. The two particular issues he wants looked at are the provision of employment services and other assistance and a responsive compliance system that encourages and rewards active participation. The amendments that I will move do two key things. First, they put forward a reporting date of 7 February next year. That is a very reasonable reporting date; I think it is in the first sitting week after the break. It gives the Senate plenty of time to pass the legislation prior to the date of introduction stated by the government. The second aspect of why I am moving the amendments is set out in the motion. We want to look at a range of issues. If any government senators speak after me—I think Senator Ronaldson is prowling around, so he may well be—I will look forward to them explaining why the government do not want to include in the terms of reference any investigation of the capacity of parents to manage their family and work responsibilities and the consequences for family life.

I would have thought it a pretty reasonable proposition, if you are changing the arrangements under which certain parents in this country receive income support and the obligations associated with that, to want to look at what that means for the capacity of parents to manage family and work responsibilities and its consequences for family life. Certainly from my perspective—and I have spoken with various members of the public and community groups in different parts of Australia—this is a big issue, particularly for sole parents, most of whom do want to work,

a great many of whom do currently participate and many of whom are concerned about the negative consequences of what the government is proposing. So I look forward to someone explaining to me why the government do not want to look at the consequences for family life of the welfare changes, or at the financial impact of the changes on people with a disability, or at the adequacy of child-care assistance, which is, again, an issue that people have raised with me and, I am sure, other senators in relation to these welfare changes.

The Senate, yet again, is being asked to support an inadequate inquiry with very limited terms of reference and a very short time line. The Labor Party, with, I hope, the support of the crossbenches, as indicated, will move an amendment to that. It is a very reasonable proposition. It simply says: 'Let's have the time to look at some of these changes. Let's have the time to understand precisely what the legislation being tabled today will mean for the hundreds of thousands of Australians and their families that will be affected. Let's have the time to look at it.'

There is still plenty of time, from the government's perspective, to introduce the changes on 1 July next year, which is when they want to implement it. So the question is: why won't you do it? What are you afraid of? Are you afraid, again, that we will continue to see people breaking from the coalition ranks because they understand, as they talk to their communities more and more, precisely what this will mean for many vulnerable Australian families? Is that what you are afraid of? It is a bit like Senator Joyce; they say, 'Let's shut down the debate quickly so that those who have raised concerns about the impact on vulnerable Australian families no longer have the ability to change the bill.' We know this has been to the party room on a number of occasions. We know that Minis-

ter Andrews has had to come up with a range of concessions. Do you know why he has had to do that? He has had to do that because these changes, at their core, are about cutting the household budgets of vulnerable Australian families. That is what they are at their core. The government can engage in all the rhetoric they like, saying, 'This is about welfare to work; we believe in work.' Well, we do too. I do not think there is anybody in this chamber and, frankly, I have not spoken to anyone, either in receipt of an income support payment or advocating on behalf of such a person, who does not believe that someone who is capable of working is better off in work. No-one disagrees with that.

But what have you come up with in nine long years of talking about welfare reform? First, you have come up with a more complex system. You are creating more types of income support payments, so you are making the system more complicated. Second, the key to your policy is putting people onto lower payments. That is your excuse for Welfare to Work—putting people onto a lower level of payment. Vulnerable Australian families will receive less. That is at the core of your Welfare to Work package. It is no wonder that you do not want to subject it to scrutiny.

There is one other factor here that is not being discussed. There is a lot of this talk: 'Senators can work a bit harder and can go to this or that committee.' I want to say this: what about the people affected? What about those in the Australian community who want to have an understanding of what this will mean to them and their families? Surely, they have a right to have some understanding of this before it is rammed through this parliament. Surely, they have a right to have their views at least put on their behalf by others through a proper process. But when will that occur? When will they have that opportunity? It is 9 November today; the reporting

date in the motion is 28 November. Parliament is sitting today and tomorrow; next week many people will be involved in examining the IR legislation. When are submissions going to be called for? When will the Australian Federation of Disability Organisations, the National Council of Single Mothers and their Children, ACOSS or any of the other welfare organisations that have some understanding of what is happening on the ground be told about the inquiry? What sort of process will there be?

The fact is there is no reason, other than the government wanting to hide from any scrutiny of how harsh and extreme their legislation is, to have this proposal for a truncated and limited inquiry that is currently before the Senate. I seek leave to move the amendments together.

Leave granted.

**Senator WONG—I move:**

Omit "28 November 2005", substitute "7 February 2006".

Omit all words after "with particular reference to", substitute:

- (a) the financial impact on people with a disability, parents and their children;
- (b) any implications for the capacity of parents to manage their family and work responsibilities, and the consequences for family life;
- (c) the effectiveness of the proposed changes in improving the employment prospects of people with disabilities and parents, including through:
  - (i) the provision of employment services assistance and training,
  - (ii) the implementation of employer demand strategies, and
  - (iii) the impact of changing the structure of income support payments on work incentives and effective marginal tax rates;

- (d) the impact of the new compliance arrangements on welfare recipients; and
- (e) the adequacy of child care assistance for parents affected by the changes, including the adequacy and accessibility of the existing Jobs, Education and Training child care assistance program.

**Senator RONALDSON** (Victoria) (10.54 am)—It is the month of cheap political stunts, orchestrated by an opposition that is totally devoid of any policy and totally devoid of any responsibility both to their own supporters and to their members in the House of Representatives and the Senate. If you look at what has been said today and at the basis of Senator Wong's amendment to defer the reporting date until February next year, you will see, from the core of her argument, that she knows nothing about this matter and that it would be an abuse of process for it not to be dealt with by 28 November.

The Democrats parroted this argument, saying, 'We have not seen this, we know nothing about it; how can we possibly deal with it?' Well, surprise, surprise: what did both Senator Wong and Senator Bartlett talk about in their tirades in the chamber today? The actual legislation itself. To quote Senator Wong, she knows nothing about it and therefore it is totally inappropriate for it to be dealt with by 28 November. I will quote Senator Wong—someone who says she knows nothing about this, and therefore it is inappropriate for it to be dealt with by 28 November. I refer to quotes such as 'the biggest change in our lifetime', 'cutting budgets' and 'reducing income'. She referred to 'the core of the package'.

Senator Wong either knows nothing about it, as she argued, and therefore it cannot be dealt with by 28 November, or the comments that I have just quoted mean that she is seriously gilding the lily—she knows nothing about it and therefore she should not be commenting on it. How can you possibly

describe something you know nothing about as 'the biggest change in our lifetime' and refer to 'the core of the package'? The simple fact is that Senator Wong knows very well that this matter can be dealt with 28 November, and that this is just another cheap political stunt from the opposition and the Democrats, who are trying to lock in to this mantra—and, quite frankly, the Australian people are sick and tired of it—about arrogance and pushing matters through.

The only person who would not know something about these changes—and this was admitted by Senator Wong, because she talked about the core of the package and it being the biggest change in our lifetime—would be someone who has been under a rock, and probably about six inches under that rock. This matter has been talked about by the government for two years. It is so well known that Senator Wong can come in here today and talk about 'the biggest change in our lifetime' and 'the core of the package'. She knows very well what the principles surrounding this are. It has been talked about by this government; it formed part of our election commitments; it has been talked about in the media; and it has been talked about in the coalition party room, which she referred to. She knows what it is all about, and this amendment is just a cheap political stunt.

Speaking of cheap political stunts, nothing can be more sinister than the cheap political stunt perpetrated by Senator Bartlett today in relation to the raids by ASIO and the Victorian and New South Wales police yesterday. How this man can expect the community to take him and his leader or the Greens and their leader seriously is beyond me. How you can talk about arrogance and pushing matters through this chamber quickly, in the context of the raids that took place yesterday, is quite beyond me.

I refer to an article by Matt Price in his column titled 'The Sketch'. I don't think that Matt has a reputation as being a hard-line conservative. He, quite rightly, referred to the absolute stupidity of Senator Allison and Senator Brown in relation to their comments. For Senator Allison to come into the Senate and make public comments insinuating that the Prime Minister had picked up the phone and asked whether a raid could be carried out to justify what happened last week is an utter disgrace. They stand condemned, and the Australian community will quite rightly condemn them for that quite extraordinary outburst. I will quote from an article on the front page of today's *Financial Review*. I refer to comments in the article made by Christine Nixon, the Victorian police commissioner. In the article she refers to the legislative changes made last week. Those changes were attacked by the Greens and Senator Allison. They were described as 'a monstrous abuse of power and public faith' and by Senator Brown as 'a black day', 'disgusting' and 'immoral'. I know who is disgusting and immoral in relation to this issue, and that is Senator Brown.

Christine Nixon said that the changes last week, agreed to by the Leader of the Opposition and agreed to by this chamber, 'had been crucial to allowing the night-time raids to take place on 22 different homes in two cities' and had averted a major crisis. So for Senator Bartlett to come in and talk about those matters in the context of this reference again is an utter disgrace.

I am not going to take up any more time of the chamber. I just repeat that you cannot come into this chamber and argue for a delay in the reporting on this legislation, arguing you know nothing about it, and then plead that it is the biggest change in our lifetime, that the core of this legislation is going to reduce income and household budgets. If you

know nothing about it, how can you plead that?

**Senator Wong**—What about family values? What about the impact on families?

**Senator RONALDSON**—Senator Wong, while her contribution might have been spirited, quite frankly she died a very slow death by the words that she uttered in this chamber. She knows all about it, she knows this is a cheap political stunt and she knows the committee can report back appropriately by 28 November.

**Senator BARTLETT** (Queensland) (11.01 am)—I will speak briefly to the amendment—it was not moved before I had the chance to speak—to indicate formally for the record that the Democrats support this amendment. I also emphasise, in the context of supporting the amendment, just how spurious and typical the contribution from Senator Ronaldson was. It is the usual government response—any time someone disagrees with them, smear and slander is the order of the day.

**Senator Ronaldson**—What about your smear and slander against the Prime Minister? You should apologise for that. Don't give me that rubbish.

**Senator McGauran**—What a fool.

**The ACTING DEPUTY PRESIDENT (Senator Marshall)**—Order! Senator McGauran.

**Senator Ronaldson**—He is a fool.

**The ACTING DEPUTY PRESIDENT**—Order! Senator Ronaldson.

**Senator BARTLETT**—There we go: throw smear and slander and then walk out of the chamber—very courageous along with the smear and slander. That is fairly typical. All they can do is come in here, throw the mud and then walk away. Senator Ronaldson suggests people know all about the core of this, but he has had the benefit of talking

about it in secret in coalition party rooms for months so I am sure he knows a lot more about it than most other people. But you can support the core principles of this legislation 100 per cent and still need to look at the details. In fact if you support the principles I would have thought you would be even more keen to make sure the details are done correctly. Perhaps it is because Senator Ronaldson has spent most of his life in the House of Representatives that the notion of looking properly at legislation and to the detail of how it works is fairly foreign to him.

The Senate has always done that job of looking at the detail of legislation even when there is general support for the thrust of it. There are parts of the legislation that many people do support. But even if you support the core principle 100 per cent, you want to have time to look at the detail properly. The detail of the Social Security Act, for example, is full of examples where the examination was not done properly beforehand and even policy initiatives that people supported the intent of were implemented badly because of badly drafted legislation which then harmed a lot of people unnecessarily. We have seen that, for example, in the family payments legislative area. People supported the principle of providing extra support for families but it was very poorly drafted, poorly thought out and poorly implemented and a lot of people suffered as a consequence.

This notion that because we have debated the general thrust of it for months somehow means we can just wave it all through without even bothering to look at the detail is fairly typical of what is arrogance and contempt from the government. It is certainly what we can expect from people from the House of Representatives but it is very tragic to see that sort of approach appearing in the Senate. To cover up that fact we get slander and smear about the terrorism issue and

rather than rising on a point of order to correct the record, and comments that quite clearly breach standing orders by impugning the motives of other senators, I simply say that I certainly do not resile from my belief that it was unnecessary to recall the Senate last week. I do not think anything that has happened since proves that it was anything other than the politicisation of an important security issue. What happened with the arrests in the last couple of days could easily have occurred under the existing security laws.

But, of course, Senator Ronaldson is actually the person who accused anybody in this chamber who complained about having only one day to look at the terrorism laws as putting public security at risk. This is the guy who said, 'You are putting public interest at risk because you are putting Senate process first.' That is the level of smear we get from the government. Then when we came back here the government agreed to the arguments that Democrats and others had made and to the Democrat amendment to allow at least a few weeks to look at the legislation. Two weeks earlier it was Senator Ronaldson who was saying that anyone who wanted to have that extra two weeks was putting the public interest at risk. The inference was that if you do not do this straightaway you will be putting people at risk just because you are concerned about quaint notions of Senate process.

That is how contemptuous the government are for not just a quaint matter of public process but an important principle of getting it right when you are passing laws that will affect people. I will criticise the Labor Party when they support those bills. I believe the recent raids have also proved that the current laws work quite well, as indeed the head of ASIO himself said a few months ago. But at least, as people who are supporting the legislation, the ALP are showing the strength of

belief in the importance of security issues to want to make sure the laws are framed effectively.

I remind the Senate of the article by, I think, Alan Ramsey last weekend which detailed the story of the ASIO legislation and that saga of a couple of years ago when it took 12 months, two different inquiries and forensic examination over a long period of time. There were dramatically improved laws at the end of it. Dramatically improved laws that the head of ASIO earlier this year said were working effectively and were better than what was originally put up and that the Prime Minister said demonstrated that the Senate was doing its work effectively. All the way through that 12 months we got the usual abuse from the usual featherheads saying, 'You are soft on terror; you are putting the public interest at risk because of political stunts and political purposes.'

If it comes to having to choose between copping insults from people—who do not have the guts to stand up for people's rights and are willing to go soft in the face of any sort of demand from the Prime Minister—and standing up for the rights and freedoms of the community, then I will stand up with the community every time and I will just cop that mindless abuse. It is not a very helpful contribution to the political debate. It is certainly not a helpful contribution to an effective democratic process. That is part of the role of the Senate and always has and always will be a key role of the Democrats. You can throw all the abuse at us you like but the simple fact is that when we are passing laws, whether they are about welfare changes, terrorism, workplace relations or anything else, those laws are not just tools for political point scoring; they are laws that will come into force and will directly affect people's lives in dramatic ways. Anybody who thinks that does not matter, and that the government should just be able to sweep them through

because everybody knows the general thrust of what they are about, are showing that they are arrogant and contemptuous of the democratic and parliamentary process. I do not believe people are sick and tired of hearing about that. Even if they are, I am going to continue to keep saying it because somebody has to.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (11.08 am)—I was not proposing to speak; I think the government's position on this matter is very well known. We will not be accepting the amendment proposed by Senator Wong. The reason that I am going to speak briefly is that many speakers took the opportunity to get off the topic of the motion and get into other issues such as the terrorism issue and I thought I would make a couple of observations. One of the more disgraceful things that I have heard in this parliament occurred when we were debating the amendment to the terrorism bill last Thursday when the Senate was recalled. The sorts of allegations that were made against the Prime Minister were disgraceful, in my view. The Labor Party itself believed that they were disgraceful at that time, although it has to be said that there were a variety of voices coming out of the Labor Party. Particularly bad were the minor parties.

**Senator Wong**—We voted for it.

**Senator KEMP**—Senator Wong, you have had your say. You are getting quite notorious for being someone who is prepared to dish it out to people but is not prepared to take it. I would make that observation. The point I essentially wish to make is that the behaviour of the minor parties showed to me that they have learnt nothing since last Thursday. The events of the last 24 to 48 hours have had no impact on them whatsoever. One would have thought, seeing as moral posturing seems to be the main focus

of the Greens and the Democrats, that having got something so profoundly wrong they might have taken the opportunity to stand up and apologise for what had been said and the extreme comments that had been made. But listening to Senator Bartlett, frankly, it seems to me that they have learnt nothing. Does Senator Bartlett really believe the comments that were made by his leader, Senator Allison? Does he really believe that having recalled the Senate under 'false pretences'—Senator Allison's comments—that she wondered last night, and I saw it on TV on *The 7.30 Report* tape, whether the Prime Minister had not contacted police about the raids? It was an appalling comment. I notice that even Senator Bartlett could not give some defence of his leader's statements. I think that people who stand up and lecture to the government constantly, as the Greens and Democrats do, when they get something so profoundly wrong after making a series of completely extreme comments should apologise. Ninety-five per cent of the community would now understand that the action that was taken by the government, with the support of the Labor Party last Thursday, was absolutely the correct action.

**Senator Wong**—Thank you for acknowledging that.

**Senator KEMP**—I was saying that there were a few other voices, Senator Wong, if you had listened carefully to what I had said. The Greens and the Democrats, as noted in the press this morning, have egg all over their faces on this particular issue. What we would have expected this morning was at least the ability to recognise that events had happened, that they had got it wrong, that their comments were extreme and insulting, not only to the Prime Minister—of course, the Prime Minister can take that; he is well used to that sort of behaviour—but also to all the security bodies that were involved in providing advice to the government. Having

listened to Senator Bartlett, I thought his was a very poor effort today. It is a pity; sometimes I think Senator Bartlett does make a significant contribution. It shows that Senator Bartlett has learnt absolutely nothing from the events of the last 48 hours. With a leader speaking like Senator Allison is on this matter as recently as last night on TV, it shows to me that it is no wonder that the Greens and the Democrats are minor parties and that they will become even more minor parties because they are so out of touch with the community sentiment.

**Senator Wong**—Mr Acting Deputy President, I raise a point of order. The minister responded a lot on antiterrorism, which I do not think was the issue before the chair. I am wondering if he is going to respond to the issue of whether the impact on families as moved in the amendments is going to be supported by the government.

**The ACTING DEPUTY PRESIDENT (Senator Marshall)**—There is no point of order.

Question put:

That the amendments (**Senator Wong's**) be agreed to.

The Senate divided. [11.18 am]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	34
Noes.....	<u>36</u>
Majority.....	2

#### AYES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, B.J.
Brown, C.L.	Campbell, G.
Carr, K.J.	Conroy, S.M.
Crossin, P.M.	Evans, C.V.
Faulkner, J.P.	Fielding, S.
Forshaw, M.G.	Hogg, J.J.
Hutchins, S.P.	Kirk, L. *
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	McEwen, A.



McLucas, J.E.  
Moore, C.  
Nettle, K.  
Sherry, N.J.  
Stephens, U.  
Stott Despoja, N.  
Wong, P.

Milne, C.  
Murray, A.J.M.  
Polley, H.  
Siewert, R.  
Sterle, G.  
Webber, R.  
Wortley, D.

#### NOES

Abetz, E.  
Barnett, G.  
Brandis, G.H.  
Campbell, I.G.  
Colbeck, R.  
Eggleston, A.  
Ferguson, A.B.  
Fifield, M.P.  
Humphries, G.  
Joyce, B.  
Lightfoot, P.R.  
Mason, B.J.  
Minchin, N.H.  
Parry, S.  
Payne, M.A.  
Santoro, S.  
Troeth, J.M.  
Vanstone, A.E.

Adams, J.  
Boswell, R.L.D.  
Calvert, P.H.  
Chapman, H.G.P.  
Coonan, H.L.  
Ellison, C.M.  
Fierravanti-Wells, C.  
Heffernan, W.  
Johnston, D.  
Kemp, C.R.  
Macdonald, J.A.L.  
McGauran, J.J.J. \*  
Nash, F.  
Patterson, K.C.  
Ronaldson, M.  
Scullion, N.G.  
Trood, R.  
Watson, J.O.W.

#### PAIRS

Hurley, A.  
O'Brien, K.W.K.  
Ray, R.F.

Macdonald, I.  
Hill, R.M.  
Ferris, J.M.

\* denotes teller

Question negatived.

**The PRESIDENT**—The question now is that the motion moved by Senator Hill be agreed to.

Question agreed to.

### DEFENCE LEGISLATION AMENDMENT BILL (No. 2) 2005

#### Second Reading

Debate resumed from 12 October, on motion by **Senator Patterson**:

That this bill be now read a second time.

**Senator MARK BISHOP** (Western Australia) (11.21 am)—The Defence Legislation Amendment Bill (No. 2) 2005 is of some consequence for one reason: it is the first

time for many years that the Howard government has done anything at all about the dreadful condition of military justice in the Australian armed forces. In the last 10 long years of this government, the problem has simply been put on the long handle and it has continued to fester. There have in fact been six major reviews in this time. That does not include the most recent review by the Senate Foreign Affairs, Defence and Trade References Committee.

This bill seeks to implement only a few of the recommendations of two of those inquiries. The first was that conducted in 1997, some eight years ago, by Brigadier the Hon. Mr Justice Abadee and the second was that by Mr Burchett QC in 2001, four years ago. That is the snail's space at which this important matter has been progressed. For that alone the government stands condemned. In the entire period of its term of office the welfare of ADF personnel has amounted to little. In that entire period we have seen a saga of controversy and the tragedy of lives unnecessarily and prematurely ended and careers ruined. Almost weekly the media has revealed a new story of bullying, harassment, vindictiveness, cover-up and, of course, denial.

Sadly, it took the parliament itself to intervene. As we know, the Senate foreign affairs committee has now reported. The government also has now responded. We are, of course, grateful to that committee for its work. We should also note, and be grateful to the minister for, the timely response of the government, made early last month. It must be noted, however, that the bill before us today has nothing to do with that latter report. It deals with only the two preceding inquiries mentioned above, although there are some parallels.

Let me turn to the substance of the bill. The bill makes four amendments to the De-

fence Force Discipline Act and one amendment to the Defence Act. The first amendment I will deal with concerns the Chief Judge Advocate. By this bill, the Remuneration Tribunal will determine the remuneration for this important position. This is not just symbolic, for reasons of independence; it is also quite practical and therefore, as it is necessary and practical, warrants no further comment. The other three amendments entail important structural and institutional reform to the military justice system. Together they are overdue. They are also welcome at last.

The first converts the current position of the Defence Military Prosecutor, the DMP, to a full-time independent statutory position. Currently the DMP is a part-time position. It has only an advisory role in its prosecution process and is totally managed and controlled by the chain of command. This amendment removes that management and control from the military and transfers them to the DMP. Henceforth, the DMP will determine which cases go to trial, either before a court martial or before a defence magistrate. This is a significant leap forward from current circumstances. Control by the chain of command currently compromises the entire system. In principle, therefore, prosecutions henceforth will ostensibly be independent of and removed from that influence.

Similarly, the bill also creates the position of the Registrar of Military Justice. This is ancillary to the DMP. The registrar will oversee and manage the prosecution process, formerly the responsibility of the chain of command. The registrar, like the DMP, is a statutory appointment, independent of the chain of command. That, too, is a change for the better. On the face of it then, the entire management of the prosecution process is subject to the standard processes which exist in the civilian system.

Associated with both the amendments just discussed is a third. That amendment removes the current authority of the chain of command for the tasks performed in the future by the DMP and the registrar. Currently, such officers are known as 'convening authorities'. They will now be termed 'superior authorities' but, importantly, with different functions. They are now to provide the linkage between the DMP and the registrar as independent officers with the ADF. That is part of the larger process. It commences with the investigation of offences, the welfare of defendants and the consequences for those found guilty. This is, of course, an important point.

It begins the notion of independence for the DMP from the military. But it must also be said it is quite different from the recommendations made by the aforementioned Senate committee. The Senate committee's unanimous preference was for the entire military justice system to be independent of the military—not just elements of it. The government in its wisdom has chosen to reject that model. The government's rationale for that rejection is that military justice is an intrinsic part of military discipline and cannot be and should not be separated from the latter. Hence, it cannot be separated into a civilianised stream. In our view, the independence of the DMP and the registrar therefore remains compromised. It operates in a formal relationship within the rest of the existing system. This is inevitable, given the government's in principle decision to leave the management of military justice with the military.

We need to understand the consequences of this decision. The Senate committee found the entire system of military justice existed in a state of compromise. The compromise was from start to finish, not just the prosecution element dealt with in this bill. The Senate committee found the investigation of of-

fences the biggest single failing of the military justice system—and here I mean both civil offences and traditional military discipline offences. In short, resources, skills and support were identifiably poor in the military police and the entire military justice system. The end result of that is a failed system of investigation. This, in turn, currently feeds into a compromised and unfair system of prosecution. This bill goes some way to addressing the latter, but the former remains intact. No matter how good these amendments might be in setting up a degree of independence, the rest of the system compromises these welcome changes. That, however, requires us to go outside the terms of this bill.

The government accepted some recommendations of the committee. We will now look at them. The key one is to conduct a triservice audit of current military police. This is intended to establish the best means for developing improved investigative capacity. Further, the government also announced that it will establish a joint investigation unit. This follows an earlier start in 2004 which did not proceed. An ADF provost marshal outside the services chain of command will head this new unit. Civilian investigators and resources will supplement service police.

The government has said it will also upgrade resources and raise skill levels. We hope that this initiative, when functional, will go some way to addressing the trenchant criticisms of the Senate committee. Equally, we hope that it will reduce the compromise impacting on the operation of the new DMP. The opposition will monitor closely the development and implementation of those new arrangements. There is a yawning gap between the committee recommendations and the response of the government. We need to remember again that this bill has little at all to do with that latter report. There is a long

way to go before significant reforms start to bite.

The final amendment in this bill is to the Defence Act. In short, it provides for the statutory appointment of the Inspector-General of the Australian Defence Force. This position, already created administratively, has responsibility for the other stream in military justice—that is, the investigation of complaints and grievances. This position is also independent of the chain of command. It is charged with the oversight of the entire grievance and complaint investigation process. This starts at the individual unit level where grievances first arise and proceeds through inquiry and review. Of all the matters considered by the Senate committee in its recent inquiry, this was the most voluminous. It was and remains a subject of great concern.

The amendment bill before the Senate arises from previous reviews, not the recent one by the Senate committee. The committee instead recommended that the inspector-general's position be abolished, as well as that of the defence ombudsman and the current Complaint Resolution Agency. Those savings would be put into a new, independent ADF administrative review board. This board would have more far-reaching powers and complete separation from the chain of command. The government rejected that model for the same reasons it rejected all of the other principled recommendations. Hence, the current model of the Complaint Resolution Agency remains, with the final word exercised by the inspector-general.

The differences here are simple. The committee firmly resolved to remove military justice from the control of the military. The government disagreed, so we are left with an institutional framework with an appalling record. It is quite clear that in the grievance process investigation is poor. It is

slow, it lacks thoroughness, it is biased and it lacks impartiality. It is confounded by all of the shortcomings of an in-house Caesar unto Caesar process. Hence the crying need for independence. Institutional change sometimes is an appropriate remedy. More often than not, however, the reasons are poor management and poor internal policies. I suggest that, above all, the problems of this failed system are driven by poor values and an unhealthy culture.

It is to the credit of the Chief of the Defence Force, the CDF, that he recognises the fundamental need to change the culture. Bullying, harassment, bias, sexism and all of the sins identified in the failure of military justice come down to people. They have nothing to do with discipline at all. It is about simple respect, fairness and natural justice, which we all are entitled to expect in the workplace. Processes must be changed, but that is more an administrative matter, not necessarily a legal matter. In this context we also note that the government's response to the committee report acknowledges that need to a limited extent. I say 'limited' because the government's response to the committee findings is identified as being only 'in part' or 'in principle'. We suggest that this needs more attention.

I will summarise the shortcomings identified in this area by the committee: untrained investigators, inordinate delay, poor quality investigations, poor evidence gathering, failure of procedural fairness, lack of independence, inordinate delay in reviews, lack of independence in the review process, lack of impartiality, failure to act on recommendations, failure to keep complainants informed and, more importantly, to protect them, as well as breaches in confidence and abuse of power. These are all internal administrative matters. They could all be fixed tomorrow.

We therefore note what the government intends to achieve with the appointment of an inspector-general. We certainly hope that it works. But, of course, the proof of the pudding is in the eating, and it will take some years for everyone to come to a final view. The test will be whether complaints on the redress of grievance process, or ROG process, and the failure of boards of inquiry, or BOIs, continue. Unless all the failures I listed a moment ago are removed then I suggest it will be business as usual into the future. Essentially, it is now a matter of leadership, especially from the government. We simply cannot allow the appalling circumstances blighting military justice to continue. It is for that reason that I move the following second reading amendment circulated my name:

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

- (a) condemns the Government for its failure to implement, in full, the recommendations of the Foreign Affairs, Defence and Trade References Committee in its report, *Inquiry into the effectiveness of Australia's military justice system*; and
- (b) notes that:
  - (i) the measures contained in this bill will not be sufficient to address the issues of bullying, harassment, victimisation, intimidation, bias and failure of natural justice which have been revealed so regularly in the past decade, and
  - (ii) unless the Government properly deals with this matter in a determined fashion, the reputation of Australia's armed forces will continue to be unfairly sullied and remain a deterrent for talented young Australians to join the Australian Defence Force".

I move that second reading amendment on behalf of the opposition. I will not to speak to it at any great length. It speaks for itself. The remarks that I have made in my speech in this second reading debate indicate the real concerns of the opposition in this area.

We note that the report has been delivered. We note that Minister Hill undertook to respond urgently. We note that he has kept his word and taken the matter to cabinet and that the government has responded. We are concerned that the central thrust of that Senate committee report, to take items of military justice and to, in a real way, civilianise them as a method to overcome identified deficiencies that have become rampant over the last 10 years, has been rejected by the government. We note the government's reasoning on that. We are not persuaded that the government's reasoning is correct. Nonetheless, these amendments in part, in form and in some matters of substance do go some way to attending to the real complaints identified by the Senate committee.

We also note that the government is putting its own good name and determination to achieve change on the record by having the CDF or his nominee report every six months to the Senate foreign affairs committee on the progress of change and of institutional reform and the process of applied change within the ADF as to those matters. We note that senators on all sides of the chamber who have an interest in this matter will be able to take the opportunity every six months in the foreign affairs committee to satisfy themselves that the government's intent is being carried out. I will draw my comments to a conclusion and commend the second reading amendment standing in my name.

**Senator BARTLETT** (Queensland) (11.38 am)—The Democrats support the Defence Legislation Amendment Bill (No. 2) 2005 although, as Senator Bishop has outlined, we do not believe it goes as far as it should. For that reason we also support the second reading amendment that Senator Bishop has just outlined. However, it is worth making some positive comments about the legislation and the process that has been followed. It is somewhat ironic that it fol-

lows on from a debate where the relevant minister, Senator Hill, was to the fore in denigrating Senate committee processes and having an appropriate amount of time to examine matters of importance and where, quite literally, he was saying that if something is important we should rush it through.

That is in stark contrast to his quite laudable approach to this matter which derives directly from a Senate committee inquiry into an important matter. It was an inquiry by the Senate Foreign Affairs, Defence and Trade References Committee that took quite a long period of time—I think it might have been for more than a year that the committee conducted its hearings and investigations. That gives a stark contrast to the insistent assertions by government senators that a week to examine overturning a century's worth of industrial relations practices is more than adequate and that having a couple of weeks—the same weeks, I might say—to examine comprehensive changes to the welfare system is also more than adequate.

If you are wanting to look at matters of substance and importance in detail, to suggest that you can just do it in passing in the space of a week is laughable. This legislation, I would suggest, demonstrates that. The legislation itself did not require extensive examination but it is the end product of a very long process. For more than a year the Senate committee inquiry looked very thoroughly, soberly and dispassionately at what is a very important and difficult area—as many of these ones are. It is an important one for the people directly affected—the defence personnel—but it is also important for the wider community. Naturally, it is very important for the safety and security of the wider community that we have a defence force that functions fairly and effectively and that the personnel in that defence force believe that on matters of military justice they will get a fair go. It is pleasing that the min-

ister, unlike the government ministers on almost all other Senate committee reports, responded quite promptly. He almost made it within the three-month time frame that is meant to be the standard, but is virtually never met, for governments responding to Senate committee reports.

Having said that, I will repeat the remarks I made at the time the minister tabled his response to the Senate committee report, that I did not believe it went far enough. As Senator Bishop has said, the core recommendation of the inquiry was to remove military justice from the control of the military. Committee members accepted the clear argument that practice has shown that the conflicts of interest involved were such that the chances of getting just outcomes were compromised. I recognise that there is a strong counter-argument that military justice is a unique and special situation and the military chain of command is a unique situation that deserves and demands a specific and unique process. I can see that argument, but I believe the practice of how things have operated has shown that that has delivered too many injustices. The committee believed that the only way to really provide a good chance of making a solid leap forward was to break that nexus and remove military justice from the control of the military.

Clearly, the minister and the government did not accept that, and I presume that the ADF command did not accept that. That is disappointing but, having said that, there was still a genuine recognition that there is a serious problem and things needed to change. This legislation goes some way to doing that. As I said when the minister tabled his response, I think all of us here who have followed this issue—and I am sure particularly the opposition senators who were involved quite thoroughly in that inquiry—will continue to monitor the situation and if injustices and problems continue to occur we will draw

attention to them. So this will probably not be the end of the matter, but it is a step forward and to that extent it should be praised. Given the context and the processes surrounding it, it does stand in stark contrast to the contemptible process that the government is following on such major matters as welfare and industrial relations.

I would also like to take the opportunity to note another change that has occurred in the defence personnel arena very recently. It is a matter that I have raised quite regularly when defence legislation has been debated, and that is the treatment of defence personnel with same-sex partners. My understanding is that a few weeks ago the ADF announced that service personnel with same-sex partners will now get equal entitlements in areas such as accommodation, relocation and education under the category of interdependence. I think that is an important step forward. It has been a long time coming and it is one that the Democrats in particular have pointed to the need for many times. My former colleague Brian Greig, now sadly departed from the Senate, was one who pursued this matter very strongly, but he was not alone in doing that.

It is an important step towards ensuring that all service personnel are treated fairly and equally by the country that they serve. It will also benefit the wider community because it will assist the Defence Force in improving rates of retention and the recruitment of personnel. Not surprisingly, the way people's partners get treated is important, in many cases, to their level of happiness with their job, and that applies across the board. This discriminatory treatment clearly had an impact on service personnel with same-sex partners, because they did not get the same treatment as everyone else. All the sorts of things that defence personnel have to go through, particularly transfers and overseas service, can be stressful enough on a family,

but when that family does not get the same assistance as other families purely because of the gender of their partner then that just compounds the difficulties that that person goes through. So it is a welcome step. I do not know whether it is an initiative of the minister or an initiative of defence command but, whoever is responsible, I would like to congratulate them for it.

Again, as always, there is a 'but': I need to note that these provisions of equal treatment do not extend to conditions of service. Conditions such as compensation, superannuation and veterans benefits are actually covered by legislation. On *The 7.30 Report* just a few days ago—I think it was Thursday or Friday last week—there was an example of the blatant unfairness and injustice that extends to same-sex partners of veterans because of the discrimination that is built into the legislation. I could have taken the opportunity with this legislation to move amendments seeking to make that change, but I decided not to on this occasion because I recognise there is a desire to get it through quickly, and that important but nonetheless separate issue can wait for another time. I flag in advance that it is a matter that the Democrats will continue to pursue through legislative amendment. Bringing things completely up to scratch in the defence area and removing that discrimination is something that we will pursue. As I said, it is not just important for the people directly affected; it improves the retention and recruitment opportunities for the defence department. Therefore, it is in the interests of the entire community that that discrimination be removed.

To get equality and treatment of provisions relating to compensation and superannuation and the like does require an amendment to legislation. We will seek to do that if the government does not do it. I urge the minister to do that. There are continuing ru-

mours, which the minister keeps putting to one side, that he is moving on from this portfolio potentially rather soon. So it would be a good opportunity to go out with a very positive legacy if he were to shepherd through some legislative amendments in that regard. I am sure he would be quite able to do that if he put his mind to it. It is welcome, nonetheless, that, in regard to areas such as accommodation, relocation and education, there will now be equal treatment for all service personnel regardless of the gender of their partner. That is a positive step forward, and I thought it was an appropriate time to note that positive advance.

To sum up: we do support the legislation, but we do not believe it goes far enough. But the step forward is to be welcomed. I think the process that has been followed has been a positive one, and I am sure the scrutiny of how things operate from here will continue to occur as well.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (11.48am)—I also rise to speak on the Defence Legislation Amendment Bill (No. 2) 2005, which amends the Defence Force Discipline Act 1982 and the Defence Act 1903 to establish statutory appointments for the Director of Military Prosecutions, the Registrar of Military Justice and the Inspector-General of the Australian Defence Force. In doing so, I support the remarks made by Senator Bishop and indicate that the reason I am speaking is to continue my personal commitment to the processes started by the Senate Foreign Affairs, Defence and Trade Committee inquiry into military justice and to keep faith with the many people who made submissions and sought our assistance. As Senator Bishop argued, these measures are supported by us but do not go anywhere near far enough. That is why he has moved the second reading amendment.

The bill gives effect to recommendations that were first made in Mr Justice Abadee's 1997 study into the judicial system under the Defence Force Discipline Act. Many of these reports have been around since then—since 1997. We also had Mr James Burchett's 2001 report on the inquiry into military justice in the Australian Defence Force and of course, more lately, the Senate Foreign Affairs, Defence and Trade References Committee inquiry into the effectiveness of Australia's military justice system, which reported in June this year. At first blush, you could take it that this is a timely response to the committee's June report. However, nothing could be further from the truth. It has taken eight years for the government to introduce these amendments—eight years of parliamentary inactivity because the government was not prepared to give priorities to fixing these problems.

The ADF deserve better. During those eight years there has been a total of six parliamentary coronial or quasi-judicial inquiries into the ADF's military justice system. The inquiries in sum have recommended a wide-ranging series of reforms urgently needed in the areas of legislation, policy and legal procedure. For those eight years the government have sat on their hands. Until now, the government have completely failed to act. It took the Senate committee's June report to once again highlight the need for drastic form.

At the core of the reform is the need for independence in the military justice system. The current system intertwines the administration of justice with the military chain of command. Natural justice, fairness and impartiality flow from an independent legal system. It should be no different for the ADF. Independence negates perceived or actual conflicts of interest because independent decision making is more likely to be accepted once it is removed from the influence

of the military chain of command. It is this present connection with the chain of command that has led to perceptions of bias and unfairness in the military justice system.

The lack of independence permeates both the disciplinary and administrative streams of military justice and has led to many instances of unfair treatment. Senior ADF officers admitted to the recent Senate committee inquiry that a number of servicemen and servicewomen have suffered substantive injustices, and the serious nature of the problem was emphasised in a number of submissions to the committee that detailed the consequences of unfair treatment to the mental health and wellbeing of many ADF members, their families and friends. I might note that they were from all ranks: from very senior military officers to the most junior recruit. That is why it is so difficult to understand the actions of the government in refusing to implement completely the three major recommendations of the recent Senate inquiry.

The three recommendations are: to refer all criminal activity to civilian authorities for investigation and prosecution; to establish an independent permanent military court; and to establish a statutorily independent grievance and complaint review body. In relation to the first recommendation, the government has refused point-blank to accept the need to refer criminal activity to civilian authorities for investigation and prosecution. The evidence to the committee that this should be done was overwhelming. The committee was briefed on inadequately trained investigators, equipment shortages, outdated investigation manuals, low military police morale, inordinate delays and inadequate resourcing. The ADF was judged to be incapable of conducting its own criminal investigations and prosecutions. What was also evident was the lack of impartiality in deciding to initiate prosecutions and the lack of independence in



summary proceedings. But this does not seem to worry this government.

The second recommendation refers to establishing a permanent military court. This measure would extend and protect a service member's inherent rights and freedoms, leading to impartial, rigorous and fairer outcomes. Of course, this will occur only if the military court is staffed by permanently appointed judges who possess extensive civilian and military experience and if it is served by a well-resourced and independent Director of Military Prosecutions. On external advice, the committee agreed to recommend that judges and the Director of Military Prosecutions should have some five years of recent civilian experience. The committee also recommended that judges and the Director of Military Prosecutions should be independent, and should be seen to be independent. These criteria were also regarded as essential in selecting the Inspector-General of the ADF.

There are rumours that incumbent senior military legal officers will be reappointed without having to participate in a competitive selection process for the new statutory appointments. I hope these rumours are not true. It would be wrong if measures were implemented that circumvented attempts to improve the quality of those who serve in senior appointments in the military justice system. The selection process for these significant statutory appointments should be transparent and merit based, perhaps using an eminent and independent selection panel which has civilian participation. Otherwise, there will be a fear that it is business as usual.

The third committee recommendation endorsed the creation of a statutorily independent grievance and complaint review body. The government refused to implement this recommendation and has chosen to imple-

ment different procedures that are not independent or autonomous from the chain of command. The committee was unanimous in its findings that a grievance and complaint review system had to be separate from the chain of command and totally independent. The evidence for this was overwhelming and involved: the alarmingly high number of lapses in procedural fairness; failure to inform members about allegations made against them; failure to provide relevant information supporting the allegations; failure to inform members that they were under investigation; and breaches of confidentiality.

Clearly, the ADF is facing serious problems. The gravity of the situation can be gleaned from the committee's report, which said:

The very fact that two young soldiers at Singleton were not prepared to pursue their right to make a complaint about cruel and abusive treatment, and that the wrongdoing came to light only through the determined efforts of their parents, speaks volumes about the inadequacies ... This failure to expose such abuse means the system stumbles at its most elementary stage—the reporting of wrongdoing.

This is an outcome shaped by a deep-seated culture—a shocking and unacceptable culture. These soldiers were apparently afraid to complain. Perhaps they were bullied into submission. We will never know for sure, but the environment in which they were being taught was wrong.

Extreme culture is sometimes covered up because of the concepts of loyalty, or obedience to 'lawful' commands, or even to promote toughness and selflessness. That is why there needs to be sufficient checks and balances in the military system to promote a more receptive environment. Only through checks and balances will ADF members have natural justice protection. A sound administrative system will provide protection and fairness, but it can only work properly when

it is separated from the chain of command. Only the government can make this happen. Until that occurs, responsibility for the welfare of ADF members rests squarely with the ADF's chain of command.

I welcome CDF Houston's recent comment that he expects all ADF members to be treated with 'care, compassion and consideration'. I do not question at all his commitment to those goals. I hope he is successful. But the reports of abuse and mistreatment that emerged during the Senate committee's hearings suggest a climate in parts of the ADF that is far from satisfactory, and the extremes seem too often to occur in some army training establishments. An extreme climate reflects poorly on the chain of command and it will require a concerted effort by the CDF to change that culture of abuse and mistreatment.

Having followed the case of Lieutenant Colonel Lance Collins, I am less than optimistic about success. I see few positives in the government's approach to fix the grievance and complaint review system. In 2000, Lance Collins informed the Minister for Defence that access to a classified database was denied to our deployed troops in East Timor in 1999. Our forces were on warlike operations and the cut-off lasted for some 26 hours. Lance Collins was ridiculed for his allegation. Public declarations from the Prime Minister, the Secretary of the Department of Defence and CDF Cosgrove declared that the cut-off was of a technical nature and was not deliberately done. These declarations had the effect of undermining Lance Collins's credibility. He received little support. The system failed him. He was perceived by many to be on the outer, but he persisted. He suffered career damage, apparent impediments to promotion and postings, and personal damage to his family circumstances. He eventually left the Army in August this year.

Nearly five years after the event, the matter was arguably finally put to rest, but it took two investigations by successive inspectors-general of security and intelligence, several letters from Lance Collins to successive ministers for defence, a letter from Lance Collins to the Prime Minister, a series of internal investigations into Lance Collins's redress of grievance, and media leaks of those letters and the investigations into his redress of grievance. I do not want to overstate the case, but Lance Collins was proved correct, and the Prime Minister, the minister and the CDF were all proved wrong. It took courage and perseverance to continue to raise the incident without a sympathetic bureaucracy. Lance Collins personally suffered. There were no rewards for him other than to right a wrong.

The action to restrict access to the intelligence database had been deliberately undertaken without authority, and three officers were ultimately disciplined. The redress of grievance system had clearly failed. Its shortcomings impacted on Lance Collins, with long-term effects. The chain of command seemed unprepared to take the matter seriously. The allegation was so serious that it should not have taken so long to investigate. The subsequent investigations should have been much more thorough. Fairness and impartiality were nowhere to be seen. We do not know how many other ADF individuals have suffered because of the lack of independence and impartiality in the ADF's grievance system.

The report of Mr Carnell, the current Inspector-General of Security and Intelligence, into the Collins allegation is far from perfect. I might add that that is no fault, as I understand it, of Mr Carnell. What we got was an abridged report—a report 13 pages long—that, quite frankly, is incomprehensible. The report had been so heavily censored—apparently in accordance with security re-

quirements and the provisions of the Public Service Act and the Privacy Act—as to make the end product indecipherable. This is an area that the government and the Inspector-General of Security and Intelligence will need to review. The public will reap little confidence in the investigative and review system if future reports of the Inspector-General of Security and Intelligence suffer in a similar fashion from security and privacy requirements. This is particularly important given the increased role of the Inspector-General of Security and Intelligence in monitoring our security agencies.

The Carnell report made conclusions that we cannot measure for their effectiveness and completeness. It talks of invisible people, led by the mysterious Mr A, who played a central role in this regrettable drama. But it fails to indicate with clarity who was responsible. We know that some sort of disciplinary action was taken against three officials under the Public Service Act, but their names remain confidential and the extent of the discipline was not released. We still do not know with certainty why the cut-off occurred. However, there are sufficient hints throughout the Carnell report that suggest that the cut-off was the last phase of an internecine war within the intelligence community—a turf war conducted by DIO senior staff against the ADF intelligence staff in East Timor. This should not have happened. It was unprofessional and petty, and the decision to implement a cut-off was a gross abuse of power and an unwarranted display of contempt towards our deployed personnel.

The public has a right to know how these actions were taken without authority from the Minister for Defence, the Chief of the Defence Force and the Secretary of the Department of Defence. The cut-off was a critical violation of normal operational protocols, and therefore one might have expected the minister and senior departmental officials to

have been more closely involved in resolving the Collins allegations. Their lack of involvement can only be viewed as an unfortunate breach of faith and responsibility. The Collins saga demonstrated once again the importance of having in place a grievance and complaint review system separate from the chain of command. A separate system improves the possibilities that an allegation or grievance can be investigated properly and in a timely manner without undue interference from senior personnel immediately and intimately involved in the allegation or grievance.

I remind senators that for the last 10 years there have been calls from service men and women, their families and others that the military justice system is in crisis. Those calls cannot be ignored. The government must now accept responsibility for its proposed changes. While there is nothing remarkable in this bill, it fails to adequately respond to the Senate committee's June report. The government, by seeking ADF comment on the recommendations and then fashioning a political response which cabinet approved, probably went down the wrong path. But this bill is the first step in the government's plan for military justice reform. The responsibility for what happens or does not happen from now on rests with the government. It is their responsibility. The buck stops with the government. The buck stops with Senator Hill for as long as he holds the defence portfolio.

The Senate committee's conclusions were unambiguous. They were also unanimously accepted across party lines. The work of Senator Macdonald, Senator Johnston and Senator Payne was central to the committee's work and to the report. They are to be congratulated for their contributions. It is in the public interest to have an efficient and effective military justice system. Just as importantly, it is in the interests of all service men

and women to have an effective and fair justice system. Currently, they do not, and the government's response to the Senate committee's recommendations for major reform does not bode well for the future.

Finally, I would like to thank past and present members of the ADF, and their families and friends, who have continued the fight for reform. Too many ADF members have suffered because of the system. That is why Labor is committed to monitoring the impact of the government's plan for change. Labor recognises that what is required is nothing short of root and branch reform. I am very concerned that we have not got that; I am very concerned that the government have not gone far enough. They must now bear the responsibility if they fail to act. All senators are committed to a better military justice system. I urge the government to go further than this bill and ensure that the ADF members get the military justice system that they expect and deserve in the 21st century.

**Senator HUTCHINS** (New South Wales) (12.05 pm)—The Defence Legislation Amendment Bill (No. 2) 2005 gives effect in 2005 to some of the recommendations made by Brigadier the Hon. Mr Justice Abadee in his 1997 report and the Senate's inquiry into the effectiveness of the military justice system, the report of which was tabled in June of this year. Senator Macdonald and Senator Johnston, who are both in the chamber, were members of that inquiry. That report drew a line in the sand on military justice issues. The committee found that a decade of rolling inquiries—there have been about five—had failed to address the dysfunctionality and unfairness that characterised the system over that time.

The government have only met the committee's recommendations halfway. In doing so, they have accepted that fundamental reform is needed. But they have also accepted

that they cannot squib this opportunity. If they do, then the government know—and the ADF should know—that the pressure on government to take military justice away from Defence's management will be irresistible. The committee took the view that the ADF cannot be trusted to manage military justice, and the committee's recommendations were unanimous. I assume that, as I do, my colleagues stand by that recommendation. The government have now given the ADF one more chance. This bill is part of that last chance, and it is heartening to see that the unanimous committee report is yielding results.

This bill will establish the Director of Military Prosecutions, the Registrar of Military Justice and the Inspector-General of the ADF on an independent statutory basis. It will provide for the procedures for the DMP's appointment, powers, functions, tenure, qualifications, remuneration and legal immunity. In particular, it will also deliver on the government's promise, made in 2003, to bring in this legislation. The Senate Foreign Affairs, Defence and Trade References Committee heard from Colonel Harvey that the lack of an independent statutory basis significantly impeded the DMP's work. In blunt terms, the DMP had to have one eye on the interests of military justice and another on their place and future promotion within the ADF's chain of command.

What the bill does not address is the chronic under-resourcing that currently plagues the DMP. As commanding officers grow accustomed to the role of the Director of Military Prosecutions, they increasingly defer prosecutorial decisions to the DMP. This has meant that the DMP's case load has increased exponentially in recent years, but the funding and staffing have not matched that increase in demand. This is especially worrying because the committee heard that often resourcing issues can have real impacts

on the degree of fairness experienced in the justice system.

In particular, the DMP desperately needs more service lawyers, a greater professional development package between those lawyers and their civilian counterparts in the civilian DPPs, and greater utilisation of reserve lawyers who are prosecutors in their civilian jobs. None of these real measures will be effected by this bill. So, while the government's delayed introduction is nonetheless encouraging, it is only a half-measure. If the ADF has learned anything from the glare of publicity that it gained from the committee's inquiry, it knows that the band-aids and half-measures will not stop the rot.

In conclusion, I add that every week the committee secretariat and individual senators are still contacted by serving ADF personnel who have problems with ADF military justice. As I said, not a week goes by in which Dr Dermody's office in the Senate Foreign Affairs, Defence and Trade References Committee is not contacted by personnel who have a degree of difficulty with the administration and application of justice in the military.

I hope that the bill goes some way towards addressing those problems and making an opportunity for people to go through an established system. That is why Senator Bishop has moved in his amendment words to the effect that we are not comfortable with the current position being put in this bill. However, the bill does go part-way to what the committee recommended. People are still contacting the committee. I still get inquiries each week from service personnel. Once we get this minor move towards the application of military justice for ADF personnel, I hope that those people see that there is a genuine attempt being made by the government and the ADF to ensure that there is a process they

can go through to achieve justice in the military system.

**Senator MILNE** (Tasmania) (12.11 pm)—I rise today to comment on the Defence Legislation Amendment Bill (No. 2) 2005 and, in so doing, I would like to quote what Senator Hill, the Minister for Defence, had to say in response to various reports on military justice. He said:

... a modern and professional force deserves a modern and effective system of military justice. With the reforms I have announced today, the government will provide a system that will better ensure impartial and fair outcomes, and strike an effective balance between the need to ensure effective discipline within the Australian Defence Force and to protect individuals and their rights.

It is in that capacity that I rise today to say that I do not believe that the changes in this bill are going to make for significantly more impartial and fairer outcomes that will protect individuals and their rights. That is specifically with regard to the position of the Inspector-General of the ADF because, in developing this position for the inspector-general, the government has made it clear that the inspector-general must have knowledge of and experience in military justice issues and an understanding of their relevance to the role of the Defence Force.

The requirement for the minister to have regard to the CDF's recommendation and the military experience requirements for the position of inspector-general may bring the independence of the position into question, especially in light of submissions to the Senate Foreign Affairs, Defence and Trade References Committee regarding the independence of the inspector-general and his office. I note here that the Senate report specifically questioned the need for the inspector-general to have military knowledge because the Defence Force Ombudsman has been able to perform his administrative review functions

for many years without that military background.

So, in summary, I think it is fair to say that this bill addresses some of the shortcomings in military justice that have been identified in the inquiries over the past decade, but it does not seek to clearly distinguish between the military justice system and the military. In that respect, I think this bill is reactive and somewhat piecemeal. What was being sought by all these inquiries was a clear differentiation between the military justice system and the military.

I rise to speak on these issues of fairness and separation, specifically in relation to a young Tasmanian, Eleanore Tibble, who took her own life because of what had happened to her in the Australian Defence Force Cadets. Her case was examined at length in the course of the Senate inquiry. It is a tragic case in which a young woman took her own life because of the way in which the complaint against her was handled.

It is very clear, from all the evidence she gave, that the concerns her mother expressed were confirmed by the investigating officer. Indeed, the Human Rights and Equal Opportunity Commission tabled a report which dealt with the circumstances of Eleanore Tibble's dismissal. It considered whether the Commonwealth had breached her rights under the Convention on the Rights of the Child. In its findings the commission said that the AIRTC officers failed to recognise the need to consider the interests of the child as paramount, failed to take into account as a primary consideration Ms Tibble's best interests, failed to protect Ms Tibble from humiliation that might result in psychological harm, and failed to take all appropriate administrative, social and educational measures to protect Ms Tibble from neglect or negligent treatment. That is pretty strong in terms of what happened to that young woman. But

the ultimate tragedy is that she took her own life because of the bungled management by authorities that should have had her best interests at heart.

I acknowledge that Eleanore's case has been looked at and that some of the recommendations for change, particularly those in relation to the Australian Defence Force Cadets, are going to come through in regulations. To that extent, at least some of it has been dealt with. But to my absolute horror I discover that the Commonwealth is not assisting as it might with getting justice for Eleanore Tibble and, more particularly, her mother, who is attempting to bring this matter to a logical conclusion and to prove that discrimination has gone on. I understand that a Federal Court hearing is set down for 5 and 6 December. In effect, the issue is that Eleanore Tibble's mother, Ms Campbell, had brought a matter before the antidiscrimination tribunal in Tasmania, which had set down a date for a directions hearing. But, before the antidiscrimination tribunal could hear the matter, the Commonwealth intervened and took the matter to the Federal Court, arguing under section 109 of the Constitution that the antidiscrimination tribunal in Tasmania is not a duly constituted court, that Commonwealth law takes precedence over state law and that therefore the directions hearing should not be able to proceed. The Commonwealth is effectively blocking Ms Campbell and forcing her to go to the High Court, because that will be her only option if the Federal Court upholds the contention of the Commonwealth in the proceedings there.

The tragedy is that this family have suffered already. They have suffered appallingly. They have lost a child as a result of the bungling of the so-called military justice system. That child's mother, Eleanore's mother, has had to put her own home on the market to try to raise money. Just this week she re-

ceived a letter from the minister, Mr Rudock, asking that she provide details as to why she cannot afford to pay for her part of the cost of the proceedings. It is the Commonwealth that has brought those proceedings in the Federal Court to try to prevent the directions hearing from proceeding.

**Senator Johnston**—That is a distortion and you know it.

**Senator MILNE**—It is not a distortion. Perhaps the government would like to tell me whether it is true that the minister, Mr Rudock, has sent a letter to insist that Ms Susan Campbell explain why she cannot afford to pay for her part in the proceedings in the Federal Court. I understand that it is true that that letter has been sent. I find it appalling that the Commonwealth continues to keep blocking and making the bar higher for ordinary people seeking the justice they want as a result of what has occurred.

This is a tragic case, and it has gone on for years and years. How many more years do this family have to suffer? How many more years do ordinary citizens in Australia have to put everything they have on the line in order to seek justice through the appropriate processes? If Ms Campbell has to go to the High Court then the Commonwealth will certainly be advantaged, because taxpayers pay the money for any proceedings that the Commonwealth might be involved in. But who is to pay for her part in the proceedings? Who is to pay for her lawyers? How is she meant to deal with this? Ordinary citizens in this country can no longer take on the government because of these processes.

It is appalling that the Commonwealth has intervened in this way to block the hearing of this matter in the antidiscrimination tribunal in Tasmania. I would like an explanation from the government as to why they have taken that stand. I would like an explanation as to why, when it is the Commonwealth that

has instigated these proceedings, costs are being questioned in terms of Ms Campbell. I would like an assurance from the government that she will not be pursued for costs in relation to the Federal Court hearing. The hearing is testing a point of principle under section 109 of the Constitution and the issue of whether or not the antidiscrimination tribunal in Tasmania is a duly constituted court. It does not pertain to Ms Campbell's core issue, which is seeking justice on behalf of her daughter, Eleanore Tibble.

To the extent that the Commonwealth is testing jurisdictional issues and taking Ms Campbell to court on that basis, the Commonwealth should pay for the proceedings and not further disadvantage a family that has already suffered beyond what most of us ever have to endure—that is, the death of a child. For this young woman to have taken her life because of what happened to her as a result of her experience in the Australian Defence Force Cadets ought to make every one of us do everything we possibly can to facilitate Ms Campbell getting justice and appropriate recompense because of what has happened to her and her family. I put on the record that it seems to me that the Commonwealth should meet any expenses in the Federal Court. More particularly, it should withdraw from that hearing and allow the antidiscrimination tribunal in Tasmania to carry on with the directions hearing that was set down for 22 November, had the Commonwealth not intervened.

The Commonwealth will probably argue that precedence is involved, but equally there is the argument that people who are watching this in their lounge rooms will note the failure of this legislation to draw a clear distinction between the military justice system and the military, that this is just another example of a small bit of reform and that, ultimately, the military are protected from the level of scrutiny that the community would want.

That forms the basis of all these investigations, hearings, Senate committee reports and other reports into the military justice system. What people want is separation. People want the capacity to go to the civil courts. People want openness and transparency and not, ultimately, small changes which still allow the military to control their own destiny in relation to the military justice system. I would appreciate hearing the government's response, especially on this issue of the Federal Court hearing which will occur in December, and on the matter of costs.

**Senator SANDY MACDONALD** (New South Wales—Parliamentary Secretary to the Minister for Trade) (12.22 pm)—I thank senators for their contributions to the second reading debate on the Defence Legislation Amendment Bill (No. 2) 2005. As has been made perfectly clear by speakers, there is considerable cross-party interest in Defence Force discipline and the military justice system. I might say that Senator Milne's contribution was a typical example of Greens opportunism regarding the very sad Eleanore Tibble episode. Senator Milne failed to show an understanding of fundamental judicial process. The picture is not quite as she painted it today.

The amendments to the Defence Force Discipline Act 1982 and the Defence Act 1903 contained in this bill give effect to certain recommendations made by Brigadier the Hon. Mr Justice Abadee, in *A study into the judicial system under the Defence Force Discipline Act*, known as the Abadee report, and Mr James Burchett QC, in his *Report of an inquiry into military justice in the Australian Defence Force*, which is known as the Burchett report. Additionally, a number of amendments represent an initial step towards giving effect to the government's response to the Senate Foreign Affairs, Defence and Trade References Committee inquiry into the effectiveness of Australia's military justice

system, which reported on 16 June 2005. I was interested to hear the contributions made today by the chair of the committee, Senator Hutchins, and my colleague Senator Johnston, who is a member of the committee and who is also present in the chamber today. They were fundamental in assisting the references committee to make a contribution to this very vital and important area of debate.

In broad terms, the amendments create the statutory appointments of the Director of Military Prosecutions, the Registrar of Military Justice and the Inspector-General of the ADF. This has been done to ensure that these positions are independent of the normal military chain of command, have the capacity to act impartially and have the appropriate authority. This requirement was recognised by the Senate in its recent report and by the government in its response to that report. There will be a need for further amendments to legislation as additional parts of the government's response are implemented. Many of the changes will need refining or amending once an Australian military court has been established on a legislative basis, replacing the current system of individually convened trials by courts martial and Defence Force magistrates.

The legislation implements substantial measures that will help to ensure that the military justice system is open, transparent and fair. The Director of Military Prosecutions will provide an independent prosecuting authority, thus ensuring that decisions on whether or not to prosecute at a Defence Force magistrate or court-martial level are made in a fair and unbiased manner. In addition, the Inspector-General of the Australian Defence Force will provide the Chief of the Defence Force with ongoing review of the military justice system, independent of the ordinary chain of command. This includes both the ADF discipline and the defence inquiry system.



The establishment of a standing court will involve the creation of significant administrative and legislative arrangements. The government is committed to implementing changes with minimal delay, and this bill implements those measures which can be put into effect quickly within the current system. Further reforms will be rolled out progressively as quickly as possible.

There is a very high level of tempo for ADF activities, with our continuing involvement, of course, in the Middle East, a re-establishment in Afghanistan and the requirement to be ready for operations in areas of instability both near and far. There is also recognition by the government, and the ADF itself, that it needs to be out in the marketplace attracting good young recruits to serve, and that there is a competitive employment market. It is worth making the point that a proper military justice system is essential not only to reassure serving personnel but also to reassure parents of potential personnel and the community generally that the ADF is fair to all and a good place in which to work.

The ADF is a big and operationally outstanding organisation. A sound military justice system is essential for its own wellbeing and the wellbeing of the community. The government and the Senate certainly recognise that. The government has long recognised the need for refinements to the military justice system. This bill encapsulates the work of the department in implementing the outcomes of earlier inquiries, as well as certain recommendations contained in the 2005 Senate committee report, to which I was pleased to contribute. The bill will ensure that the mechanisms for an independent and impartial military legal system are entrenched in the primary legislation so that the ADF and the broader Australian community can have renewed confidence in a discipline system that reflects current community standards, which is very important these days.

Question negatived.

Original question agreed to.

Bill read a second time.

### **Third Reading**

Bill passed through its remaining stages without amendment or debate.

### **AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005**

### **NATIONAL OCCUPATIONAL HEALTH AND SAFETY COMMISSION (REPEAL, CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2005**

### **In Committee**

Consideration resumed from 8 November.

### **AUSTRALIAN WORKPLACE SAFETY STANDARDS BILL 2005**

**Senator WONG** (South Australia) (12.29 pm)—I am not sure whether the Democrat senators who may wish to put some final position in relation to the amendment have yet been able to get to the chamber in the changeover to the debate on this legislation. Briefly, the Senate is considering two bills in cognate debate. In particular, we are considering in committee the amendment on sheet No. 4653 moved by Senator Murray and Senator Evans, which deals with trying to ensure some accountability for advertising expenditure. Last night we canvassed some of the issues on this—I welcome the minister—and Labor has indicated its support for this proposition. More broadly, Kim Beazley has previously put forward a private member's bill to try to ensure some government accountability in the use of public money—taxpayers' money—for advertising purposes. We continue to support the position that Senator Murray has been putting.

**The TEMPORARY CHAIRMAN (Senator Moore)**—The question is that the amendment be agreed to.

Question negatived.

Bill agreed to.

**NATIONAL OCCUPATIONAL HEALTH  
AND SAFETY COMMISSION (REPEAL,  
CONSEQUENTIAL AND TRANSITIONAL  
PROVISIONS) BILL 2005**

Bill—by leave—taken as a whole.

Bill agreed to.

Bills reported without amendment; report adopted.

**Third Reading**

**Senator ABETZ** (Tasmania—Special Minister of State) (12.32 pm)—I move:

That these bills be now read a third time.

**Senator WONG** (South Australia) (12.32 pm)—I seek leave to have the two bills put separately on the third reading.

Leave granted.

**The ACTING DEPUTY PRESIDENT (Senator Moore)**—We will put each bill separately. The question is that the Australian Workplace Safety Standards Bill 2005 be read a third time.

Question agreed to.

Bill read a third time.

**The ACTING DEPUTY PRESIDENT**—The question is that the National Occupational Health and Safety Commission (Repeal, Consequential and Transitional Provisions) Bill 2005 be read a third time.

Question put:

That the bill be now read a third time.

The Senate divided. [12.38 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	34
Noes.....	<u>30</u>
Majority.....	4

**AYES**

Abetz, E.	Adams, J.
Barnett, G.	Boswell, R.L.D.
Brandis, G.H.	Calvert, P.H.
Campbell, I.G.	Chapman, H.G.P.
Colbeck, R.	Eggleston, A.
Fielding, S.	Fierravanti-Wells, C.
Fifield, M.P.	Heffernan, W.
Humphries, G.	Johnston, D.
Joyce, B.	Kemp, C.R.
Lightfoot, P.R.	Macdonald, I.
Macdonald, J.A.L.	Mason, B.J.
McGauran, J.J.J.*	Nash, F.
Parry, S.	Patterson, K.C.
Payne, M.A.	Ronaldson, M.
Santoro, S.	Scullion, N.G.
Troeth, J.M.	Trood, R.
Vanstone, A.E.	Watson, J.O.W.

**NOES**

Bartlett, A.J.J.	Bishop, T.M.
Brown, B.J.	Brown, C.L.
Campbell, G.	Carr, K.J.
Crossin, P.M.	Evans, C.V.
Faulkner, J.P.	Forshaw, M.G.
Hogg, J.J.	Hutchins, S.P.
Kirk, L.	Lundy, K.A.
Marshall, G.	McEwen, A.
McLucas, J.E.	Milne, C.
Moore, C.	Murray, A.J.M.
Nettle, K.	O'Brien, K.W.K.
Polley, H.	Sherry, N.J.
Siewert, R.	Sterle, G.
Stott Despoja, N.	Webber, R.*
Wong, P.	Wortley, D.

**PAIRS**

Coonan, H.L.	Stephens, U.
Ellison, C.M.	Ludwig, J.W.
Ferguson, A.B.	Allison, L.F.
Ferris, J.M.	Ray, R.F.
Hill, R.M.	Hurley, A.
Minchin, N.H.	Conroy, S.M.

\* denotes teller

Question agreed to.

Bill read a third time.

**BUSINESS**

**Rearrangement**

**Senator ABETZ** (Tasmania—Special Minister of State) (12.41 pm)—I move:

That intervening business be postponed till after consideration of government business order of the day no. 4 (Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005).

Question agreed to.

**HIGHER EDUCATION LEGISLATION  
AMENDMENT (WORKPLACE  
RELATIONS REQUIREMENTS) BILL  
2005**

**Second Reading**

Debate resumed from 12 October, on motion by **Senator Abetz**:

That this bill be now read a second time.

**Senator WONG** (South Australia) (12.41 pm)—I rise to speak on the Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005. This is a bill that exposes yet again the ideological obsessions of the Howard government. It is a bill that is redolent of the ideological extremism of this government and its blindness when it comes to industrial relations arrangements and its willingness to use the levers of government to impose its own ideological and extreme agenda upon the Australian people and, in particular, upon our universities. This bill makes \$838 million of desperately needed funding for Australian universities conditional upon them meeting the government's unreasonable industrial relations requirements. Labor will oppose this bill as we will continue to oppose this government's intent of imposing its extreme ideological dream upon the Australian people.

Over 200 professors at our universities signed a statement recently that highlighted the damage that this bill will cause to academic quality and freedom. They said:

- Australian universities are already facing significant problems in recruiting from overseas universities, partly due to the fact that our institutions are unable to offer 'tenured'

positions. This problem would worsen if we were to shift to an environment where fixed term contracts were to become the predominant form of employment in Australian universities.

So we have the academic staff of Australia's universities indicating their views not just on the basis of what they might prefer but on the basis of the capacity of our universities to attract the best minds in the world, to ensure the highest quality research and teaching at our higher education institutions. That is something we would have thought would have been beyond politics. That is something we would have thought both sides of the chamber and the crossbenches could agree on—that we want Australians to have the best possible quality teaching and research staff in our universities.

This fight is not just about professors and academics. In fact, over 50,000 of the 88,000 people who work in our universities are non-academic staff. They are cleaners, canteen workers, technicians, administrative staff and support staff. This 57 per cent of the university work force is often less vocal and more vulnerable than many of our academics. It is their job security, wage security and decent working conditions that this government is about to destroy.

Debate interrupted.

**MATTERS OF PUBLIC INTEREST**

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

**Australian Broadcasting Corporation**

**Senator SANTORO** (Queensland) (12.45 pm)—There was something of a furore last week at the session of the Senate supplementary estimates at which the Australian Broadcasting Corporation appeared and from which its managing director, Mr Russell Balding, chose to be absent. This lapse was uncharacteristic as well as profoundly un-

wise. Mr Balding customarily attends the ABC estimates hearings. To date there has been no explanation for his absence on this occasion. The ABC's new director of communications and strategy, Mr Murray Green, who told the committee he was appearing in Mr Balding's place, also told us that he did not know why the managing director was not present. That non-explanation is a great example of the sort of nonsense you can get from directors of spin and, for that matter, former complaints review executives of the ABC. Mr Balding's absence was discourteous to the Senate. I think that point has been made with some force by the chairman of the estimates committee, my Western Australian colleague Senator Alan Eggleston. I certainly said as much at the committee as well and I won the support of my Labor opponent opposite, Senator Lundy, for doing so.

Today I want to revisit the issue of the ABC and the bias and lack of balance it shows in some of its critically important broadcasting. I do this with no pleasure. But I do this—and I will continue, in fact, to do this—because the problem with the ABC, which predates both my arrival in the Senate and the remedial efforts of the former minister for communications, then senator Richard Alston, still needs to be resolved. The ABC is still stonewalling. It is still adamant that it cannot sin. It is still trotting out newspaper surveys that show, quite properly—and, I believe, quite accurately—that Australians like and have a deep respect for the corporation, the work it performs as our leading public broadcaster and the institution as a whole. I say on the record in this place, as I consistently say at every opportunity, that the ABC is a highly valuable institution in the Australian community and overwhelmingly does a great job.

But, in respect of bias and lack of balance on some political issues, it is not doing a good job. This is the aspect of ABC affairs

that I have concentrated on and the aspect on which I shall continue to press for the necessary remedies. I have been accused of nit-picking over the ABC. These accusations in some instances have come from some of the greatest nitpickers of all time—people in the media. I am not sure that there is anything actually wrong with being defined as a nit-picker. To my mind, it means someone who has a clear objective in view and is determined to reach it. I repeat—and I underline this so that the management floor at ABC headquarters in Ultimo can be in no doubt—this is a prosecution that I intend to take to its final conclusion.

In the present case—and I again repeat this so there can be no mistaking the objective of the exercise on which I embarked when I entered the Senate and from which I do not intend to resile—the issue is one of partiality, bias, lack of balance and unfair presentation of facts by some leading broadcast figures in the ABC. These defaulters do themselves no credit by failing in the principal duty of any journalist to present unblemished facts. By 'unblemished', in this context I mean facts that are not embellished by subliminal invitations to adduce that the political leaders of the great democracies are foolish, stupid, unwise or, in some unspecified way, a bunch of dangerous hicks.

Last week at the Senate estimates hearings I again sought to bring to the attention of the ABC a significantly large number of instances in which the corporation's broadcasters had failed the test of objectivity. I will not attempt today to recanvass the specifics of those latest questions to the ABC. Suffice it to say that the ones I asked orally at the hearing were for the most part dodged by the representatives of the ABC who were present. There is nothing new in that outcome. It is the ABC's standard operating procedure when under question: deny the issue, denigrate the questioner and hide the evidence.

The ABC complaints system regularly does this to ordinary, everyday Australians who make a complaint. It does it to everyone who takes up an issue with them. It is adept at laying smokescreens.

One is tempted to speculate that, if Admiral Beatty had had the services of the ABC's flotilla of obfuscators at the Battle of Jutland in 1916, he would have had the German grand fleet bottled up in the Kiel Canal within hours. Admiral Jellicoe's main battle fleet could have stayed safely at home in Scapa Flow and the British might have won the war much sooner. But the ABC is not going to win this war. It cannot claim exemption from its own rules. It cannot expect to hide behind its own rules. Management has simply got to manage the problem that it has refused to concede exists. If it will not then the board must do the job for it.

On Monday I contributed an item to the online journal Crikey. I just make the point that, if the old 'subs for mentions' rule still exists there, I do not need a free subscription. That item responded to the chorus of criticism that came from a variety of sources following last week's estimates hearing. I said in this item for Crikey that it is abundantly clear that there is institutional bias in ABC news and current affairs broadcasting. This bias is overwhelmingly anticonservative and is demonstrated by the many examples of such bias that I have presented to the Senate via estimates hearings and in speeches since 2002.

The ABC does a magnificent job in providing Australians with a public broadcast service in radio and television that serves the entire nation. I have always made that point. Indeed, I have given public praise to the ABC for its magnificent performance in bringing the actuality of the Boxing Day tsunami of 2004 to its Australian and global audiences. Public broadcasting, I would

submit, is a vital part of Australia's heritage. My complaint is neither with the broad scope of ABC programming, although some of its entertainment programming is decidedly outre, nor with the overwhelming majority of broadcast and support staff employed by the ABC. It is simply that the natural bias of many of its leading broadcasters, working in a broadcast culture that has—in my view, wrongly—come to presume that it possesses the only acceptable wisdom in political and social affairs, is permitted by the ABC to flow through into what is broadcast on the publicly funded airwaves.

I do not believe this is the result of direction. No-one is making these people do this. In fact, the problem is much worse. It is that there is no acceptable direction of broadcasters by the management of the ABC that results in proper balance and objective reporting. The bias manifests itself in many ways—in skewed language, for example. The 2002 Bali bombers were immediately 'terrorists', but Arab bombers who have been terrorising civilian Israelis for decades are 'militants'.

The motives—not merely the political decision making—of the leaders of free democracies who decided to act to remove Saddam Hussein from power in Iraq are continually subject to analysis by innuendo, the effect of which is to encourage listeners and viewers to impute malicious intent in their actions. The important work of the media in keeping a critical eye on our own government is undermined by the partiality shown, propaganda disseminated and obvious open distaste for conservative thought demonstrated by some leading ABC broadcast figures.

One of the things that critics of my approach to the ABC problem like to ask me is why I do not subject the commercial broadcast sector to the sort of scrutiny brought to bear on the ABC. There is a simple answer to

that question, and it is a three-part answer. It is this: commercial broadcasting does not depend on funds voted by this parliament; commercial broadcasters are not required to attend the Senate estimates committees for examination; and broadcasters who disseminate their own views over the commercial airwaves—and one thinks particularly of Stan Zemanek, on whose radio program I appeared last week—freely admit, and I stress ‘freely admit’, and indeed proudly admit their bias. Their listeners know where they are coming from. In this context, the ‘what about the commercial broadcasters’ argument is just simply another smoke-screen.

The ABC charter requires it to perform as Australia’s public broadcaster, presenting a full range of views from within the Australian community and globally in an objective and even-handed way. That is what the ABC charter requires its broadcasters to do—to present a full range of views from within the Australian community and globally in an objective and even-handed way. It has instead allowed itself the indulgence of taking on the role of leading the way in social advance—so-called social advance. It manifests itself in increasing bias towards ‘progressive’ thought that plainly does not mirror the attitudes of the bulk of the Australian people. It demonstrates this by denigrating people and points of view that do not fit the received wisdom of the liberal arts community. It shows itself in ridiculous examples such as the editorial ban on referring to Australian Defence Force personnel serving in Iraq as ‘our troops’, on the grounds that ‘the ABC does not own the troops’. It is justified on grounds of balance, but that is Orwellian newspeak. It is perfectly feasible for an Australian public broadcaster to refer, in the context, to ‘our troops’ while still presenting balanced and objective reporting of their role overseas. Nowhere in its charter is the ABC

required to be an arm of the extraparlimentary opposition. These problems have been growing within the ABC for the past three decades. The leading ABC news and current affairs programs—*AM*, *PM*, *The World Today*, *The 7.30 Report*, *Lateline* and *Four Corners*—have become the chief vehicles for pushing a skewed agenda.

I restate my objective of ensuring that the ABC meets the requirements of its charter to present balanced news and commentary on Australian and world affairs. It is an issue that can be resolved immediately by the ABC management, if it has the will to do so. A determination to perform this significant public service should be enforced by the board of the ABC. There is no requirement for a new charter or even changes to the existing charter. That is what I said on Crikey. That is what I repeat today in this parliament. There was a knee-jerk reaction, incidentally. On Crikey yesterday a ‘seasoned broadcaster’ said—surprise, surprise—that I had got it all wrong again. ‘The rule against using “our” or “ours” in journalism was soundly based,’ said this unknown luminary. So it is, but that does not stop the ABC referring to ‘our’ cricket test side or lots of other ‘ours’ when it feels like it. So its ban on ‘our troops’ is just a hollow political sham and it knows it.

These are not the only problems evident in the ABC, of course. Someone made the point to me the other day that it is the overwhelming—indeed, one might even say overweening—bureaucracy that is the real difficulty the corporation faces. On some readings, bias goes much deeper than the many examples that I have brought to the attention of the ABC at estimates hearings. For example, the Australian ICJS web site has posted an interesting anecdotal study that says that while overt bias is now relatively rare, particularly on ABC Radio National and ABC TV, there are many other ways the luminaries

of the ABC broadcast world find to encourage Australians to believe that they are inadequate world citizens and their country is a blot on the landscape. That is something I want to return to in greater detail at some later time.

Of course, much of this material I have brought to the Senate estimates process for answers by the ABC. The Senate is still waiting for the ABC to take it seriously. 'Our ABC', it seems, is still on its dangerous non-learning curve, and it needs to get off it. This is something that is simply not going to go away, and the sooner the management at Ultimo understands this the better off the ABC and Australia will be.

#### **Fusion Australia**

##### **Telstra**

**Senator POLLEY** (Tasmania) (12.57 pm)—High in the snow-capped mountains above the productive farming plains of Tasmania's northern midlands is one of Australia's most successful Christian youth organisations. Fusion Australia is a Christian youth and community organisation which originated out of a creative response to socially at risk young people in the Hornsby region of Sydney in 1960. Forty-five years later it has become an international project with around 200 staff and thousands of volunteers in 25 centres across Australia and is based in regional Tasmania.

Because of Fusion's success, they need broadband. Because of this arrogant Howard government's abuse of the Senate, Telstra will be privatised and Fusion are unlikely to ever get a broadband connection. The people that run Fusion are smart operators. That is why they could smell a rat when their fax and phone requests to Telstra for information about broadband met with no reply. Close to the date of the full privatisation bill they faxed and left more telephone messages with

Telstra's Noel Hunt in Northern Tasmania and got no reply.

Telstra originally told the group that, if they were able to get 30 people registered for ADSL, Telstra would begin an upgrade of the Poatina exchange. An upgrade of the Poatina exchange would cost \$600,000. They were told, in the same week Bass MHR Michael Ferguson announced three exchange upgrades in Northern Tasmania, that they had Buckley's chance of getting an upgrade. They have been told that they are too remote and not commercially viable for the new-look Telstra. Too remote? Not commercially viable? Sounds to me like there will be plenty of other organisations like Fusion left out in the cold, once the full privatisation of Telstra becomes reality.

It does not matter that Fusion at Poatina is the national headquarters of a highly effective Christian community organisation. Telstra have told Fusion that it could have satellite instead, but the type of satellite that they proposed would be a high-speed download combined with an ISDN upgrade connection. This type of connection would be useless for Fusion as its upload speeds need to be almost the same as its download speeds. It does not appear to matter that recent per capita surveys of internet usage levels show that Fusion's usage levels are second only, in Tasmania, to those of Sandy Bay, Hobart's university suburb. It also does not seem to matter to this out-of-touch, arrogant Howard government that Fusion's school, tourism, accounting and multimedia productions need high-speed internet connection.

Hundreds of adult students have participated in the expanding training programs provided on site through the Fusion registered training organisation at certificate IV and diploma levels. Development is in progress for certificate III and advanced diploma courses expected to come online in

2006. This worthy community organisation makes a major contribution to the needs of young people and communities like the Northern Midlands, Australia wide. Much of this is accomplished through the commitment, goodwill and sacrificial lifestyle of its workers.

It is the responsibility of governments to ensure that basic services promised to all Australians are delivered. Telecommunications services must be guaranteed. There should be no obstacles in the provision of quality community services. Fusion has proven itself to be a quality community service provider. The Fusion project, like many others in rural Australia, deserves and has a right to the necessary telecommunications infrastructure to expand and strengthen.

Fusion has been involved in radio and print media for most of its history. It has its own radio station, HeartFM, based at Poatina, and manages a second community radio station in Tasmania. Mal Garvin has radio product that goes to air on 45 radio stations across the nation, and on Sunday nights he has a talkback program via satellite to over 60 stations. Consequently, a media training course is also conducted as part of Fusion's training in Poatina.

Poatina itself is quite a remarkable place, situated in Tasmania's central highlands. It was built by Hydro Tasmania as a village to house migrant workers who came from Europe after World War II to build new lives and Tasmania's now famous hydro power scheme. These days Poatina has a new role: it is helping young people build new lives through Fusion. Fusion centres have been established as needs have been researched, invariably in response to requests from various localities around Australia, but the Poatina village is the hub of this great international organisation.

Fusion Australia was founded by Mal Garvin, now a widely respected author, broadcaster, communicator, community development consultant and trainer. His innovative syndicated *Breakthru Generation* program at one point was on around 100 commercial radio stations, with the largest listening audience of any single program in the country. Fusion's practical hands-on approach to mentoring and supporting young people to find their own vocation has been there from the beginning—a vision developed of reaching thousands of young Australian battlers, and the spark ignited into the Christian youth and community movement, Fusion Australia.

Mal Garvin also created Sydney's first and longest-lasting youth drop-in centre, which established itself as a centre for care and healing, gaining the respect of community and government agencies. Fusion staff were among the pioneers of youth and community work. They developed their own systems of community support through community networking and volunteer development. They were on the ground before youth work became an industry and before there were government grants and much of the infrastructure that is now in place. They discovered that the longevity of their work and commitment to young people would only be possible through building a broad base of goodwill and generosity. This was expressed in local communities through the development of trained, skilful volunteers.

Whilst Fusion now works in a number of projects with government funding, its grassroots approach to resourcing and development has enabled it to build a unique pragmatic culture of pioneering, innovation and high commitment. Although commencing as a youth organisation, Fusion is now highly regarded as a youth, family and community organisation. It is Fusion's belief that, where an individual experiences meaning and



community, a person becomes more resilient and better able to cope with the crises that life brings. Fusion's services focus on the building of community and purpose.

Fusion centres are established in response to research of local need, and over the years this has led Fusion into such things as employment training, outreach centres and crisis accommodation. Fusion has worked, not simply to provide a roof over the heads of young people; it also provides appropriate life models and situations in which, through fostering positive relationships, young people develop independent life skills and trust as well as a sense of being significant and cared-for individuals.

If Fusion can create such a wonderful range of services from nothing in the middle of Tasmania, what is wrong with this mean government? You can imagine the group's feeling of abandonment. If it can help thousands of Australians back on their feet through innovation, commitment and care, why can't it get the help it needs to continue the job? Will Fusion be left to the mercy of the privatisation wolves? Who will help Fusion, a proven and strong community service provider, expand in its valuable role? Not this arrogant Howard government.

The facilities Fusion requires are basic new-millennium telecommunications services. These are services that are ideally suited to much of rural and regional Australia. These services, which are almost a fact of life in urban Australia, will not come to rural Australia once Telstra is fully privatised. It is not right that this arrogant Howard government will turn its back on country Australia. It is particularly unjust that the Fusion 'can do' spirit of community service is not reflected back from this nasty Howard government.

Fusion has developed a working philosophy of vocational rehabilitation that has en-

abled it to work successfully with many young people. Fusion is responsible for 12 employment programs nationally. It offers a diverse range of programs, from viticulture to motor mechanics, in all parts of the country. Fusion is a registered training organisation issuing nationally recognised certificates for skills learned. Fusion is an international leader, and this arrogant government, through the eventual full sale of Telstra, has left Fusion dangling.

Fusion's training arm is based at Poatina village. It provides residentially based, distance education and in-service models of training. These diverse training programs highlight the intense need for broadband services to Poatina. Fusion staff are involved in all levels of youth and welfare networks, including peak national and state bodies. They work closely with the local communities and agencies, and in several regions Fusion has been invited by various local councils to provide youth services. Because Fusion is a networking organisation, it researches needs and networks in such a way as to locate resources in response to the needs. Fusion is very interested in capacity building and the development of social capital—not so this arrogant Howard government.

Nearby Cressy and the Northern Midlands of Tasmania would not be regarded as one of Australia's economic hotspots. The strong agricultural community grows some of Australia's finest wool. The midlands farmers lead the way in canola and poppy crops. But many of the young people, like young people in farming communities nationwide, need a broader vision. Fusion, through its involvement with the Cressy District High School and the Campbell Town District High School, has again reached out in support. It provides mentoring services and is active in those communities through the No Dole program. The nationally applauded No Dole

program encourages grade 10 students to sign a pledge that they will continue with further education or work once they finish school. The No Dole program is another example of Fusion engaging in the small Northern Midlands communities.

Fusion's development of Poatina village and contribution to the wider municipality is a worthy rural renewal story. Fusion is making an increasingly significant contribution to both the economy and the reimagining of the municipality of the Northern Midlands. Last year, Fusion became an enthusiastic participant in the 'troutification' of the Cressy township. Troutification is a purely Tasmanian concept and is unique to Cressy. Cressy is a sleepy Aussie country town. Its main street is almost two kilometres long. The region is well known among fly fishermen and fisherwomen world wide. Last year Fusion cooperated with the local district high school, the Rotary Club and the Northern Midlands Council to 'troutify' the town and increase its profile. Thanks to troutification, it now has trout popping up in the most unlikely places, such as power poles and murals—and there is a magnificent giant trout in front of the local public toilets. Fusion's success has been infectious within the region and has brought fresh vitality into a diversity of local community groups.

Some 10 years ago, when Fusion bought Poatina village from the Hydro-Electric Commission, it was virtually a ghost town, with just six families. During that time Fusion's grassroots community development approach, training and resources have come to the attention of a growing number of leaders in overseas countries. Poatina has become the hub of a rapidly expanding international network. Poatina desperately deserves access to broadband internet services.

### Marine Conservation

**Senator SIEWERT** (Western Australia) (1.11 pm)—I would like today to raise an issue that is of deep concern for me and an issue on which I have been working for many years, and that is marine conservation. I am pleased to be able to say that on this issue the government is showing some leadership. However, I would like to see more. The three specific issues to do with marine conservation that I would like to deal with today are: illegal fishing—in particular, shark fishing—deep sea or high sea bottom trawling, and whaling.

Every day, certainly in Western Australia, the newspapers are carrying more and more horror stories about the impact of illegal fishing and shark fishing. Unfortunately, this is having an impact on Australian shark fishing. I believe Australian fishers are going to have to modify their practices, at least in the short term, until we get a handle on, and are able to manage in a more comprehensive manner and control, the illegal fishing that is happening in our waters.

Shark numbers have declined in the Indonesian archipelago to the point that it is virtually impossible to fish there, which is part of the reason why fishers are coming down to fish illegally in Australian waters. Illegal shark fishing is a major driver of illegal fishing in Australian waters, and shark numbers are declining in Australia. Although we do not have a strong handle on the whole of the impact that we are having on shark numbers, we do know that sandbar sharks and dusky sharks, for example, have declined in numbers in Western Australian waters to the point that there is strong concern.

Action is being taken. I have talked in this place before about the need for a plan to deal with this issue, acknowledging that the federal government is taking action. But just putting boats in the water is not going to

solve this problem. We need a comprehensive plan—we need to work and cooperate with our northern neighbours to put in a regional management plan of some sort. However, we cannot just leave it at that. I believe more urgent action is needed.

The *West Australian*, a paper that I must admit I am not overly fond of always quoting—

**Senator Ian Macdonald**—It is bad practice to do.

**Senator SIEWERT**—Thank you. On Saturday morning it indicated there is strong evidence that not only are illegally caught shark fins entering the Western Australian market; unfortunately there is some evidence that shark fins caught illegally by Australian fishers are also entering the market. To my mind that means that we need to take action in some way and investigate the potential of a ban on the import and export of shark fin products in Australia. This may send a strong message about how seriously Australia takes these issues. I also believe that we need to look at the development of an international plan of action for sharks. We also need to look at what protection we are offering under the Environment Protection and Biodiversity Conservation Act for sharks. Do we need to list any of our sharks under CITES, the convention that deals with the international trade in endangered species?

Do we need to look at closing of some further shark fisheries? I acknowledge that Western Australia has already closed the shark fishery between Exmouth and Broome, but I am deeply concerned that this is not enough, that we need to take stronger action and that that, unfortunately, is going to impact on Australian fishers in the short term. However, perhaps this is a measure that we have to take in order to deal with the longer term issues and to ensure that our shark fisheries are sustainable into the future, because

not only are we having an impact on our shark fisheries; unfortunately we are also having an impact on marine biodiversity within our region. There is evidence that a substantial number of dolphins, for example, are being taken as bait. Even if it is only one or two per boat per visit, when you are looking at the number of illegal fishing boats that we are facing at the moment, that has a substantial impact on the dolphin population. Also, the fishing practices are having an as yet unknown toll on our marine biodiversity.

I now move on to another important issue—one that is also very topical. That is high seas bottom trawling. I again acknowledge that the government is showing some leadership on this issue, but I strongly feel that we need more, because this practice is a catastrophic one. It involves the dragging of nets the size of football fields across delicate sponge and coral ecosystems on the ocean floor. These are huge nets armed with steel plates and heavy rollers that basically plough up and pulverise anything in their path. In a matter of weeks, bottom trawling can destroy what took thousands of years to create. Deep sea structures are not merely damaged, they are obliterated. It is like clear-felling. After heavy trawling, the surfaces are basically reduced to sand, bare rock and rubble. Bottom trawling is destroying unknown and undiscovered worlds. I am sure many people have seen the disturbing image of that huge coral that was bigger than a human that was brought up from the deep sea. It was brought up and then thrown overboard. That basically resulted in the destruction of that ecosystem.

Recently, UK marine biologist Professor Callum Roberts, who was recently in Australia at a conference in Geelong, described bottom trawling as being:

... indiscriminate, scooping up unsustainable levels of the targeted fish as well as destroying their habitat and many other fish and marine life dis-

carded as bycatch. It is devastating the world's last great frontier wilderness.

He also said:

Urgent action is needed, as the damage being caused by bottom trawling could be permanent. Even if banned now the vulnerable ecosystems could take decades or centuries to recover. It is more like strip mining than harvesting.

We know that the current practice is not sustainable. I have no doubt that, with the global spotlight on this devastating practice, it is only a matter of time before the practice is clamped down upon as environmentally unsustainable, indefensible and economically short-sighted. That is why scientists and environmental organisations are calling for a United Nations global moratorium on high seas bottom trawling until sustainable management practices are developed and implemented.

The importance of this issue and the need for action are highlighted by the recent letter to Ministers Campbell, Macdonald and Downer signed by 107 participants at the recent International Marine Protected Areas Congress in Geelong, to which I just referred. The letter urges the Australian government to provide leadership for global action to end the aggressive and damaging fishing practice of bottom trawling on the high seas. Just last month the Senate passed a motion urging strong action on this issue and support for United Nations General Assembly resolution 59/25, which urges strong action urgently and consideration on a case-by-case basis—and there was other stuff there—to prohibit the destructive fishing practices, including bottom trawling, that adversely impact on vulnerable marine species. As we speak, I understand that there are negotiations in the United Nations about what should be happening on deep sea bottom trawling. I strongly urge the government to heed the world's scientists who are now so

strongly speaking out about the impact of deep sea bottom trawling.

**Senator Ian Macdonald**—How are you going to enforce it, though?

**Senator SIEWERT**—That is one of the issues that we need to start talking about, and if we do not talk about it we are never going to get there. However, we certainly need to start talking about it. We encourage the government to support measures that can be taken to put in place a global moratorium on bottom trawling and to consider how it can be enforced and regulated.

I now move on to whaling. We heard the grim news yesterday that the Japanese fleet has left port en route to the Southern Ocean to start the slaughter that the minister so graphically outlined in the Senate yesterday. This is one of the issues that confronts the parliament on which there is solid multiparty support, and there is widespread Australian community support to oppose this devastating practice. We believe the government has an opportunity to take the lead on this issue, with the support of all parties.

I must say that it was frustrating in the extreme to hear the minister's comment on ABC radio yesterday, when he stated that we are using diplomacy and that we will know that diplomacy has had an effect if the ships go home empty. It is a tragedy if that is the only action we are going to take. Perhaps the minister is thinking that the Japanese whaling fleet will suffer an attack of conscience halfway to Antarctica and return home empty. Yes, that would be a coup for our diplomacy, but I really do not think it is going to happen. I think the minister is going to be sadly disappointed. If that is the only action that is taken, there are unfortunately going to be a lot of whales slaughtered. We do not have the luxury of time. Despite genuine efforts by the government and the minister, the whaling fleet is en route to Antarctica,

and we need to take a change of tack in our approach.

In answer to a question put to the minister yesterday by Senator Bartlett, the minister indicated that consecutive governments had evaluated the legal opinions and options for preventing whaling using well-established instruments of international law, such as the International Tribunal for the Law of the Sea and the International Whaling Commission. In each case, the government has advised that these actions are unlikely to succeed. I appreciate that argument, but it misses the point that there will be a radical scaling-up of whaling by the Japanese under JARPA II. I believe that provides the Australian government with new opportunities to look at this. We believe that Japan simply cannot maintain the farce that this is scientific. We believe that gives us legal avenues that we have not had in the past.

At the same time, whale watching and related tourism has skyrocketed over the last 10 years. It is now attracting 1.6 million tourists a year and was said to be worth at least \$29 million in direct revenue in 2003—and I am sure it has gone up since then. We believe this too opens up legal opportunities that have not been apparent before. The damages to Australia's interests have standing under international law, and we should press this case.

I urge the government to reconsider the case for legal action and bring to the minister's attention a simple mechanism which exists under the International Tribunal for the Law of the Sea, which will buy the government some time to examine these new legal opportunities. Under the International Tribunal for the Law of the Sea, Australia can apply for provisional measures to be granted which would immediately halt the Japanese whaling program in Antarctica for a period of 14 days, in advance of a full dispute being

heard. This is a way for the government to make good the promise it has been making that it is genuinely trying to halt and is committed in its approach to halting this appalling hunt. The minister can act immediately to stop the whaling fleet in its tracks. I cannot think of too many times when the government can claim that it has support from all sides of politics and the Australian community to take action.

While the government reconsiders its position regarding legal action, I remind the government that there are other recommendations that have been presented to it by the International Fund for Animal Welfare. They go through a number of actions the government could take. For example, we could trail these ships and document and broadcast their every move. We could refuse access by support vessels to Australian ports. We could submit the Japanese government to an environmental impact assessment. We could move forward with like-minded nations to investigate the many legal and diplomatic options open to us. In the longer term, we could ask that a diplomatic conference be convened to amend article VIII of the International Convention for the Regulation of Whaling, to close the loophole which the Japanese whaling industry continues to abuse.

We do not believe it is good enough for the government to wait for New Zealand, France or the US to make the first move. Under consecutive governments over a period of decades, Australia has led on this issue, and it is time for us to lead again. In my book—and, I believe, that of most, if not all, Australians—it is not good enough to see if the fleet comes home empty. It is now time to take action.

#### **Water Management**

**Senator EGGLESTON** (Western Australia) (1.24 pm)—We all know that water is a

precious and limited resource, and Australia's status as the driest inhabited continent means that we have a duty to ensure a nationally coordinated approach to water management so that it is used and managed efficiently and sustainably, with an appropriate environmental and economic balance. Australia has among the highest per capita consumption of water in the world, 67 per cent of which is used in agriculture. In fact, irrigated agriculture makes a significant contribution to our national economy. According to the Australian Bureau of Statistics, irrigated agriculture had a gross value of \$9.6 billion in 2000-01, representing 28 per cent of the gross value of all agricultural production, on less than one per cent of our agricultural land.

But, in spite of its undoubted economic benefits, it has come at a cost to the environment, contributing to land and water degradation, most notably salinity. Notwithstanding the scarcity of water in Australia, it can be argued that, in allocating extraction entitlements, state governments have paid insufficient attention to the total available resource and the need to retain a sufficient quantity of water for the environment. The *Australia State of the Environment 2001* report observes:

The current estimates of water use relative to sustainable yield indicate that approximately one-quarter of Australia's river basins are either close to sustainable yields or are being over-used. These river basins account for around 70% of total surface water use.

In 1994, the Council of Australian Governments, COAG, agreed to embark on a process of water reform, culminating on 25 June 2004 in the historic National Water Initiative. The signatories to this initiative have agreed to implement a range of actions over the next 10 years. Firstly, the National Water Initiative will give water users enhanced security, in terms of both entitlement and access. No

longer will irrigators be vulnerable to having their entitlement unilaterally cancelled by state governments. The initiative requires that users receive a water access entitlement that is separate from the land and comprises a perpetual share of a water pool, resulting in greater reliability of allocation. This will ensure investment security and give farmers the confidence and certainty to make infrastructure investments in their properties, including in more water-efficient technologies.

Unfortunately, my home state of Western Australia is the sole state that has refused to sign up to this initiative. In so doing, the Gallop Labor government has effectively deprived Western Australian irrigators of the opportunity to benefit from a perpetual water access entitlement. It is yet another example of the city-centric nature of the Gallop government and its absolute disregard for the interests of rural Western Australians, which has been most recently manifest in its corrupt decision to remove eight seats from the country and relocate them in metropolitan Perth.

The second major achievement of the initiative is to establish a national water trading market, with the progressive removal of barriers to trade both within and between states. This will ensure that water finds its way from lower to higher value uses. With water becoming an increasingly scarce resource, in time irrigators producing low-value crops will find that it is more profitable to trade their entitlement to farmers producing higher value crops. The parties to the National Water Initiative have also agreed to implement best-practice water pricing, encompassing the principles of user-pays and full cost recovery. This is important in setting price signals which discourage the wastage of water, provide an incentive for its efficient use and encourage higher value uses.

Water extractions in those systems that are overallocated will be reduced, with substantial progress to have been made by 2010. Under the Murray-Darling Basin Water Agreement, the federal government and the governments of New South Wales, Victoria, South Australia and the Australian Capital Territory have agreed to spend half a billion dollars over five years to claw back some of the overallocated water. It is expected that it will result in an additional 500 gigalitres of environmental flows.

Households are the second highest consumer of water in Australia, after agriculture. Australia has some of the lowest cost urban water in the world—about a third of the cost of that in Europe—leading to concerns that it is too readily taken for granted. Several of Australia's major cities, including Sydney, Melbourne, Adelaide and Perth, are experiencing severe water shortages, occasioning the imposition of water restrictions. For example, there are two-day-a-week restrictions on watering of gardens in place in Perth, and I believe that in Goulburn in New South Wales the restrictions are even more severe.

Households need to be encouraged to use existing water resources more efficiently. Of that, there is no doubt. At present, only 9 per cent of our water is recycled and reused. This is a very inadequate level. We have to make a greater effort to harness wastewater, and this calls for imaginative urban planning, such as requiring new residential subdivisions to have dual reticulation so that drinking water can be used in kitchens and bathrooms, and recycled water can be used in toilets and gardens. This could be accompanied by a requirement that all new houses have a rainwater tank—which, in the past, was a great Australian tradition, I must say. All houses used to have a rainwater tank. Where feasible, stormwater should also be captured and recycled. According to the Farmhand for Drought Relief Foundation,

‘an estimated five billion litres per year of stormwater is piped out of our towns and cities. This is water that could be used on our gardens and on sports fields.’

Householders should also be encouraged to make greater use of more efficient water appliances in their homes, such as front-loading washing machines and water efficient showerheads. In their gardens, Australians could save water by installing drip reticulation systems—or trickle systems, as they are known in many parts of Australia—and replace exotic European water-thirsty plant species with more drought-tolerant native plants. A further option could be the use of permanent water restrictions, rather than temporary restrictions which we impose these days in times of relative scarcity.

I am pleased that the National Water Initiative is to be complemented by the federal government's funding of about \$2 billion over six years for the Australian Water Fund, which will promote practical on-the-ground water solutions, which in turn will contribute to improved river flows, enhanced water management, greater water efficiency, recycling and reuse of wastewater and stormwater, and irrigation infrastructure improvements. However, what I am not pleased by is the fact that, because of the intransigence of Premier Gallop in refusing to sign the National Water Initiative, Western Australia is ineligible to receive funding under the Australian Water Fund. Western Australia is thereby being deprived of tens of millions of dollars which would assist in the water problems of the south-west of the state in particular.

In conclusion, I believe the time has come for a truly national approach to water management, to ensure that water is managed in a way which ensures that it is used both efficiently and sustainably. The National Water Initiative is an important step in the right

direction in ensuring a nationally coordinated approach to water management. Finally, I would encourage all householders not to take water for granted, and to think about how they can use water more efficiently in their homes and gardens, because the truth of the comment that 'Australia is the driest continent in the world' is with us all the time, and it is a reality that I think the Australian people have yet to fully face up to.

### Abortion

#### Electoral System: Western Australia

**Senator WEBBER** (Western Australia) (1.35 pm)—In the time I have available to me today, I will focus on two matters. One is at the provocation of Senator Eggleston, and I will return to the issue of one vote, one value, and what he alleges is the corruption of the Western Australian electoral system, a little later.

But first I would like to talk briefly about the first survey published by the Southern Cross Bioethics Institute called *Give women choice: Australia speaks on abortion*. I am aware that they have since released another publication, but it is the first one that I wish to draw the Senate's attention to. There has been a lot of debate over the methods used by the researchers associated with that publication, and to my mind it is disturbing that they were unwilling to release more details of the questions they asked in the survey, and the options participants had for responding.

However, I would like today to focus on the interpretation of the survey's findings, written by Dr John Fleming and Selena Ewing, as this is the only information that the public has been provided with so far. The report makes the claim that support for so-called 'abortion on demand' is softer than anticipated, but there is no mention of who was doing the anticipating.

I am unaware of anyone seriously claiming that an overwhelming majority of Australia-

lians think that abortion is a wonderful thing. I have only ever heard claims that a majority support access to legal, safe abortion, regardless of their personal feelings on the procedure. Indeed, that is what the survey has shown. It says:

7 out of 10 Australians agree with arguments for legal access to abortion based upon women's rights and the idea that abortion is a 'necessary evil'.

Rather than focus on this entirely predictable result, the report instead chooses to focus on the fact that many people are uncomfortable with abortion, distorting this to imply that there is a groundswell of community opposition to abortion with statements like:

Put another way, 63% of Australians either oppose or are not strongly supportive of abortion on demand.

This claim is deliberately misleading, as in the very same paragraph of the report there is a statement that reads:

... between 62% and 69% of Australians think women should have unrestricted access to abortion whatever the circumstances depending on how the question is posed ...

Only 19 per cent oppose this statement strongly, and 15 per cent somewhat disagree.

The major theme to come out of these results is that Australians want more choices for women. This is something to be celebrated, and it highlights just how out of touch with the community some of our fellow MPs and senators really are. More choice for women is something I can definitely support, and I am sure a majority of my colleagues can too. Dr Fleming and Ms Ewing ask for the debate to be about how to provide those choices for women, so let us do just that.

It seems obvious that the best time to provide options for women is before they are faced with an unwanted pregnancy, because after it has happened there are only three



possible options, regardless of how many of us may wish things were otherwise. The fact that this survey shows that only 22 per cent of Australians think they are very well informed on the subject is frightening. We need to address this by educating the public on the facts. Scare campaigns and misinformation add absolutely nothing to this debate. It is essential that comprehensive age-appropriate sex education is given to every school student in Australia. High school children need to be prepared for adulthood and all the responsibilities that go with it. We owe it to them to give them the skills and knowledge to make responsible adult decisions and, if this survey is in any way representative of the population as a whole, we cannot leave it up to parents to do this on their own.

In an article in *The American Prospect* entitled 'Does liberalism cause sex?' Jane Mauldon points to US research which shows that:

In 1964 only one-third of sexually active 15 to 19 year-olds used protection during their first sexual experiences, while 40 percent did nothing to prevent pregnancy for at least a year after their first sexual intercourse. But by 1988, 56 percent of sexually active teens used contraception from the start, and fewer than 16 percent were delaying contraception by more than a year. The unsurprising result is that a smaller fraction of the sexually active teens became pregnant with every year that passed between 1972 and 1990.

We cannot let fear allow us to withhold vital information from young people. Of course it is better to encourage young people not to rush into sex. We must encourage young people not to become sexually active before they are ready, and teach them to recognise and develop healthy relationships. However, it is absurd to think that keeping information from people will make them more responsible.

Throughout this debate, there has been a great emphasis on making women who seek abortions jump through hoops in the name of informed choice. Indeed, the recent decisions announced on Friday by Minister Abbott are an alarming contribution in that direction. Many suggestions have been patronising and show a great lack of respect for women's ability to make responsible decisions. The decision to have an abortion is not taken lightly. As Emma Tom so neatly put it, abortion rates are 'reducible via public health programs and people's natural desire to avoid having icy surgical instruments jabbed up their privates'.

The abortion rate will not be reduced by making abortion less accessible and less affordable or providing women with misleading information designed to scare them out of a particular option. It is understandable that little progress is made in reducing the number of unwanted pregnancies while pro-choice advocates are still fighting just to defend the legal right to an abortion. If those who call themselves pro-life have a genuine desire to move forward with this debate, they need to make it clear that they will not do anything to make abortion services more difficult to access. This is the difference between aiming to reduce unwanted pregnancies and aiming to prevent women from controlling their own fertility.

I cannot help but feel that some of those who say they are pro-life—a term I usually find offensive in that I do not know that any of us who contribute to this debate would regard themselves as anti-life—are more concerned with punishing women for finding themselves in this situation or to make them feel guilty for not making a particular choice. A belief system that does not respect people's ability to make rational, informed decisions cannot be considered pro-life in any meaningful sense. Access to government funded counselling is an excellent idea that

both sides of this debate would support, but that counselling must canvass all of the options. Any participation must be voluntary, and we need to recognise that most women are not permanently damaged by the experience of having a termination. Those who oppose a woman's right to personal autonomy should consider the harm they do to women with their scare campaigns and disrespect. Removing options from women is not an acceptable response in this debate.

To return to the report, I would also like to focus on another significant result; that is, the number of people who support abortion for reasons of foetal disability. According to the report, 85 per cent believe in the legal right to an abortion in the case of severe foetal disability, while 60 per cent agree that it should be available in the case of mild disability, and 96 per cent of people believe that abortions for reasons of the mother's health are acceptable. This is highly significant given the recent focus on so-called late-term abortions, which are almost always for these reasons. I hope that the members and senators threatening to try to make such abortions illegal are paying attention to these results. Women know the truth about abortion in the later stages of pregnancy—they have seen their babies on ultrasounds and planned for the birth. Rather than demonise women who must make the difficult decision to terminate a wanted pregnancy, we should support them and treat them with compassion.

It is important that the public is supportive of women's reproductive rights. I am pleased to see that this survey shows this to be the case. The feelings of the majority—however large that majority may be—can never be allowed to override the most basic right of ownership of our own bodies and lives.

I will now return to the issue of electoral representation in my home state of Western Australia. I find it interesting that Senator

Eggleston sees the state government's move to universal franchise and the highly sought after principle of one vote one value as a corruption of the electoral system. I would have thought that, of all the parties that should support it, it would have the support of the Liberal Party in Western Australia; after all, if they get on board it might present them with their ultimate opportunity to kill off the National Party in Western Australia—something that I know some of them have been seeking to do for quite some time.

The principle of one vote one value is not about depriving anyone of any representation; it is a principle that stands firmly in the federal electoral system—and at last, it is going to be part of the state electoral system in Western Australia. I would challenge any of those opposite to defend the old electoral system, where a seat based just outside the township of Kalgoorlie had fewer than 8,000 electors—which was the lowest electoral weighting—whereas the seat of Wanneroo, a seat that I know very well, in the northern suburbs of Perth, at the time of the election had 36,000 voters but which, until a partial redistribution, had had over 40,000 voters.

*Senator Eggleston interjecting—*

**The ACTING DEPUTY PRESIDENT (Senator Murray)**—Order, Senator Eggleston! Your remarks are unruly.

**Senator WEBBER**—That has to be one of the grossest examples of malapportionment throughout the world in terms of single-member constituencies. I would challenge anyone to come into this place and say that that was a fair, representative electoral system and that it was not a corruption of the democratic process. Are the votes of the people who live in that electorate worth far more than those who live in the northern suburbs of Perth?

**Senator Ian Macdonald**—Why do you hate the bush?

**Senator WEBBER**—For anyone who claims that the Gallop Labor government has an issue with regional Western Australia, I would remind them of our representation there. In the mining and pastoral region, the largest physical region in Western Australia, of the lower house seats, I think you will find that the Liberal Party holds one, and that is held by the Western Australian Leader of the Opposition. You will find that every other lower house seat is actually held by the Labor Party. Senator Macdonald, the last time I looked, that is about as bush as you can get in Western Australia. The Labor Party also holds significant seats in the south-west, the great south and the wheat belt. So to say that the Labor Party does not represent regional Western Australia is somewhat misleading.

**Senator Ian Macdonald**—Why do you hate the bush?

**Senator WEBBER**—Senator Macdonald, you hardly seek to represent people if you hate them—although maybe that is a Queensland prerogative; I do not know. For Senator Eggleston to come in here and say—

**The ACTING DEPUTY PRESIDENT**—Please address your remarks through the chair, Senator Webber.

**Senator WEBBER**—I apologise, Mr Acting Deputy President. For Senator Eggleston to come into this chamber—

*Senator Eggleston interjecting—*

**The ACTING DEPUTY PRESIDENT**—Senator Eggleston, you are getting close to the mark. Please desist from interjecting.

**Senator WEBBER**—and claim that enshrining the principle of one vote one value—and perhaps therefore the eradication of the National Party—is somehow a corruption of the process is somewhat misleading, to say the least.

**The ACTING DEPUTY PRESIDENT**—Thank you, Senator Webber. You put up with a fair bit of interjection.

### **National Security Immigration: Detainees**

**Senator BARTLETT** (Queensland) (1.50 pm)—There were no interjections from this end of the chamber, I would hasten to add for those listening in. We on the crossbenches were behaving appropriately as always. I would like to address two matters in the 10 minutes available to me this afternoon before question time. Firstly, I would like to join with, I expect, virtually all Australians in welcoming the arrest and charging in the last couple of days of a number of people who were alleged to have been involved in planning violent acts within Australia. It is good that, finally, there are some charges and some information around these potential terrorist threats to be examined by a court rather than continual talk about a potential threat. I think all of us will be relieved to know that there is concrete action that is able to be taken under the existing laws to address people who are believed to present a genuine threat.

I also agree with the remarks that the Prime Minister and the Attorney-General have been making in the last day or so, emphasising that all of the people who have been arrested and charged should be presumed innocent until or unless proven guilty and that the facts of these various cases should be considered dispassionately by the courts that have that responsibility as an independent arm of our system of government. I would like to gently remind some of those in the media that, when they are reporting on these issues, the presumption of innocence is a basic assumption and a basic right that everyone should be entitled to and that they should reflect that in their reporting of these issues rather than just uncritically report

comments and information that seem to very strongly and continually flow from the ubiquitous so-called government sources.

It is not only in the interests of the individuals who have been arrested that they get a fair trial. It is also very much in the interests of the wider community that we can demonstrate that our system of justice and our political system can deal with difficult and serious issues such as these in a mature way and without serious politicisation of the process or actions that would prevent a fair trial or even the perception of a fair trial. That is important because the right to a fair trial is a fundamental basis of our system of government and a core freedom that we should defend at all costs within our democracy.

It is also important for the people in our community who feel they are more at risk because of the focus on terrorism, and those are the members of the Muslim communities within Australia. I have said this a number of times before, and spokespeople and leaders of the Muslim communities have also emphasised in the last couple of days that they are concerned about the potential of being unfairly targeted. Some people in those communities are already experiencing vilification and antagonism from others surrounding them. Some of that is always unavoidable; I acknowledge that. These are difficult issues, and people's apprehensions, insecurities and fears from all sides and all perspectives need to be acknowledged.

It is important that we listen to the experiences of the Muslim members of our communities not just so that they get a fair go but also so that we have the best possible opportunity to get from people in those communities the flow of information that may assist our intelligence and police agencies to effectively target those who may be planning violent acts and to ensure that they do not target

people who may be simply expressing political opinions or opinions that are different from those that the government likes.

I urge all members of parliament, particularly government members, and those who work in the wider media to listen to the concerns that are being expressed by leading members within some of the Muslim communities within Australia. It is a simple fact that they feel particularly uneasy about a lot of the sensationalism and coverage around the potential terrorist threat within Australia, and those fears must be acknowledged and addressed. If they are not, it is likely to make Australia less secure for all of us, not just for those people.

As the second issue I would like to address, I want to mention the opportunity I had last week in Melbourne to welcome the latest, and almost the last, arrivals from Nauru: 25 people who came here last week after spending more than four years in detention camps on Nauru and, for some of them, on Manus Island and Christmas Island before that. It was wonderful to be able to see them. They are all people whom I have met before when I visited Nauru on various occasions, and it was wonderful to be able to see them as free people and residents of Australia in the Australian environment rather than in the Nauru detention environment.

Particularly humbling, and worth noting, were the comments that many of them made. Some people would have heard this already in the media. After everything that was done to them over more than four years of detention, a number of them were acknowledged by the government to be genuine refugees—and, of course, they had always been genuine refugees for all that period of time. It is a clear example of the damage and injustice that can be done to people when laws are in place that allow inadequate assessments and unjust decisions to be made without any

scope for independent assessment of those decisions.

What those people said when they arrived was not only that they were pleased to be here. Even after everything that was done to them, they specifically and publicly said that they thanked the Australian government for allowing them to come to Australia. I found that very humbling, because I certainly would not be thanking the Australian government if I had gone through what they had been put through for no good reason at all—particularly those who had been kept separated from wives and children for that period of time and those who arrived earlier and had to endure the nightmare experience of knowing their children were in that camp and they were unable to help them. I would not be thanking the Australian government, and I think that shows the sort of generosity of spirit that these people have and how lucky we are as a country to have them as part of our community now.

More than a thousand people have been put through the Nauru detention centre. There are still two people there who have been acknowledged to have genuine claims as refugees but who have been found by ASIO to fail the character test. Nobody knows, including those two people, what has led ASIO to make that finding. They have had no chance to appeal that finding in any independent forum, not have they been able to have the allegations, concerns or decisions of ASIO assessed against whatever evidence ASIO has used to come to that decision. I would ask anybody who is listening to think about what they would do if they were in the position where they had been kept basically imprisoned and prevented from having freedom on the basis of evidence that they have not been able to see and are not allowed to challenge. I suggest that it is an iniquitous and completely inappropriate situation for any person to be put in, and it is certainly

inappropriate for a country that calls itself democratic to put people through that.

I would like to take the opportunity, in the minute or two I have left, to specifically welcome a number of people in the President's gallery who were in detention on Nauru for many years. They are now residents of Australia. Some of them have been here for four months and some of them have been here longer. I am particularly pleased to be able to welcome them to Parliament House here in Canberra in the centre of our nation, to acknowledge their presence and to note that they now have as much freedom as anybody else to express their views and to be part of our community. I would urge the government to make the most of the presence of such wonderful people and end the insecurity they still have in their lives by changing the temporary visas that they still have to endure to permanent visas. Until those visas are permanent, they cannot rebuild their lives with certainty and security and they cannot be certain about what their future holds. It is in our country's interests as well as in their individual families' interests that they have that right.

When I was welcoming these people to Parliament House earlier, they repeated their thanks to the Australian government for giving them the opportunity to live in Australia. Australia is still a great place to live, despite some of the actions of this government that I strongly disagree with. It is particularly pleasing that they are able to witness us here in the Senate chamber. It is this chamber that passed the legislation that enabled them to be detained—out in our own version of Guantanamo Bay, in Nauru, for all that time. It is certainly pleasing that, all these years later, they are finally able to be present here to witness our democracy in action, with all its faults as well as its positive sides.

**The PRESIDENT**—Order! The time for the debate has expired.

#### QUESTIONS WITHOUT NOTICE

##### Workplace Relations

**Senator MARSHALL** (2.00 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Can the minister confirm that section 91 of the industrial relations bill makes it clear that the 38-hour week guarantee in fact relates to an average across a 12-month period? Does this provision allow employers to direct employees to, for example, work 20 hours a week for half a year and 56 hours a week for the other half? Wouldn't an employee in this situation be considered to have worked on average a 38-hour week across the year and therefore have no rights to object or any other protection against the direction to work a 56-hour week? Can the minister now explain how the government's changes allow employees to better balance work and family obligations when those changes give employees no protections against the direction to work a 56-hour week for six months of the year? Just so that the minister is clear, the answer to this question is not contained within the explanatory memorandum, nor in the advertising booklet. That is why I am asking him now, as he is the minister who is supposedly responsible for this area of policy. (*Time expired*)

**Senator ABETZ**—I am delighted to be able to answer this question. Just before the Labor Party continue to go down this path in relation to asking specific questions about specific pieces of legislation and what is behind them, I simply draw their attention to standing order 73(1)(i) and (j), which talks about government policy and seeking legal opinions. Having said that, I absolutely delight in every opportunity that those opposite give me to give expression to what the government are on about with our Work Choices

policy. What we are on about is a simpler and fairer system.

In relation to the question about a 38-hour week: I dare say Senator George Campbell feels a bit gazumped by you asking that, Senator Marshall, because he raised that very issue during Senate estimates. I indicated to him immediately after the evening break, at about 9.30, I think it was—but Senator George Campbell might correct me if I am wrong—that the minister's office was conscious of the issues raised by Senator George Campbell and that the minister would in fact look into it. As with Welfare to Work and other things, we fully accept that from time to time we might have to reconsider and look at issues. No promises were made on the night, and I make no promise now. Suffice to say that Senator Marshall has sought to gazump Senator George Campbell. He should have at least paid tribute to Senator George Campbell for having raised the issue.

I was also asked about how our family friendly policies would in fact assist families. I am delighted to be able to respond and to indicate that, for example, in Katanning in Western Australia—and I hope I have the pronunciation right this time, Senator Adams—there is the so-called 'mother shift' that the workers negotiated themselves with the employer so that they could take their kids to school and then leave on time to pick them up from school again. We remember that when that was tried some time ago in New South Wales, before our first lot of reforms, the trade union movement stepped in to deny the women that sort of family friendly opportunity. In my home state of Tasmania, the Strahan Banjo Bakehouse has been able to restructure with Australian workplace agreements, which now gives every worker there the guarantee of full-time employment, which assists them with getting a home mortgage—all the things that those on the other side would deny the men and

women of Australia if their policies were allowed to be maintained.

**Senator Chris Evans**—What about the 38-hour week? Is that guaranteed or not?

**Senator ABETZ**—The silly Leader of the Opposition in the Senate interjects and asks: is a 38-hour week guaranteed? Yes, it is. It is one of the minimum standards. It may well surprise senators opposite that a very similar clause is in fact in some new legislation that has just recently been introduced in Tasmania, but I might get on to that a bit later during question time.

**Senator MARSHALL**—Mr President, I ask a supplementary question. I note that the minister stated that there were no promises made and there are no promises now. But hasn't the government previously provided an assurance that the 38-hour week would be protected under its IR changes? Is that a guarantee or not? Doesn't section 91 of the bill show that the government's 38-hour week guarantee to Australian workers and their families was an absolute lie?

**Senator ABETZ**—Very quickly: no. If Senator Marshall is seeking to assert that 38 hours is the absolute standard in Australia then he knows that is false, because his own trade union movement—to which he is absolutely and utterly beholden, with no new thought of his own, only repeating those that the trade union movement have given him to parrot in this place—have negotiated agreements and awards where workers are required on occasion to work more than 38 hours per week.

*Senator Chris Evans interjecting—*

**Senator ABETZ**—In fact, from time to time it is averaged over a fortnight or over a month. What we want to do is to ensure a fair and simpler system. As a government we will continue to listen to the community to seek to make it even fairer. We are moving forward into the 21st century, unlike those

opposite, who are still stuck in their class warfare. (*Time expired*)

**The PRESIDENT**—Senator Evans, I remind you that turning your back on the chair and shouting down the chamber is disorderly.

#### **Australian Federal Police: Sudan**

**Senator RONALDSON** (2.07 pm)—My question is to the Minister for Justice and Customs, Senator Ellison. Can the minister update the Senate on the Australian government's strong commitment to international security and law enforcement and in particular the role of the Australian Federal Police?

**Senator ELLISON**—Over the last few days I have outlined the great work being done by the Australian Federal Police in the fight against illicit drugs and keeping illicit drugs out of Australia. As well as that, we have seen the great work that the Australian Federal Police has been doing in the area of security issues in this country. Today we are pleased to announce that we will be deploying 10 Australian Federal Police to the Sudan. This further demonstrates the Howard government's strong commitment to international security.

We are providing these 10 Australian Federal Police at the request of the United Nations to implement the peacekeeping agreement which came about as a result of the strife in the Sudan which developed between the north and south. The AFP personnel will perform the roles of police mentors, special advisers, planners and trainers to help build the capacity of the local Sudanese police. The AFP contribution forms part of the government's response to the humanitarian situation in the Sudan. We have had the Australian defence forces there since May this year and we have announced that we will be providing just over \$40 million in aid, mainly to Darfur. And since early 2003 Australia has issued more than 14,000 humanitarian visas to displaced Sudanese.

The role of the Australian Federal Police is a proud one in relation to peacekeeping. This is a response to a request from United Nations and it is not surprising that Australia gets such a request when you look at the fine record that we have in international peacekeeping. We have been in Cyprus for many years and the Australian Federal Police has a very proud record. In Timor Leste we have had an equally proud record in relation to peacekeeping and we have been in other parts of the world working with the United Nations in peacekeeping. This is a particularly important assignment and we do not for one minute underestimate the dangers which are associated with it. This latest contribution demonstrates Australia's support for the resolution of the Sudan conflict between the north and south, as I mentioned, and it is pleasing to see that political processes are under way to put that in place. But we must remember that we have to make it work on the ground, and the 10 Australian Federal Police who will be deployed to the Sudan will play a crucial role in this regard.

The Howard government's commitment is to international security also in our region and we have demonstrated that with the commitment in the Solomon Islands. It is a great story in relation to our involvement there. We have had great successes in the Solomon Islands. There is our role in East Timor and there is the great work that we are doing with Indonesia across a broad spectrum of fronts in relation to the fight against transnational crime and terrorism. We have seen ongoing cooperation in the region between the Australian Federal Police and law enforcement in South-East Asia in particular.

In this case it is an assignment which sends a very clear message as to Australia's commitment to international security and, as I say, it is not without its dangers. We certainly are right behind the deployment of the Australian Federal Police. We wish them

every success. I am sure that the usually high standard and professionalism that we have seen from the Australian Federal Police will stand them in good stead, will serve Australia very well on the international scene and will contribute greatly to the success of their mission.

### Workplace Relations

**Senator POLLEY** (2.11 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Can the minister confirm that, under section 103R of the industrial relations bill, if an expired agreement is terminated by the employer, existing employees will fall back onto the five minimum standards, losing their entitlements to redundancy pay, overtime and leave loading? Is it also the case that if a new employee is hired after the agreement is terminated the employee will be covered by the award? Does this mean that an existing employee named Eric can work side by side with and doing the same job as a new employee named Billy but under entirely different pay and conditions? Can the minister indicate whether this was the government's intention and, if it was, can he explain how it can be described as 'fair' and a matter of 'choice' for Eric?

**Senator ABETZ**—Once again we have had a question in relation to the government's intention or, in other words, what the government's policy might be in a particular area—this is specifically not allowed under standing orders—and then a legal opinion as to the application of certain clauses. In this legislation we have introduced a regime that makes it simpler, fairer and more reasonable for all Australians to be able to work together. We seek to achieve a climate within Australia where the disincentives to employ are removed.

*Senator George Campbell interjecting—*



**The PRESIDENT**—Order! Senator George Campbell!

**Senator ABETZ**—For many years we have heard from employers that there are too many disincentives in the system to creating further employment. We are about removing those disincentives to the creation of further employment. Every single question from those opposite thus far in question time has been about workers who currently have a job. Not once have they asked about the 500,000 Australians that still remain unemployed. At the time when those opposite were in government—

*Senator George Campbell interjecting—*

**The PRESIDENT**—Order! Senator George Campbell!

**Senator ABETZ**—and they had the accord with the ACTU, with their feet under the cabinet table, they actually bragged about reducing the real level of wages in this country whilst boasting one million Australians unemployed.

**Senator Chris Evans**—I rise on a point of order, Mr President, that goes to relevance. Not only is the minister misleading, because the question was about a new employee and the different conditions that might apply, but I ask you to draw the minister's attention to the question. If he cannot answer it he ought to take it on notice. It is a specific question about how people will be treated under the government's new regime and I think it deserves an answer.

**The PRESIDENT**—The minister has over two minutes to answer the question and I would remind him of the question.

**Senator ABETZ**—As I indicated at question time yesterday, you know you are doing well when Senator Evans gets up and tries to disrupt your train of thought with a fatuous point of order. The people of Australia are

seeing through that tactic, as I think most of us in this chamber are as well.

*Opposition senators interjecting—*

**The PRESIDENT**—If you want the minister to attempt to answer the question, you should at least be quiet and give him a chance.

**Senator Chris Evans**—And out came an assertion!

**The PRESIDENT**—Order!

**Senator ABETZ**—When the Leader of the Opposition has finally finished trying to make himself relevant in this chamber, I will continue answering the question.

*Senator Ian Macdonald interjecting—*

**Senator ABETZ**—I agree with Senator Macdonald: we would have a very long wait if we were to wait until he could make himself relevant. Allow me to return to the question. Senator Polley's question on behalf of the Labor Party, who are completely and utterly beholden to the trade union movement on this issue, tries to somehow condemn our fairer system of Work Choices. Work Choices is going to be giving opportunities to more Australians to get employment with higher wages—something those opposite failed spectacularly to achieve. In 13 years of government, they failed to achieve that. In fact, I think their record was a 1.3 per cent increase in real wages over 13 years. We have achieved 14 per cent in only nine years.

**Senator George Campbell**—That's rubbish and you know it.

**The PRESIDENT**—Order!

**Senator ABETZ**—The workers of Australia know who the friend of the workers is.

*Senator George Campbell interjecting—*

**Senator ABETZ**—Senator Campbell is interjecting again.

**The PRESIDENT**—Order, Senator Campbell!

**Senator ABETZ**—What he as a unionist was unable to deliver to the manufacturing sector, the Howard government is delivering by legislation—legislation guaranteeing 10 days personal leave. Of course, of the one million or so unemployed Australians that we had to get back into work, 10 per cent were caused by Senator Campbell himself. *(Time expired)*

**Senator POLLEY**—I ask a supplementary question, Mr President. Can the minister confirm that under section 103Q of the bill the termination of the agreement takes effect even if the employer has not complied with the obligations to notify employees? Does this mean that once again the onus will be on employees to take the matter to court to enforce compliance with the law?

**Senator ABETZ**—As Senator Polley should well know, the Office of Workplace Services will assist workers in any legal difficulties they may have. The good thing about this office is that they will look after both employers and employees and provide a situation where people can get fair and unbiased advice rather than having the trade unions trying to push a certain point of view. In relation to certain circumstances like unlawful termination, for the first time ever employees will potentially be able to access \$4,000 worth of legal services, something which the Labor Party never delivered to the workers of this country. *(Time expired)*

#### **Indigenous Women's Development Program**

**Senator PAYNE** (2.18 pm)—My question is to the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone. Is the minister aware of the crucial role that Indigenous women play in the leadership of their communities? Will the minister inform the Senate of government initiatives to support these women, and in particular whether there are any specific measures

available to assist them in the development of their leadership skills? Finally, is the minister aware of any alternative policies?

**Senator VANSTONE**—I thank Senator Payne for the question. The very short answer to her question is: yes, yes, yes and no. But let me give some further detail on that. I might start, if I may, Mr President, by acknowledging that today in the public gallery we have nearly 80 very special Indigenous women. They range in age from 20 years to almost 80 years old. They have come from all parts of Australia and they work in many different fields, and they are very much on the front line of Indigenous affairs. Through you, Mr President, and I am sure on behalf of all senators in the chamber, we welcome them here.

**Honourable senators**—Hear, hear!

**Senator VANSTONE**—In almost every Indigenous community women play a critical role. When the community goes wrong, women bear an unfair burden. The women selected to participate in this program are going to be, if they are not already—and many are—the backbone of their communities. It is sensible for the Australian government to invest in these women, to identify who they are, to support them, to help them to develop their skills, and to put them in contact with others so they do not feel so alone in what they are doing. These women have given up their time and travelled a long way—longer than most of us travel to come here—to be part of this program. They are here for a one-week course. It is part of a 12-month program and, after the course, the women will return to their communities to demonstrate leadership and tackle a particular issue that is relevant to their communities. They will then come back and share that experience with each other, return again to their communities and then come back together again, not necessarily always in Can-

berra. They will run community gatherings and spread the effect of this program.

Throughout this program they will have the support of expert women coaches and mentors—people to help them along the way—and the networking that they engage in will last well beyond the timed part of this program. It is a structured 12-month program which started last year with 68 participants. This year there are 74. Over four years, this program will cost \$16½ million and every dollar of it will be well spent. Just so the suits are not upset, we do have some leadership programs for men as well. We recognise that they need a bit of help, but we are focusing on the women today. Already around 400 people have participated in various aspects of these programs. The programs will make a difference.

Senator Patterson and I joined the women for dinner last night, and it is fair to say that both of us were very enthused by the enthusiasm and commitment shown by them. These women are true leaders in their communities—very powerful women. We could all be envious of the influence that they will have on their communities. They are working in their communities on very serious issues—issues that many of us never have to face up front. Nonetheless, I found last night at least that they were full of hope and certainly full of good humour, which was appreciated by Senator Patterson and me.

I sat beside a woman, Inna Scales from Pipalyatjara, one of the first to complete year 12 in the AP lands. At 22, she is facing up to the challenges of exercising leadership in a community at an age when most of us were, frankly, doing other things. I met nearly all of the women at some point. I met Ethel Munn, who will not mind me saying that she is almost 80. I thank her for the message from her husband. I will never forget that. I

will not share it with everybody here; it is not relevant, Mr President—

*Honourable senators interjecting—*

**Senator VANSTONE**—No, you do not want to know. (*Time expired*)

**Senator PAYNE** (2.23 pm)—Mr President, I ask a supplementary question. The minister has outlined the nature of the program and particularly the serious issues faced by the women in the gallery. Could the minister further indicate the importance of leadership skills for the women who are visiting us today and why the government would not be adopting any alternative policies to the ones that she has outlined?

**Senator VANSTONE**—One reason the government will not adopt any alternatives is that at the moment I cannot find any. Let me make a point on that. I suspect there is a good chance of unanimous agreement on this sort of policy—I certainly hope so—

**Senator Chris Evans**—It's a very good program.

**Senator VANSTONE**—I welcome the endorsement of the program. I want to point out that I acknowledge that there is a long way between good ideas and putting them in practice. In the gallery we also have Kerry Timm, the public servant who has put the idea of this leadership program into practice. I certainly want to thank all the women who participated last year and all the women who are participating this year for all the work that they are going to do. While the suits here may not yet have realised the value of women in Indigenous communities, we certainly do. They are the backbone of communities and we thank them very much.

**Honourable senators**—Hear, hear!

#### **Welfare to Work**

**Senator WONG** (2.24 pm)—My question is to Senator Abetz, the Minister representing the Minister for Employment and Workplace

Relations. I refer the minister to the announcement by Minister Andrews yesterday of final alterations to the Howard government's welfare changes. Isn't it the case that yesterday's announcement, the fourth revision of the welfare changes since the budget, was just a desperate attempt to appease community and backbench concern over these changes? Can the minister further confirm that the heart of the welfare changes remains intact: a cut to the income support of vulnerable Australian families? With the legislation introduced today, can the minister finally explain how it is that a cut to income support helps people get work?

**Senator ABETZ**—The people of Australia are, I think, fast realising that this government has a Welfare to Work policy. What Senator Wong and the Labor Party are offering the Australian people, on the other hand, is a 'welfare to nowhere' policy. They have no policies whatsoever to offer the Australian people. As I have said on numerous occasions, we are anxious to ensure that every Australian possible can be engaged in the Australian work force, knowing that the social data so overwhelmingly indicates the very real benefits that flow to every single Australian who is actively engaged in the work force.

Those on the opposite side who follow the line of welfare to nowhere believe that if you just throw welfare money at them you have somehow undertaken your social duty to them. We say that is wrong and, in fact, it is socially irresponsible to society at large and, most importantly, to the individuals themselves and the family members who might inhabit their particular households, so we have developed a very comprehensive Welfare to Work package. As I have indicated on a number of occasions, we as a government do not claim that we get it absolutely right all the time, and especially not the first time. That is why we as a government have been

willing to listen—and Senator Wong is right here—especially to elements of our backbench.

Could I pay tribute again to the member for Bass, Michael Ferguson—a fantastic individual who won a seat because the people of Bass knew that he would engage on these sorts of important issues for the lower income earners of his constituency and ensure that any refinement that was necessary would be made as a result of his excellent advocacy. I know it is a foreign concept to those opposite that the backbench might actually be able to have some impact on policy, but when Senator Wong says that some of these changes have been effected as a result of backbench representations, she is right, and we do not shy away from that, because every single member of this government, whether they are a backbencher or a frontbencher, has an important say in developing the policy of our government.

**Senator Ian Campbell**—Unlike Dick Adams.

**Senator ABETZ**—As I am reminded by Senator Ian Campbell, unlike Dick Adams, the member for Lyons.

**Senator Wong**—Mr President, on a point of order of relevance: the minister was specifically asked if he could explain how it is that a cut in income helps someone get a job. That is the point of the question. I ask you to remind the minister of the question and ask him to provide the answer.

**The PRESIDENT**—I remind the minister of the question and remind him also that he has a minute and six seconds left to answer it.

**Senator ABETZ**—I would remind Senator Wong to re-read her question and she will see that it was not simply devoted to asking about that particular aspect. She talked about government backbenchers and other issues, which I have addressed. In relation to cutting

income, could I simply indicate to Senator Wong and the people of Australia that this Welfare to Work package is not about cutting; in fact, it is costing an extra \$390 million for the parents of this country. We are actually investing money. It is taking money out of the budgets for the next I do not know how many years. We are actually investing in these people and spending extra money to assist them out of welfare and into work. When Senator Wong tries to represent our policy as somehow being an expenditure-cutting exercise, she is absolutely and utterly wrong. (*Time expired*)

**Senator WONG**—Mr President, I ask a supplementary question. I again ask the minister whether he can explain how a cut in income support helps people get work. I remind him that his own government's figures show that around 200,000 Australians will be worse off by 2008. There is a cut in income support at the core of the government's package. Can the minister further confirm that the high effective marginal tax rates—that is, the government taking back around 75c for every dollar earned by welfare recipients when they work—have been retained by the government in the legislation introduced?

**Senator Hill**—Mr President, I rise on a point of order. This is clearly a speech. The time for the debate is after question time, not during question time. If the honourable senator has a supplementary question, she should ask it.

**Senator Chris Evans**—I rise on the point of order, Mr President. It is quite clear that Senator Wong asked a supplementary question arising directly out of the question. If she has gone over time, it is your role to tell her that her time has finished. It is clearly a supplementary question arising out of the minister's failure to answer the primary question.

**The PRESIDENT**—I allow some latitude in questions and answers. Senator Wong, have you concluded your supplementary question?

**Senator WONG**—No, Mr President. Can the minister further confirm that the effective marginal tax rate of 75c in the dollar has been retained by the government? How can the government justify that, given that its own department has conceded that this reduces the incentive to work?

**Senator ABETZ**—The important point in Senator Wong's supplementary question is that there is in fact an incentive to go from welfare to work. She has finally made the point, and I think she is slowly starting to understand what this is all about—providing incentives for people to get to work. Sure, the marginal tax rates have to be tapered in. But we are anxious to ensure that people are encouraged. There is an incentive and, yes, the incentive would be even greater if we could somehow taper the tax regime at a slower rate so that people could get more money. At the end of the day, we have a Welfare to Work program, unlike Senator Wong, who has a welfare to nowhere program.

#### Workplace Relations

**Senator BARNETT** (2.32 pm)—My question is to Senator Abetz, the Special Minister of State and the Minister representing the Minister for Employment and Workplace Relations. Is the minister aware of actions—

*Honourable senators interjecting—*

**The PRESIDENT**—Order! Senators on my left, Senator Barnett has a right to put his question. I ask you to remain silent.

**Senator BARNETT**—Is the minister aware of actions being taken by the Tasmanian government in response to the Howard government's sensible improvements to our industrial relations system? What are the

implications of the Tasmanian government's actions?

**Senator ABETZ**—I thank Senator Barnett, my colleague from Tasmania, for his question and I note his interest in matters to do with industrial relations prior to his entry into the parliament and of course on the Prime Minister's task force. Answering Senator Barnett's question allows me to say what we have sought to achieve with our reforms. Allow me to quote:

The purpose of the bill is quite straightforward. It is to establish a safety net of minimum conditions of employment and to ensure that the basic entitlements of working men and women cannot fall below this prescribed safety net of minimum standards.

Most people in this place would think that was a direct lift out of a speech by Prime Minister John Howard or Kevin Andrews. In fact, it is a direct lift out of a speech from Judy Jackson, the Minister for Justice and Industrial Relations in Tasmania, made when introducing the legislation yesterday.

She claimed it to be a 'new industrial relations bill', a bill which, among other things, supposedly provides for legislated minimum standards in the Tasmanian jurisdiction, including a standard ordinary working week of 38 hours, a minimum of four weeks annual leave per year, a minimum of 10 days personal leave per year and unpaid parental leave of 52 weeks. Sound familiar? You bet. That is a direct lift from our legislation. Guess what? The only so-called extra minimum that Ms Jackson trumpeted in her press release was a 30-minute unpaid meal break after five hours. Guess what? That is tradeable. That is an exact copy of what we have in our legislation—they even inserted the word 'fair' into the title of the bill. They say that plagiarism is the sincerest form of flattery, so I thank Ms Jackson for that. Despite this, the Lennon Labor government agreed yesterday that state public servants, includ-

ing teachers, should be allowed to use taxpayer funded flexitime to attend a rally against the IR reforms. I am now not sure anymore whose reforms they will actually be protesting against.

The people of Tasmania have seen through this Lennon Labor farce. Just ask the teachers union, which—as another of my Tasmanian colleagues, Senator Colbeck, revealed last week—have sent a desperate bullying email to all teachers telling them to vote to move into the state system because the response has been 'nowhere near what we need' and time was running out. So much for this grassroots movement by teachers and other public servants wanting to get off federal awards and out of the federal system. In fact, the teachers union has to bully teachers to try to get them to vote so that they can make the transition.

I have previously outlined what a waste of money the \$2 million per year industrial commission in Tasmania is. One real problem with Ms Jackson's legislation is that she is going to introduce a Tasmanian minimum wage to be determined by the Tasmanian industrial commission. The thing that Mr Lennon and Lennon Labor need to guarantee the people of Tasmania is that the Tasmanian minimum wage will be as high as the Australian fair pay standard. Unless they can give that guarantee to the Tasmanian workers—and they cannot—there is no guarantee that Tasmanian workers will be better off under their proposed legislation. (*Time expired*)

#### **DISTINGUISHED VISITORS**

**The PRESIDENT**—Order! I draw the attention of honourable senators to the presence in the President's gallery of a parliamentary delegation from the Joint Committee on Education and Science from the Houses of the Oireachtas of Ireland, led by Michael Moynihan TD, chairman of the committee. On behalf of all senators, I wel-

come you to the Senate and to Australia, and I hope that your visit here is both productive and enjoyable.

**Honourable senators**—Hear, hear!

### QUESTIONS WITHOUT NOTICE

#### Whaling

**Senator SIEWERT** (2.37 pm)—My question today is to the Minister for the Environment and Heritage. I seek further information on the actions the government intends to take on whaling. I refer to the answer given by the minister yesterday in response to a question by Senator Andrew Bartlett. If the government is not contemplating legal action, can the minister explain what diplomatic and other actions he will be taking to halt the greatly expanded Japanese whaling program? In particular, I refer to the 14 recommendations provided to the minister by the International Fund for Animal Welfare, which include banning any vessels supporting the whaling fleet from access to Australian ports and monitoring and documenting the whaling activity. What actions, if any, is the minister intending to take?

**Senator IAN CAMPBELL**—It is a very important question, and I am genuinely pleased to have a question on the environment from the Greens. They tend to focus their policies on how to make drugs more readily available for children at venues, how to decriminalise marijuana—

*Honourable senators interjecting—*

**Senator Bob Brown**—Mr President, I rise on a point of order. You will note that the minister for the environment begins each answer to a question from senators on this side with his irrelevant comments. He should be answering the question on whaling. I ask you to draw his attention to the question so that he can get on with answering it.

**The PRESIDENT**—Senator, I did have some difficulty in hearing the opening of the

answer because of the interjections. Senator Ian Campbell, I remind you that you have 3½ minutes to answer the question, and I remind you of the question.

**Senator IAN CAMPBELL**—I was very pleased to get a question from the Greens on the environment. It is a very rare thing indeed. They go to elections telling people they care about the environment, and of course most of their policies are on issues such as drugs and putting up taxes for Australian families. Whaling is a very important issue to the government. The Greens senator, in her question, refers to the recommendations of the International Fund for Animal Welfare. They put forward to my office, two days ago, 14 points that relate to the conservation of whales. I have thoroughly examined all of those points.

One of the suggestions that were raised was to pursue the conservation of whales through the Commission for the Conservation of Antarctic Marine Living Resources. It was an idea that Senator Bob Brown fatuously—and, I would say, almost stupidly—put forward a week ago when CCAMLR was meeting in Hobart. He clearly had done no research or work on this. It was another opportunistic, political stunt that will do nothing to save whales because, of course, CCAMLR has sent the issue of whaling to the United Nations sanctioned organisation that controls whaling—that is, of course, the International Whaling Commission.

I thank you, Mr President, for drawing attention to the delegation from Ireland in the gallery. I record in their presence my sincere thanks to Dick Roche, the minister for the environment for Ireland, for the incredibly strong support—

**Senator Bob Brown**—Mr President, on a point of order: there is now less than two minutes for the minister to answer the question as to what action he is taking to defend

whales from the Japanese fleet, which is now sailing south. I ask him to answer the question.

**Senator IAN CAMPBELL**—On the point of order, the so-called Greens senator has raised a point of order in the middle of my thanking a Irish parliamentary delegation, in their presence, for the support that the Irish environment minister gave me in my global quest to stop whaling.

**Senator Conroy**—Is this still on the point of order?

**Senator IAN CAMPBELL**—This is still on the point of order.

*Honourable senators interjecting—*

**The PRESIDENT**—Order! I remind all senators that this is question time, not a debating time. I ask Senator Ian Campbell to return to the question and I ask other senators to stop interjecting.

**Senator IAN CAMPBELL**—The so-called Greens senator asked what action I am taking to try and save whales. One of the actions I have already taken this year is to fly around the world to Ireland and meet their whaling commissioner and their minister for the environment. The minister for the environment in Ireland was personally responsible for moving the Irish cabinet's position on whaling to support Australia's. The senator asked me what action I will continue to take. I will continue to ensure that Australia maintains its leadership in drawing together the biggest international coalition of nations to conserve whales that has ever been brought together by diplomatic activity. Only last week in London I called together a meeting of like-minded nations—

**Senator Carr**—What a man!

**Senator IAN CAMPBELL**—The Labor Party scoffs.

*Senator George Campbell interjecting—*

**Senator IAN CAMPBELL**—Australia takes a leadership role, brings together the biggest coalition of countries to put pressure on Japan—

*Senator George Campbell interjecting—*

**The PRESIDENT**—Order! There are too many interjections on my left. Senator George Campbell, you are being particularly boisterous this question time. I do not want to have to warn you.

**Senator IAN CAMPBELL**—We put together the most effective international coalition of countries to bring pressure on Japan, to bring pressure on Norway and to bring pressure on Iceland to stop their slaughter of whales. All the Labor Party can do is come up—

**Senator Forshaw**—Mr President, on a point of order: the minister was specifically asked a question about what he is doing in relation to whaling near the Antarctic. He has spent the last 3½ minutes and he is still stuck in the Northern Hemisphere, telling us about London, Dublin and Japan. Could you ask him to get to the answer?

*Government senators interjecting—*

**The PRESIDENT**—Order! There is no point of order.

**Senator IAN CAMPBELL**—And what do Labor and the Greens do? The Labor spokesman says, 'Go to court.' What did Labor do when they were in power? They did nothing about going to court. They had exactly the same situation that we are faced with now. They did not go to court, because it would not have been effective. Senator Faulkner was the minister for the environment; he sat in the chair that Senator Minchin sits in now. He did not go to court, because he knew it would not be an effective action. Ireland has not taken them to court. The US has not taken them to court. England has not taken them to court. France, Ger-



many and any of those other countries have not, because it is ineffective. It is a good cheap political stunt, but it will not save a single whale. *(Time expired)*

**Senator Bob Brown**—Mr President, I rise on a point of order.

**The PRESIDENT**—The senator has finished his answer.

**Senator Bob Brown**—Yes, and I am taking a point of order on it.

**The PRESIDENT**—What is the point of order, Senator?

**Senator Bob Brown**—The point of order is that, during the delivery of the answer to that question, the minister twice used the expression ‘so-called Greens senator’. That is a breach of standing orders. I ask you, Mr President, to look at that terminology and come back to the Senate with a ruling on it, lest I be tempted to call him the so-called minister for the environment.

**The PRESIDENT**—Quite honestly, question time today has been quite disgraceful. The number of interjections and points of order mean that we will have very few questions and even fewer answers.

**Senator SIEWERT**—Mr President, I ask a supplementary question. I note that the legal situation has changed substantially since the government last looked at this matter, in that the Japanese whaling industry has more than doubled its so-called scientific cull and the whale watching industry in Australia is now a large-scale employer with clear interests at stake. I ask: is the minister aware that the International Tribunal for the Law of the Sea allows for provisional measures to be granted which would immediately halt the Japanese whaling program in Antarctica for 14 days in advance of a full dispute being heard?

**Senator IAN CAMPBELL**—I am deeply aware of the international law as it applies to

these issues. I have studied it more closely than I suspect just about anyone else on the planet has. I say that because I will not take short-term political opportunist action in relation to whales. I will work harder than anyone else on this planet to save the whales and, as I have said—

*Opposition senators interjecting—*

**The PRESIDENT**—Order! There is too much noise on my left.

**Senator IAN CAMPBELL**—As I have always said, if I thought that legal action through the international court on the law of the sea or any other international tribunal would save a single whale, we would have taken that action already, and we stand ready to take it if think that it will be successful. In the meantime, we will work with our good friends from Ireland, we will work with our good friends from other countries and we will use what we think are effective measures to stop whaling for all time. *(Time expired)*

### Workplace Relations

**Senator NASH** (2.47 pm)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Ian Macdonald. Will the minister advise the Senate how the government’s workplace relations reform measures—in particular, the work choices bill, which has now been referred to a Senate committee for inquiry—will benefit regional and rural communities across Australia? Is the minister aware of any alternative policies?

**Senator IAN MACDONALD**—I thank Senator Nash for her question, which shows her interest in rural and regional Australia, an interest many of us on the side of the house have. It is good to get a question on rural and regional Australia because, quite clearly, no-one on the other side, in spite of the foundations of the Labor Party, has any interest whatsoever in rural and regional Australia.

Senator Nash, the answer to your question is quite simple. The benefit to rural and regional Australia of the workplace relations reforms is more jobs and less red tape for country people. Country people hate more than anything the red tape and paper shuffling that goes on with a lot of the awards at the present time. Country businesses need the confidence to expand, and they will get that under the workplace relations reforms. Farmers, fishermen and forestry contractors are all small business men. They want to get on with the job of producing for Australia. They do not want to be sitting behind a desk trying to work out the ins and outs of 130 different pieces of legislation dealing with the workplace and some 4,000 different awards.

I was recently in Birdsville, down in the south-west of Queensland, right on the border with South Australia and New South Wales. I met there a young jackaroo called Scotty. Scotty had a horse and worked on his boss's properties, which are in three states. When Scotty went across the border into South Australia, he got for his horse an allowance of \$5.03 a week and for his saddle an allowance of \$4.02 a week. When he came across the border into Queensland he got nothing, unfortunately, for the poor old horse, but he did get a dollar for the saddle. When he went across into the New South Wales property, he got \$1.95 for the horse and \$1.55 to put a bit of extra polish on the saddle. The poor old horse cannot eat when it is in Queensland, particularly when it has had such a good time in South Australia on that \$5.03 a week. I am no expert on horses, but I suggest that it costs more to keep a horse for a week than even they pay in South Australia. I am even more confident of that because I know that a worker working on the national fast food retail award gets \$9 a week for his bicycle. When does a bicycle become

hungrier than a horse? This shows the stupidity of the current—

**Senator George Campbell**—Mr President, I rise on a point of order. My point of order is in respect of repetition. Senator Nash raised all these points in her adjournment speech two nights ago. Why does she ask the minister to repeat them in question time today and waste the time of the Senate? It is nonsense.

**The PRESIDENT**—That is no point of order.

**Senator IAN MACDONALD**—Obviously, the union puppet-masters have pulled the strings and Senator George Campbell has got to his feet. I am sure that Scotty in Birdsville would have been able to work out with his employer what is the right rate for the horse and what happens when he moves around the three states that he works in—

*Opposition senators interjecting—*

**Senator Hill**—Mr President, I rise on a point of order. This is impossible for the minister. He is obviously making points of significant importance. He ought to be shown some courtesy and given the chance to do so with a little less noise.

**Senator Chris Evans**—On the point of order: I think Labor senators are upset that the minister is plagiarising Senator Nash's speech which she gave the other night. If he does not have an original thought, he ought to sit down and let us get on with question time.

**The PRESIDENT**—On the point of order, and having regard to the continual noise in the chamber, I don't think it is anything that anybody in this place can be very proud of. From time to time I hear lots of questions asked here that have been asked during estimates.

**Senator IAN MACDONALD**—Mr President, you know when the Labor Party are on the back foot: they cannot justify their opposition to this workplace relations reform, except that they have to answer to the union bosses who put them here.

Senator Nash asked me if I was aware of any other policies about industrial relations. The difference between the Howard government and Labor is that we support rural communities. Labor are only interested in the union bosses they serve. Labor have no alternative policies, but we already knew that. They have no policies to ensure productivity for the nation or for the future. They have no interest in country Australia and they have no interest in the people who work out in the bush. (*Time expired*)

#### **Illegal Fishing**

**Senator STERLE** (2.53 pm)—My question is to Senator Ellison, the Minister for Justice and Customs. I refer to the additional answer that the minister gave to my question of 6 October about the failure of Customs to apprehend an illegal fishing vessel off Cape Leveque which had breached Australian border security on 14 March this year. In his additional answer, the minister gave, as a reason that the vessel was not apprehended at that time, that ‘there were no response vessels in the immediate vicinity’. Can the minister confirm that there was a Customs vessel in the area at that time but that it was tasked with counting birds and flowers at Rowley Shoals instead of responding to reports of illegal fishing? Is tasking a Customs vessel with counting sea birds at Rowley Shoals part of the government’s strategy to protect our maritime borders against illegal fishing?

**Senator ELLISON**—I recall that question because as I remember it the senator asked whether it was true that Customs had ignored the request, and I took issue with that because it did not ignore that request. He

changed tack soon after that, because that was a direct slur on the Australian Customs Service. In relation to that issue, I remember that there was a question of prevailing weather conditions at the time. I will recheck the additional answer that I gave, having regard to the issue of weather conditions. As I understand it, there was unable to be a response at the time. The request was not ignored. I will check the answer again and report back to the Senate if there is any additional information.

**Senator STERLE**—Mr President, I ask a supplementary question. Can the minister confirm that, while the ACV *Storm Bay* was counting birds and flowers at Rowley Shoals, it found itself in the middle of a number of Indonesian vessels that were illegally fishing? Is it the case that this boat was forced to stop counting birds and flowers so that it could apprehend one of the Indonesian boats? Doesn’t this show that the protection of Australian waters from illegal fishing has degenerated into a farce?

**Senator ELLISON**—I said that I would take this question on notice. Can I say that there is no situation of farce in relation to the protection of our northern borders. In fact, the Australian Customs Service and the Australian Defence Force continue to do a great job in protecting Australia’s interests. It is a shame that the opposition do not recognise that. It is a shame that they attempt to slur the good men and women of the Australian Customs Service and the ADF at every turn. To call it a farce is a direct insult to those men and women, and they should be ashamed of themselves.

*Opposition senators interjecting—*

**The PRESIDENT**—Order! Senator Murray, I cannot give you the call yet because I could not hear you if you did speak. I call Senator Murray.

### Housing Market

**Senator MURRAY** (2.57 pm)—My question is to the Minister representing the Treasurer, Senator Minchin. Is the minister aware of the interview that took place on the Channel 9 *Sunday* program with expert homelender John Symond from Aussie Home Loans? Does the minister agree with the program's advice that Australians should reduce property exposure, sell investment properties, be circumspect buyers and adopt conservative household savings policies—to pull their heads in, in other words? Does the minister agree that falling house prices—except for Perth, I am glad to say—will mean that many Australians will feel they need to rein in consumption and spending and improve their household balance sheets? Does the minister consider this would mean not only a weaker real estate market and a slowing housing construction sector but also falling retail sales and a decline in consumer confidence?

**Senator MINCHIN**—I thank Senator Murray for a question about the state of the economy—always a refreshing thing to come from that side of the chamber. I did not see the *Sunday* program but I have had my attention drawn to it. I understand that John Symond, of Aussie Home Loans, whom I know and respect, and regard as a very good Australian businessman, made some remarks on the current state of the housing market. I do not think it is helpful for ministers to respond to everybody in the community who has something to say about the state of an industry sector, be it housing or something else, because these sorts of comments are made every day of the week by one or other of those commentators.

I note, for example, that Mark Bouris, of Wizard Home Loans, accused Mr Symond of scaremongering and acting irresponsibly in making those remarks on the *Sunday* pro-

gram. I will not enter into that particular conflict; that is a matter for them to resolve. There are obviously a range of views on the state of the housing market on a day-to-day basis. I am sure Senator Murray is well aware of that. He asked me specific questions about whether the government agreed with a variety of propositions. It is not for the government to give investment or financial advice to Australians, but it is true that the Treasurer over the last couple of years has been saying that Australians need to exercise caution regarding the extent to which they expose themselves to debt through their investment in either owner-occupied housing or investment properties. At the end of the day it is a matter for ordinary Australian families to assess the risks involved and to make the appropriate judgments. It is certainly true that we have been on record as urging them to exercise caution.

In relation to our views as to exactly what is going on with the housing and property market, from a macroeconomic point of view I draw your attention to the statement by the Reserve Bank only this week which welcomed the gradual deflation in the housing market. There is a cooling of the housing market which they welcome and the government welcomes because it represents a rebalancing of economic growth in this country, away from an undue reliance on consumer spending as a function of notional proceeds from housing investment towards greater reliance on business investment and the earnings from the growth in our export sector as a result of the resources boom. We do see, as does the Reserve Bank, a healthy rebalancing in the nature of the growth impetus to the Australian economy. A number of commentators believe that there is sideways movement in housing. Yes, prices are declining in one or two markets and still growing in others. An overall conclusion is that housing is moving either slightly down or side-

ways but that there is no great risk to Australians in their exposure to the housing market at the moment.

Housing statistics released by the ABS only today show increases in housing finance. Certainly, there is still reasonably healthy growth in the number of first home owners, which remains above the long run average for the seventh consecutive month, so there is still considerable confidence at that level. We are optimistic about the overall state of the economy and the rebalancing away from what many did see as an undue investment in housing and an overreliance on housing and a welcome cooling in that market towards more reliance on growth coming from business investment and export stimulation.

**Senator MURRAY**—Mr President, I ask a supplementary question. I thank the minister for his answer. Minister, one point of the program is that the ability of Australians to meet their mortgage payments is an issue. Does the minister agree that how Australians feel about job security matters because it affects consumer confidence, which in turn affects retail sales and discretionary domestic expenditure in areas like leisure and tourism? Does the government agree that, after the passage of the work choices bill, if employers mount an assault on wages and conditions it will lead to a fall in job security and make it harder for Australians to pay their mortgages?

**Senator MINCHIN**—No, I profoundly do not agree. That is why the scaremongering coming from those opposite is so utterly irresponsible. To cause Australians to have any concerns about their job security is irresponsible and potentially damaging. These people opposite are totally irresponsible. They have a long history of scaremongering about every initiative we have brought in. They have been proven to be the little boy

crying wolf every time. When we brought in the Workplace Relations Act in 1996 they said the sky would fall in. When we brought in the GST the sky was going to fall in again. It has not happened; we have had the longest run of solid economic growth, job creation and productivity growth imaginable in this country as a result of the reforms, and the Labor Party have been proven to be the scaremongers they are. Now they go around and nobody believes them any more because of their record on this issue.

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

*Senator Conroy interjecting—*

**The PRESIDENT**—Order! Senator Conroy, you will withdraw that remark; it is unparliamentary, and you know it is.

**Senator Conroy**—I withdraw that remark.

#### QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

##### Workplace Relations

**Senator MARK BISHOP** (Western Australia) (3.04 pm)—I move:

That the Senate take note of the answers given by the Special Minister of State (Senator Abetz) to questions without notice asked today relating to proposed changes to industrial relations.

**The PRESIDENT**—Order! There is a problem with the sound.

**Senator Faulkner**—Mr President, I rise on a point of order. When you jumped to your feet there was some problem with the microphones, which has now been fixed.

**The PRESIDENT**—No, it has not. I think there must be problems with everybody's microphones today because everybody is shouting.

**Senator Faulkner**—The microphone is not on. Good! No-one wants to hear me; they probably do not want to hear you either.

**Senator MARK BISHOP**—They want to hear me.

**The DEPUTY PRESIDENT**—Senator Bishop, proceed.

**Senator MARK BISHOP**—Is there sound? I will have to shout.

**The DEPUTY PRESIDENT**—There is a problem with one of the speakers, Senator Bishop, and it is not you.

**Senator Patterson**—Mr Deputy President, I rise on a point of order. For the sake of the *Hansard* I think we should ensure we are being recorded before we proceed.

**The DEPUTY PRESIDENT**—I am advised that we now have sound.

**Senator MARK BISHOP**—For the fourth time, I rise to take note of answers given by Senator Abetz to various questions on the issue of workplace reform, workplace legislation and the introduction of a bill in the other place addressing that critical issue. On this issue the Australian people should not have any doubt at all as to the consequences of the introduction of the legislation. This is the most doctrinaire and revolutionary legislation to be considered by this parliament since its inception over 100 years ago. It is a watershed with far-reaching consequences politically for individuals in the workplace, for the wider community and for our society generally. There are three key themes in that legislation—three overt, intended purposes behind the activity of the current government. Firstly, it is straight out politics. Secondly, they intend and desire to harm and destroy the new cooperative ethos that has been in the workplace in this country for the best part of 15 or 20 years. Thirdly, we stress that the social consequences of their legislation will be nothing other than horrific.

So firstly, it is straight-up politics. Get rid of collective bargaining; that makes irrele-

vant the role of trade unions. Then further bash the unions by limiting and eradicating their access to workplaces. As a result of that concerted move, the power base of the labour movement and its primary political wing, the Australian Labor Party, is damaged. Minister, we have news for you. The message behind that legislation is gradually seeping through into the community. It is an issue that is going to ignite working people across this country simply because you are removing, in one fell swoop, everything for which they have fought for 100 years and, more importantly, everything they have gained that has made their living standards better and higher over that time. Further, you are throwing out a system based on the Australian ethos of equality and a fair go.

Secondly, the intent behind this legislation is to destroy the entirely new ethos of cooperation that exists in the workplace. The Australian workplace has never been so productive thanks to the ACTU and ALP reforms right through the 1980s and the 1990s. Cooperation between employer and employee in the workplace will become a fact of history. The new mantra is divide and rule: winner takes all. Individuals are now more important than the whole. The problems we have in this country with casualisation will accelerate. Commitments based on permanency and loyal service will disappear.

Thirdly, the social consequences, as I said, are going to be alarming. If uncertainty of income has been a problem in recent years, it is likely that it will now explode. Breadwinners wishing to borrow will have little collateral. Families searching for financial security will not be able to find it. Increasingly, family income is going to be dependent on family payments, ad hoc bonuses and the annual budget in, presumably, good times. In short, the government is giving itself control over the minimum wage because the government sets, determines and pays the income sup-

plement. What is that supplement? In effect, it is a wages subsidy to employers for low-income workers.

The working poor, as they are now described, will rapidly grow in numbers. Employment will now be increasingly short term and, in a range of industries across this country, wages will fall in real dollars over time. That is the real purpose; that is the hidden agenda. The Howard government's only tool to maintain or raise living standards through productivity is the chainsaw. The old mantra is now useless, it is now passed, it has already done its job, in favour of one of cutting costs at the expense of everything else. How often have we seen it? How often has it failed and been repeated time and time again? Short-term gains, fast buck stuff—*(Time expired)*

**Senator CHAPMAN** (South Australia) (3.11 pm)—Day after day in this chamber we see, as of course we have seen in the other chamber in the debate on the legislation, a continuation of the scaremongering of the Labor Party doing the bidding of their union masters. Senator Bishop has continued this today not only in question time but also in his just concluded remarks when he said that the aim of this legislation and the aim of business is cost-cutting. That is absolute nonsense and we all know it. The aim of business today, and the aim of this workplace relations reforms legislation, is to further stimulate improvements in productivity. That is exactly what has happened over the last eight or nine years since the Howard government's first round of workplace relations reforms was initiated in this place and took effect. Senator Bishop is leaving the chamber now because he is too embarrassed to sit here and listen to the response to the nonsense that he has been talking.

If we go back to 1996 and 1997, in the response to the then reforms of the Howard

government, Labor senators opposite, members of the House and union members, were saying exactly the same things as they are saying now—that the sky would fall in, that workers would be exploited and that wages would be cut. Of course, it has been shown to be absolute nonsense. In contrast to that scaremongering, what has in fact happened over the last nine years is an increase in jobs by 1.7 million, an increase in average real wages of 14.9 per cent—that is compared to the pathetic record of the previous Labor government where real wages in their whole 13-year period only increased by 1.2 per cent—the lowest level of unemployment in some 30 years and the lowest level of industrial disputes since records were first kept way back in 1913. Of course, the reason for that is that those reforms unleashed an enormous bout of productivity improvements because employers and employees were more able to determine at the workplace level, subject to minimum standards, the working arrangements that most satisfied their enterprise to get the most productivity out of the enterprise to the benefit of the business, the employer and the employee. When you free up the workplace relations system, both the business owner and the employee share in the productivity gains which result.

That is exactly what will happen as a result of these further gains. Labor says, 'The system is working; why do you need to change it?' We need to change it because we live in an internationally competitive environment. We are doing well but we need to do better because every other country is continually improving their system and doing better. To say that we are doing well is like saying the Adelaide Crows played pretty good football back in 1997 and 1998. They won two AFL premierships in a row. They played better football in the 2005 season than they did back then but it was not good

enough for them to win the premiership. They finished third. It was not good enough. You have to keep improving. That is exactly what this legislation does. It allows for further improvement, further freeing up of the workplace relations system and removing the current restrictions on the ease with which Australian workplace agreements can be achieved.

I have page after page here from Kim Beazley, Stephen Smith, Senator Bishop, Senator Carr, Senator Lundy, Carmen Lawrence, Bob McMullan and Senator Ray, all of whom predicted doom and gloom back in 1996 when the government's reforms were initiated. None of that doom and gloom came to pass. There is a need for change, as I said, to keep this country competitive with the international situation. We will replace the current six state jurisdictions and workplace relations systems, which create confusion and cost for all Australian businesses and employees, with a single national system.

The current system was designed back in the 1900s, responding to the industrial difficulties of the 1890s—more than a century ago. That is where Labor want to take us. They want to take us back more than 100 years and not into the 21st century, where we need to be. We need to keep pace with the demands of a modern economy and we need to have further reform to ensure that. That is why we want a national system which is simpler and gets rid of the red tape of six state jurisdictions. We want a common set of minimum standards to protect workers rather than the thousands of different awards which all have to be individually updated, taking months and sometimes years after new award determinations are made. (*Time expired*)

**Senator POLLEY** (Tasmania) (3.16 pm)—I rise to take note of answers on workplace relations given by the Special Minister

of State in question time today. The rope is getting longer. The Australian people are getting the message. They understand the full impact that John Howard's industrial relations nightmare will have on their lives. They are starting to become alert to the full impact on their children and grandchildren of John Howard's nightmare. Each day, this cocky Howard government eats into the heart of Australia's democracy by abusing the functions of this chamber. But the rope is getting longer. As much as the Howard government would like to disguise this disgraceful legislation with an eight-day crush of Senate business, the Australian people are getting wiser. The rope is getting longer. A New Zealand couple visiting my state last Saturday said they felt sorry for Australians. They know, from their own appalling experience, what these extreme changes will mean to our lives.

The Tasmanian government is concerned for its workers and their rights to bargain at a state level. A bill was introduced into the Tasmanian parliament yesterday to provide a safety net for Tasmanian workers. Its aim is to enshrine existing work conditions in law. This is not so in Canberra. We are stuck with a cocky government waging an un-Australian attack on our way of life. This legislation is a major threat to Australian freedoms as well as to our living standards.

This abuse of the Senate and this rush to surround the passage of this appalling legislation with fear is a betrayal of the Australian spirit of honesty and a fair go. Our churches have protested and have been told it is not their role. No-one will get a fair go to speak on this legislation. Once it is law, the fair go will be lost forever. Hard-fought conditions will be lost and oppressive employers will dominate. John Howard is bringing the nightmare of the workplace past into Australia's future. Like Scrooge, this Christmas he will take us back to the nightmare. But there



will be no escape for working-class Australians. They will be the ones left trapped in John Howard's unforgiving industrial relations landscape. John Howard's legacy to Australia will be the nightmare of the workplace past. This government's extreme attack on the Australian family through its industrial relations legislation will not be forgotten. God save Australia.

**Senator NASH** (New South Wales) (3.19 pm)—It never ceases to amaze me how those on the other side of the chamber can sit there and criticise the government for what it is doing without having any plan of their own. I will start with a comment that Senator Bishop made in his address. He said that Australia had never been so productive. I could not agree with him more. But the reason that Australia has never been so productive is because of this government. If he thinks that going back to the days of Labor and having 20 per cent interest rates and 11 per cent unemployment is going to make this place productive then I would say he is dead wrong.

For nine years it has been the goal of the Liberal-National coalition government to put in place industrial reform measures that will improve this country and take it forward. In this country we need to increase productivity and allow flexibility in the workplace so that both employers and employees can have arrangements in place that suit both of them while, at the same time, allowing the country to go forward. We need to do this because we need to remain internationally competitive. We need to get better and we need to improve our international competitiveness. We also need to ensure that, domestically—here at home—we are able to operate in the best way that we possibly can, to maximum effectiveness. So it is not only internationally; it is also domestically. We need to improve the industrial relations system so that we can do that. We need a simpler and fairer system.

We have around 130 pieces of different industrial legislation and around 4,000 awards across this nation. What they are doing is stopping this nation from improving its productivity and allowing better workplace practices.

Certainly the part of industrial relations that I feel very strongly about—and I know that many people out in regional areas do—is the issue of unfair dismissal. It does not matter where I go around this state, having travelled across it for years and years, small businesses say to me: 'We would employ more people if only we were more sure of the circumstances. We cannot afford to put people off and we cannot afford to have a situation under the existing arrangements that causes us real negativity.' What they are saying is that they are looking forward to the changes so that we can have a fair system on both sides that will encourage them to employ more people.

The industrial relations changes are sensible, they are practical, they are going to allow greater flexibility and they are going to encourage the growth of productivity in this nation—all those things that add up to making this nation a better place for, as I said before, not just employers but employees as well. All we have seen from the other side, from Labor and the unions, is a scare campaign trying to terrify workers about how terrible this is going to be. Quite frankly, I think they are just protecting their patch. You can see it; it is obvious. Right now it is important to recognise that fewer than one in five people in this nation are members of a union.

The opposition and the unions are trying to protect days gone by. They would prefer not to allow this government to take the workplace relations system into the future, which is what we are going to do. Looking across at the other side, certainly at the Labor

frontbench, I can see 17 Labor members who owe their careers to the unions. We have a raft of senators who owe their careers to the unions: Bishop, George Campbell, Conroy, Crossin, Evans, Forshaw, Hogg, Hutchins, Ludwig, McEwen, Marshall, O'Brien, Sherry, Wong, Wortley—and it goes on. It is no surprise that they would be trying to protect their union mates in the way they are approaching this.

What we are doing here is encouraging a productive mentality in this nation. We are encouraging workers. We are encouraging employers and employees to work together so that they can both have the best outcomes and we can have the best possible environment for this nation to go forward. The changes are much more practical. They are sensible and fair and they are going to take this nation into the future.

**Senator MARSHALL** (Victoria) (3.24 pm)—We have not heard one bit of detail from Senator Nash or Senator Chapman on how any of the so-called reforms are going to improve productivity in any way. Instead we hear from Senator Nash a speech that Senator Abetz has made a dozen or so times in this place. It is the same old tired rhetoric: 'Let's just trust the government to be doing the right thing by working people.' Yet when we asked specific questions in question time today about the impacts of the legislation, the minister failed to answer them. His failure to be able to answer those questions puts a lie to the guarantees that the government has given Australian workers.

One of the assurances it gave Australian workers is that the 38-hour week would be assured and guaranteed. But Senator Abetz today, in response to the question I asked him, said, 'No promises have been made, and we make no promises now.' So the assurances the government gives Australian working people are absolute lies. They are

not assurances at all. If we look at the 38-hour week question, section 91 of the IR bill makes it perfectly clear that the 38-hour week is guaranteed as an average over a 12-month period. So the employer has the ability to say, 'You can come and work for me for half of the year for 20 hours a week and you can work for the other half of the year for 56 hours per week.' Under those circumstances you get no protection from the act in relation to excessive hours, unfair hours and family unfriendly hours. The only protection offered by this act with respect to hours of work is for additional extra hours—and the definition of additional extra hours does not kick in until your 38 hours a week, averaged over the whole year, have been reached. It is a farce. It is no guarantee and no assurance. For government senators to get up and say, 'This is going to create flexibility and family friendly working hours,' is an absolute disgrace.

One of the other shallow and hollow contributions I heard today was from Senator Chapman, who told us: 'The sky is going to fall in? We've heard all that before. What happened in 1996? There was the opposition saying, "The sky will fall in"! Well, the sky would have fallen in if the government had been able to get their bill through in the way it was originally written. But the Senate did enormous work on that bill. We had enormous inquiries. We went around the country hearing from people who were going to be affected by that bill. What did the Senate do? It amended that legislation to a point where it was unrecognisable from its original form. The Senate put in proper processes of minimum standards so employers could not exploit workers. There was a no disadvantage test applied, so when employers said to workers, 'Here's an employment contract; take it or leave it,' at least the minimum award had to apply. It could not be the miserable five minimum standards that this gov-

ernment is going to guarantee and the minimum wage.

What is the government going to apply with its so-called Fair Pay Commission? A minimum wage is going to be set by this commission instead of the Industrial Relations Commission. Why does the government need to change the body that is going to set the minimum wage in this country? Because in every minimum wage case run before the Australian Industrial Relations Commission the government opposed the wage increases—and if it had got its way the minimum wage in this country would be \$70 a week lower than it is now. What is the government's answer? 'Let's not do it in the Australian Industrial Relations Commission anymore. Let's set up our own commission.' And why would it set it up? The obvious answer is that it wants a lesser outcome, and that is what it will get under its proposal. It intends to cut wages. How do we know that? Because government senators have said so.

Let us look at what the government senators said in the recently released report into workplace agreements. The government senators said:

It is likely that the legislation committee, looking at the proposed WorkChoices Bill, will be taking a closer look at awards and the no disadvantage test. Government party senators take the view here that safety-net awards are probably too high ...

What does the minister for industry say? He tells us on the public record that the point of this legislation is to drive down wages to the level of that in New Zealand. It is no surprise to anyone here that the level of wages in New Zealand has decreased by 15 per cent. They are at least 15 per cent lower than in Australia, and they started on a comparative framework before they introduced their individual contract legislation. Productivity itself has been lowered too. I could talk much

more about this. I could go on and on about productivity in New Zealand. (*Time expired*)

Question agreed to.

### Whaling

**Senator SIEWERT** (Western Australia) (3.29 pm)—I move:

That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Ian Campbell) to a question without notice asked by Senator Siewert today relating to the Japanese whaling program.

I was grossly disappointed by the answer. It seems that Captain Planet is not going to save the whales with his actions. In fact, he did not outline any actions other than diplomacy. The minister said that he has gathered the 'biggest international coalition of nations to conserve whales that has ever been brought together by diplomatic activity'. But he has refused to say what that almighty coalition will actually do. I believe that the minister just avoided a perfectly good opportunity to explain the actions he was planning to take and what would result from this biggest international coalition of nations. Instead, we were treated to a torrent of what I believe was schoolyard abuse. It brought to mind the image of him as Captain Planet, flying around the world trying to save the planet. It really achieved nothing more than a waste of our time.

The minister did not take the opportunity to outline the actions that could have been taken. There was no action other than to say, 'We'll pursue diplomatic activity.' That is clearly failing, because, as we all know now, the fleet has set off and will be ready to start whaling in about three weeks time. We are aware that they will be taking around 1,000 whales, and for the first time taking humpback whales and fin whales. Over the last decade we have been starting to see humpback whales off our coasts again. The community has come to deeply love them and

spends a lot of money going out to try to look at them.

It is all very well to carry on the diplomatic activity, and I am glad that the minister is doing that, but the time for real action has come. In a minute I will go on to the legal action that could be taken. For a start, we could be stopping the support fleets getting supplies and refuelling in Australian ports. We could be being very obvious about our surveillance of the fleets, to keep very accurate records of what they are doing. But the most important thing is to start to look at the legal action. The minister said that he was deeply aware of international law as it applies to these issues. He said, 'I have studied it more closely than, I suspect, anybody else on the planet.' I am sorry, but I beg to disagree with him. I suspect that he does not know more than many international experts. Some of those international experts are Australian, including Professor Don Rothwell.

We believe that there are legal mechanisms to stop the activity that is about to happen in Antarctica, where 1,000 whales will be slaughtered, dying tragically for no reason. Professor Rothwell has advised IFAW that the Australian government does have very strong grounds to take Japan to the International Tribunal for the Law of the Sea to stop so-called scientific whaling. Let us stop the pretence of calling it 'scientific' whaling, by the way. We know that a fleet of vessels has left Japan, bound for the Southern Ocean sanctuary. As I said, they will start whaling in approximately three weeks.

Professor Rothwell believes that Australia does have firm legal arguments to stop this in its tracks, to stop JARPA II and to request provisional measures. This is effectively an injunction that could halt the program for two weeks while an application is lodged with the tribunal. According to Professor Rothwell, a key factor in the success of any

application by Australia to the International Tribunal for the Law of the Sea would be the urgency of the need for provisional measures. IFAW is arguing that conditions have been met because diplomatic efforts have failed. They have clearly failed because the fleet is on its way for more than a doubling of last year's whaling. The fleet has left the port and there remains significant scientific uncertainty about the impacts of or the need for JARPA II.

Quite clearly there are grounds for legal action. We believe that the government should go back and try again. They need to look again at the legal advice. Really, if the minister is that committed to dealing with whaling he will grab at any opportunity to deal with this. Quite clearly, there are legal grounds to deal with it. They should be tested. Take a stab at it. Try it. Do not just say, 'We don't think it is going to succeed.' Have a try. One thousand whales are on the line. Have some guts, take action and do not wait until after the boats come back. The minister said, 'We'll know if diplomacy has worked if the boats come back empty.' I can guarantee that unless he takes any action the boats will not be coming back empty, and then diplomacy will have failed and we might do something. We might do something when the boats come back, after they have killed 1,000 whales. It is not good enough. Try again.

Question agreed to.

### PETITIONS

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

#### Human Rights

To The President of the Senate and the Parliament of Australia Assembled

We, citizens of Australia and Townsville, call upon the parliamentarians of this nation to recognize that democracy is neither brought about nor

enhanced by the whittling away of human rights by the state.

We note that Australia does not have a bill of rights.

We say that governments of all colours have taken advantage of this fact to pass laws and engage in acts that transgress human rights.

There needs to be an area of freedom that can never be transgressed by governments and agents of the state for the citizen to be sovereign.

This can only be achieved through a constitutionally entrenched bill of rights enforceable against the state by the citizen.

This must protect areas such as civil and political rights, workers rights indigenous rights, the right to education by the state, rights of the accused and imprisoned and the right to intergenerational equity through protection of the environment for a start.

We call on all parliamentarians and political parties to bring about a worlds best practice bill of rights as a matter of urgency.

by **The President** (from 19 citizens).

Petition received.

### NOTICES

#### Presentation

**Senator O'Brien** to move on the next day of sitting:

That the Senate notes the incompetence of the Howard Government in its failure to protect Australia's border security, quarantine and environmental integrity and its fishery resource in northern Australia and northern Australian waters.

**Senator Bartlett** to move on the next day of sitting:

That the Senate—

(a) expresses the view that:

- (i) the recent anti-terror raids in Sydney and Melbourne demonstrates the importance of the Government maintaining open and honest communication with Australia's Muslim communities at this crucial time,

- (ii) keeping intermediaries between Government and the Muslim community informed on developments and listening to their views is essential to ensure that the Government is aware of how people in Muslim communities are responding to events, and to prevent further feelings of alienation amongst Muslims, and

- (iii) a failure to defend and promote the principles at the heart of multiculturalism against attacks on it will lead to a deepening divide between people and communities of different cultures and heritage within Australia; and

- (b) calls on all political parties to promote and protect diversity in Australia by encouraging the benefits of multiculturalism and to facilitate the building of better ties.

**Senator Ellison** to move on the next day of sitting:

That—

- (1) On Monday, 28 November and 5 December 2005, the hours of meeting shall be 12.30 pm to adjournment, and standing order 54(5) shall apply to the adjournment debate as if it were Tuesday.

- (2) On Thursday, 1 December and 8 December 2005:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.40 pm;

- (b) the routine of business from 7.30 pm shall be government business only;

- (c) divisions may take place after 4.30 pm; and

- (d) the question for the adjournment of the Senate shall be proposed at 11 pm.

- (3) The Senate shall sit on Friday, 2 December and 9 December 2005 and that:

- (a) the hours of meeting shall be 9.30 am to 3.30 pm;

- (b) the routine of business shall be:

- (i) notices of motion, and

- (ii) government business only; and

- (c) the Senate shall adjourn without any question being put.

**Senator Milne** to move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Education, Science and Training, no later than 3.30 pm on Monday, 28 November 2005, all correspondence including e-mails, directions and guidelines between the Minister and the board of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and between the Minister and the Chief Executive of the CSIRO, dated between 1 June and 1 November 2005, concerning the research and development work to be undertaken by the CSIRO.

**Senator Hutchins** to move on the next day of sitting:

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by the last sitting day in 2006:

The scope and opportunity for naval shipbuilding in Australia, and, in particular:

- (a) the capacity of the Australian industrial base to construct large naval vessels over the long term and on a sustainable basis;
- (b) the comparative economic productivity of the Australian shipbuilding industrial base and associated activity with other shipbuilding nations;
- (c) the comparative economic costs of maintaining, repairing and refitting large naval vessels throughout their useful lives when constructed in Australia vice overseas; and
- (d) the broader economic development and associated benefits accrued from undertaking the construction of large naval vessels.

## COMMITTEES

### Selection of Bills Committee Report

**Senator EGGLESTON** (Western Australia) (3.35 pm)—I present the 13th report of

2005 of the Selection of Bills Committee and move:

That the report be adopted.

I seek leave to have the report incorporated in *Hansard*.

Leave granted.

*The report read as follows—*

### SELECTION OF BILLS COMMITTEE

#### REPORT NO. 13 OF 2005

- (1) The committee met in private session on Tuesday, 8 November 2005 at 4.20 pm.
- (2) The committee resolved to recommend—That the Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005 be referred immediately to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by 8 February 2006 (see appendix 1 for statement of reasons for referral).
- (3) The committee considered a proposal to refer the provisions of the Tax Laws Amendment (Superannuation Contributions Splitting) Bill 2005 to the Economics Legislation Committee, but was unable to reach agreement on whether the bill should be referred (see appendix 2 for statement of reasons for proposed referral).
- (4) The committee resolved to recommend—That the following bills not be referred to committees:
  - Census Information Legislation Amendment Bill 2005
  - Defence Legislation Amendment Bill (No. 2) 2005
  - European Bank for Reconstruction and Development Amendment Bill 2005.

The committee recommends accordingly.

(Alan Eggleston)

**Acting Chair**

9 November 2005

**Appendix 1****Proposal to refer a bill to a committee****Name of bill(s):**

Aboriginal and Torres Strait Islander Heritage Protection Amendment Bill 2005

**Reasons for referral/principal issues for consideration**

Adequacy of amendments to protect indigenous heritage

Do amendments address concerns of indigenous Australians?

Do amendments reflect changes recommended by the Evatt Report?

**Possible submissions or evidence from:**

Various indigenous organisations, The Australia Institute, AHC

**Committee to which bill is referred:**

Environment, Communications Information Technology and the Arts Legislation Committee

**Possible hearing date:** December 2005/January 2006

**Possible reporting date(s):** 8 February 2006

**Appendix 2****Proposal to refer a bill to a committee****Name of bill(s):**

Tax Laws Amendment (Superannuation Contributions Splitting) Bill 2005

**Reasons for referral/principal issues for consideration**

Insufficient evidence to consider the bill.

**Possible submissions or evidence from:**

Treasury—R.I.G. on estimated number of individuals affected by ETP and RBL

**Committee to which bill is referred:**

Economics Legislation Committee

**Possible hearing date:** Monday, 28 November 2005 or Tuesday 29 November 2005

**Possible reporting date(s):** Thursday, 1 December 2005

**Senator SHERRY** (Tasmania) (3.36 pm)—I move:

At the end of the motion, add “and, in respect of the Tax Laws Amendment (Superannuation Contributions Splitting) Bill 2005, the bill be referred to the Economics Legislation Committee for inquiry and report by 1 December 2005”.

The Labor Party wish to refer this bill to the Senate Economics Legislation Committee in order to obtain some basic data concerning the costing of this legislation that is missing from the explanatory memorandum. The government has rejected this approach on the grounds that this bill has been referred previously to the Senate Economics Legislation Committee. That in itself is true. However, that was some two years ago. The government made a decision, for reasons that we are not aware of, not to proceed with that bill two years ago. Whilst we did obtain information and public submissions from interested parties on the bill itself, we did not obtain on that occasion the details as to the costings, which are absent from the explanatory memorandum.

Labor’s intention to refer this bill is not unreasonable. We are not seeking a full public hearing. We are seeking the giving of evidence, in this case by the costings unit within Treasury, as to the basis for the cost of this particular measure. That is all. We are not seeking a general public hearing with witnesses to attend from representative organisations, as occurred on the previous occasion. I did attempt to obtain the costing detail at Senate estimates. I did ask the personnel from the costings area within Treasury—and they did acknowledge to me that they have that detail—but they did not have it at that point in time. I indicated that my asking about it at Senate estimates was an attempt to avoid the very process of referring the bill to the economics legislation committee. They did not have the data and I indicated that I would be referring the bill. We are not being unreasonable. We are not attempting to hold this up in any sense. It is the government’s

prerogative and it wants to deal with this by the end of the year. That is fine. I accept that and I understand it. We have moved a reasonable report-back date of Thursday, 1 December, which is the end of the next sitting week, so in the following week this matter can be dealt with. But we do believe that it is necessary in the public interest to have at least some understanding and detail of the costings of this measure. We do not believe that is an unreasonable approach.

What do we have from the government? Unfortunately, at the Selection of Bills Committee they have rejected what I argue and know is Labor's reasonable request. I have to say that regrettably this is another example of the heightened arrogance of this government. We have seen it time and time again. It is slow and creeping in respect of the rejections of reasonable propositions from the crossbenches and from the Labor opposition.

We want a quick hearing. We want it to be very specific to the Treasury costing officials. I am placing this on record today because I certainly hope that, if this reasonable request is rejected, the minister when he or she is dealing with this bill in the chamber is able to provide those costings. It is part of accountability. It is part of a reasonable approach. What we have proposed in my amendment is perfectly reasonable. It is not an attempt to hold up consideration. We are considering the time frame and the pressures we are under with business and I hope that the government will accept the amendment.

**Senator BARTLETT** (Queensland) (3.41 pm)—I think that it is important to put on record the specifics of what is happening here. I will not go into the detail of this particular legislation. I do not follow superannuation issues as closely as Senator Sherry does and I am not sure that many other people here do. I do not think that any objective

observer could possibly think anything other than that this is a perfectly reasonable request.

I reinforce the point I made in another context in debate in this chamber this morning, because it is a point that cannot be made often enough. Our most fundamental job here in the Senate is as legislators and making sure that laws that are passed operate in the way intended and do not have any inadvertent consequences and that we are conscious of what the real consequences will be. They affect people. They affect the budget and a whole range of other things, but they also affect human beings directly.

What Senator Sherry suggested—and it was put in the Selection of Bills Committee meeting yesterday—is a process that will not hold up the bill. There is no way that anyone could suggest that this is just an attempt to try to stop the bill coming to a vote or prevent it passing into law. We all know that some of those tactics are used from time to time, but in no way could that be credibly suggested here. It is a simple attempt to try to get specific information on the record and in the public arena about an aspect of this area of law.

Some senators may not know—there are a lot of new senators in this place and others perhaps who do not follow some of the procedural things—and some people listening may not know that there is a convention that has been in place for a long period of time in this chamber. In the Selection of Bills Committee any senator who wants to have a look at a piece of legislation or who wants it to go to a committee inquiry for examination will have that request agreed to. As with every other convention, we could all point to specific occasions when that has not been followed. But I suggest that virtually every time that has happened there has been an agreement that something can go to committee but



that it have an earlier reporting date—and we certainly have regular disagreements over reporting dates and how long an inquiry should go for. There is the very rare occasion when it is just a flagrant attempt to try to recycle an inquiry for the sake of making a political point or delaying the matter coming to a vote. That does happen from time to time—and in those circumstances, firstly, it is pretty obvious that that is happening and, secondly, it is then fair enough to make exceptions to that convention and that understanding.

But the convention is there because it is a simple recognition—and it is an important point of democracy that should be noted more often—that not everything should be done purely by brute force of numbers. Even if just one senator believes that a piece of legislation deserves a bit of specific, focused examination by a Senate committee for a short period of time, they should have that right. I think this is a perfect example of that. There is one senator who knows his stuff about the issue. Whether or not we always agree with Senator Sherry's view, he understands the issues. I do not think anyone would dispute that. He believes there is an issue that needs further brief but focused examination, and he should have that right, particularly when it would not hold up the passage of the legislation. He has made a clear argument as to why. To deny that request is, firstly, irresponsible and, secondly, a very dangerous precedent.

Once people have been in government for 10 years, it feels like they will be in government forever, but one day the people in government now will not be in government. If you trash every convention along the way, it will be a lot less pleasant for you when you end up in opposition. At the end of the day, I am not sure if most people care whether it is pleasant for those who are in opposition or those who are in government, but what is important is that the Senate does its job of

properly scrutinising legislation. And if one senator thinks that an issue should be examined briefly by a committee, there is a fair chance that it is an issue we could all benefit from being aware of. I think it is irresponsible and a dereliction of duty for us not to do so. It is also moving very dangerously away from a longstanding convention that has survived pretty well over a long period of time. Sometimes it is inconvenient and it is a pain in the neck: 'Oh, we've got to have an inquiry into this bill and we don't really want to. We all know what it is about.' But it is a convention—(*Time expired*)

**Senator LUDWIG** (Queensland) (3.46 pm)—I rise to speak on Senator Sherry's amendment because it demonstrates how the government is arrogantly using its majority to ensure an outcome of its own choosing. I want to compare and contrast that with another problem that this government has. Because of its arrogance and the way that it is conducting its affairs in a slipshod, haphazard and uncoordinated way—and perhaps even in an unstrategic way—going from issue to issue, from point to point, the government does not actually see the endgame, which is to ensure that this Senate operates in a cooperative way and that it deals with the legislation in a reasonable and considered way within reasonable hours.

The government then accumulates errors and forces itself into taking perhaps an unusual course of action such as this—saying, 'No, we won't have this reference' and 'We don't do this and we don't that.' As a consequence, we then create another debate. The debate can take five minutes, 10 minutes or 15 minutes. The opposition would rather spend that time dealing with the legislation. The government then complains that the opposition is taking up time debating a couple of points. But, if it actually stopped and organised itself, rather than making a series of mistakes and falling into errors because it

does not coordinate and organise its program, we would not have the debate that we are now having. We would then say: 'Senator Sherry should have his reference. He and other senators have had references. It is not a particularly long reference. It is a relatively short inquiry into a specific matter. That is what references committees are all about. That is the purpose of a reference committee and that is the work that they do, and it should be done.' It would then not intrude on this chamber, because that is the essence of a references committee. It is designed to take a load of work out of here, put it in a reference, and then the committee reports back and tells the Senate what it has done, and we can then move on.

If Senator Sherry cannot get his reference up, he will then have to bring it in here and use the committee stage of bills, second reading debates or other mechanisms within the chamber to progress the issue and, therefore, take up time; hopefully, not government time, but it could potentially be government time. That was the idea of reference and legislation committees: to draw the issues out of this chamber and deal with them. The way this government is managing the program is missing the point. As it stumbles from problem to problem, it creates its own turbulence and it creates a raft of problems that it drags along like a string of tin cans. What it should do is stop, look at how to organise its program, manage the program, and not complain about the opposition eating up its time when it could be doing government business. Ultimately, it is for Senator Hill and Senator Ellison to organise the program. They actually have control of the Senate. It is their responsibility to manage the program and manage the Senate to ensure that all the work is done.

It is instructive to go back and look at some of the complaints that Senator Hill made when he was in opposition. He said

something back then about which he should now be reminded—and perhaps Senator Ellison can take a lead from it. Senator Hill said:

The parliament does not set the program; the government sets the program. But, in our view, the parliament has the right to have a reasonable time to consider that legislation. I do not care whether we are in government or the Labor Party is in government in this regard: when masses of bills are guillotined through either chamber without the parliament having time to consider them, the process does not operate well. We should all regard that as unsatisfactory. We simply do not accept that a government putting good faith into practice cannot organise its program in a way that allows the parliament to fulfil its responsibility.

They are sober words, said in August 1993 by Senator Hill. They were as apt then as they are today. It is the government's ability to manage the program which is causing this delay. It is not managing, it is mismanaging its program, and it misses that point. (*Time expired*)

**Senator GEORGE CAMPBELL** (New South Wales) (3.51 pm)—I also wish to make a number of comments on Senator Sherry's amendment. I have been a participant on the Selection of Bills Committee since about October-November of last year when I became the Opposition Whip. It is remarkable to actually examine the period from October-November last year until 30 June this year and the period from 30 June this year until today, because the change has been remarkable over that period.

The reality is that, in the first six or seven months that I have been on the committee, the committee has operated on the basis of consensus, of cooperation and of reaching agreement, and that is the way I understand the committee has operated since its inception in 1990. But it is interesting that what we have seen with respect to the bill referred by Senator Sherry and a number of other matters since 30 June this year is the gov-

ernment taking unilateral decisions about what will happen with bills that are referred through the committee system to meet the government's agenda. They have the numbers in this chamber, so they are able to impose that will.

What we are seeing coming through, in the way the committee has evolved since June this year, is more and more the arrogance of a government in power, having the numbers and simply stamping them on the process. They have done it with respect to the bill referred by Senator Sherry. The reporting date for the bill—I do not think he mentioned it—was 20 November, well in advance of the next sitting period of the Senate. So it was not, as Senator Bartlett said, going to interfere with the pursuit of that bill through the chamber. It could quite easily have been accommodated. Someone made a decision that, irrespective of whether it is warranted or not, we are not going to have the bill referred.

We have seen circumstances where some bills have been referred and the reporting date has been changed to a matter of days—not because it has any impact at the end of the day on whether or not the bill can be dealt with by this chamber within an adequate period of time, but because someone, somewhere, has decided, 'That's the time we want it for. That's when we want it by. We want to then be able to make a decision or do what we want with it over that period.' We have not even been able to discuss the rationale for some of these matters. We have simply been told that the reporting day will be such and such.

I have sat on a couple of legislative inquiries of the Senate Economics Legislation Committee in the past week or so: one to do with the Energy Efficiency Opportunities Bill 2005 and one to do with the Tax Laws Amendment (Loss Recoupment Rules and

Other Measures) Bill 2005. Both are bills that have gone through this committee. I did not go back and check whether or not we had changed the reporting dates, but both bills have been delayed in terms of reporting to the Senate, not because the reporting dates were wrongly set but because the workload of the committees has prevented them from being able to report. The workload of committees, in terms of being able to handle the bills that are put before them and being able to make reasonable reporting dates, has not even been taken into consideration.

We are seeing, more and more, as a result of the lack of consultation and the lack of cooperation—which used to occur in many of these committees—structural problems in the operation of committees. If this is the way in which the Selection of Bills Committee continues to operate then we are going to see more and more problems occur in the smooth functioning of this chamber. We have already seen it with the Senate Employment, Workplace Relations and Education References Committee. We were confronted with the proposition of a structure on that committee as to how it was going to handle the inquiry into the industrial relations bill that was absolutely absurd. The way it turned out at the finish was that people who were seeking to make submissions to the inquiry were not prepared to participate under the structure. Never mind whether or not we were going to have a workable structure; they did not want to participate under that structure.

So what have we finished up with? After a lot of argy-bargy, probably wasting two or three hours this week, we finished up with a structure that was proposed in the first place, which went back to the original structures used by the Senate to conduct committee inquiries over a long period of time. So a lot of the problems that we are now experiencing and what has been experienced here on this committee, a committee that has always

by convention operated on the basis of cooperation, is more and more confrontation arising out of a government exercising its arrogance because of its numbers. (*Time expired*)

**Senator EGGLESTON** (Western Australia) (3.56 pm)—The government is opposing the referral of this bill to a committee because it believes that all the issues related to this bill have been very thoroughly covered already. This measure was originally announced in the government's policy statement, A Better Superannuation System, on 5 November 2001—quite a long time ago. Public hearings were held on 25 November 2003 and the report was tabled in the Senate on 5 December 2003. The government subsequently recommitted itself to this policy in its policy statement for the 2004 election. The policy statement was called Super for All and Understanding Money. We are just following through on an election commitment. As I said, we believe that this matter has been thoroughly discussed and understood and we do not see the need for further inquiry, especially at this time, when the Senate committees are busy and when the Senate is involved in such a heavy workload.

Senator Sherry talked about the financial impact. I draw his attention to the fact that the costings to which he referred were on page 4 of the explanatory memorandum—

**Senator Sherry**—Yes, but the detail is not there.

**Senator EGGLESTON**—Perhaps the micro-detail is not there, but it does go through the financial impact for the years 2005-06, 2006-07, 2007-08 and so on to 2009, and it does refer to the compliance impact, which says that superannuation providers may include some additional administrative costs in providing their members with the ability to split superannuation contributions. But, in general terms, as I said, the government thinks this is very good legisla-

tion. The measure will assist families to maximise the benefits available in superannuation and provide an avenue for spouses to share their superannuation benefits. We believe that this matter has been thoroughly examined already and, for that reason, the government does not feel that referral to a committee for further examination is warranted. We would prefer to see this legislation proceed, become law and bring benefit to the people who will benefit from the splitting of superannuation.

Question put:

That the amendment (**Senator Sherry's**) be agreed to.

The Senate divided. [4.03 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	30
Noes.....	<u>32</u>
Majority.....	2

#### AYES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, C.L.
Campbell, G. *	Carr, K.J.
Conroy, S.M.	Crossin, P.M.
Evans, C.V.	Forshaw, M.G.
Hogg, J.J.	Hutchins, S.P.
Kirk, L.	Ludwig, J.W.
Lundy, K.A.	Marshall, G.
McEwen, A.	McLucas, J.E.
Milne, C.	Moore, C.
Murray, A.J.M.	O'Brien, K.W.K.
Polley, H.	Sherry, N.J.
Siewert, R.	Stephens, U.
Sterle, G.	Stott Despoja, N.
Webber, R.	Wortley, D.

#### NOES

Abetz, E.	Adams, J.
Barnett, G.	Boswell, R.L.D.
Calvert, P.H.	Campbell, I.G.
Chapman, H.G.P.	Colbeck, R.
Eggleson, A. *	Ellison, C.M.
Ferguson, A.B.	Fifield, M.P.
Heffernan, W.	Humphries, G.

Johnston, D.	Joyce, B.
Kemp, C.R.	Lightfoot, P.R.
Macdonald, I.	Macdonald, J.A.L.
McGauran, J.J.J.	Minchin, N.H.
Nash, F.	Parry, S.
Patterson, K.C.	Payne, M.A.
Ronaldson, M.	Scullion, N.G.
Troeth, J.M.	Trood, R.
Vanstone, A.E.	Watson, J.O.W.

## PAIRS

Brown, B.J.	Ferris, J.M.
Faulkner, J.P.	Mason, B.J.
Hurley, A.	Santoro, S.
Nettle, K.	Brandis, G.H.
Ray, R.F.	Coonan, H.L.
Wong, P.	Fierravanti-Wells, C.

\* denotes teller

Question negatived.

Original question agreed to.

## NOTICES

## Postponement

The following items of business were postponed:

General business notice of motion no. 298 standing in the name of Senator Stott Despoja for 10 November 2005, proposing the introduction of the Privacy (Equality of Application) Amendment Bill 2005, postponed till 28 November 2005.

General business notice of motion no. 307 standing in the name of Senator Siewert for today, relating to National Recycling Week, postponed till 10 November 2005.

## COMMITTEES

## Economics Legislation Committee

## Extension of Time

**Senator McGAURAN** (Victoria) (4.07 pm)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That the time for the presentation of the report of the Economics Legislation Committee on annual reports tabled by 30 April 2005 be extended to 10 November 2005.

Question agreed to.

## WELFARE TO WORK

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (4.08 pm)—I move:

That the Senate—

(a) recognises:

(i) the release of the National Centre for Social and Economic Modelling report, *Options for reducing the adverse impact of the proposed Welfare-to-Work reforms upon people with disabilities and sole parents*, on 3 November 2005, and

(ii) that parenting and disability add additional costs to living and employment;

(b) notes that the report finds that the Government's proposed 'welfare to work' changes will result in substantial cuts to the incomes of sole parents and people with disabilities by forcing them onto the lower Newstart Allowance and that these losses will increase over time; and

(c) urges the Government to ensure that the welfare to work package does not result in a reduction in people's income levels.

I seek leave to table the report mentioned in that motion and I understand this was circulated and has the approval of the whips.

Leave granted.

Question negatived.

## COMMITTEES

## Legal and Constitutional References Committee

## Extension of Time

**Senator CROSSIN** (Northern Territory) (4.10 pm)—I move:

That the time for the presentation of the report of the Legal and Constitutional References Committee on the administration of the Migration Act be extended to 9 February 2006.

*A division having being called and the bells being run—*

**Senator CROSSIN** (Northern Territory) (4.11 pm)—I understand that we need to postpone the division while we resolve the situation. I seek leave to withdraw the division.

Leave granted.

**Senator CROSSIN**—I seek leave to postpone the motion.

Leave granted.

**Senator CROSSIN**—Given the conflicting advice between the minister and the whip, I move:

That general business notice of motion no. 305 be postponed till 10 November 2005.

Question agreed to.

#### **MR ROD DONALD**

**Senator MILNE** (Tasmania) (4.12 pm)—At the request of Senator Bob Brown, and also on behalf of Senators Siewert, Nettle and Stott Despoja, I move:

That the Senate—

- (a) notes the death of Mr Rod Donald, the co-leader of the New Zealand Green Party;
- (b) recognises Mr Donald's key role in the campaign for a fairer voting system and in fostering humanitarian and ecological politics in New Zealand and abroad; and
- (c) expresses its condolences to Mr Donald's family, and to the Parliament and people of New Zealand.

Question agreed to.

#### **PARLIAMENTARY CHARTER OF RIGHTS AND FREEDOMS BILL 2001**

**Senator STOTT DESPOJA** (South Australia) (4.13 pm)—I move:

- (1) That so much of the standing orders be suspended as would prevent this resolution having effect.
- (2) That the Parliamentary Charter of Rights and Freedoms Bill 2001 be restored to the *Notice Paper* and that consideration of the bill be resumed at the stage reached in the last session of the Parliament.

Question agreed to.

#### **COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION**

**Senator STEPHENS** (New South Wales) (4.13 pm)—I move:

That the Senate—

(a) notes with concern that:

- (i) the Commonwealth Scientific and Industrial Research Organisation (CSIRO) Annual Report for 2004-05 shows a deficit increase of \$9.2 million, up 73 per cent from the deficit in the 2003-04 financial year,
- (ii) the CSIRO's financial performance has led to a review of 780 research support jobs, of which as many as 200 jobs could be lost,
- (iii) the number of senior executives earning salaries above \$300 000 has doubled in the 2003-04 financial year and senior executive service salaries alone are costing more than \$10 million a year,
- (iv) revenue from consulting and research services fell by \$18 million since the 2003-04 financial year to \$60 million,
- (v) highly talented and reputable scientists, such as climate change scientist Dr Graeme Pearman, wildlife ecologist Dr Jeff Short and feral pest control scientist Dr Roger Pech have been dismissed or made 'surplus to requirements',
- (vi) the CSIRO sought permission to operate at a deficit of \$17 million but negotiated a deficit of \$14.5 million for the 2005-06 financial year,
- (vii) a government funding increase of 1.5 per cent over the 2004-05 financial year will be less than the increase in the Consumer Price Index,
- (viii) a leaked CSIRO report has flagged a significant shift in research priorities away from crop and livestock, and renewable energy research, and

- (ix) up to \$15 million has been spent on a website that is still not running a year after it was promised; and
- (b) urges the Federal Government to:
  - (i) not allow Australia's premier research institution to sink further into the red,
  - (ii) investigate the accounts of the CSIRO, and
  - (iii) restore the focus of the CSIRO to research in the national interest.

Question put:

That the motion (**Senator Stephens's**) be agreed to.

The Senate divided. [4.19 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	28
Noes.....	31
Majority.....	3

#### AYES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, C.L.
Campbell, G. *	Carr, K.J.
Conroy, S.M.	Crossin, P.M.
Faulkner, J.P.	Hogg, J.J.
Hutchins, S.P.	Kirk, L.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	McEwen, A.
McLucas, J.E.	Milne, C.
Moore, C.	O'Brien, K.W.K.
Polley, H.	Sherry, N.J.
Siewert, R.	Stephens, U.
Sterle, G.	Stott Despoja, N.
Webber, R.	Wortley, D.

#### NOES

Abetz, E.	Adams, J.
Barnett, G.	Boswell, R.L.D.
Calvert, P.H.	Campbell, I.G.
Chapman, H.G.P.	Colbeck, R.
Eggleston, A.	Ellison, C.M.
Ferguson, A.B.	Fierravanti-Wells, C.
Fifield, M.P.	Heffernan, W.
Humphries, G.	Johnston, D.
Kemp, C.R.	Lightfoot, P.R.
Macdonald, I.	Macdonald, J.A.L.
McGauran, J.J.J. *	Minchin, N.H.

Nash, F.	Parry, S.
Patterson, K.C.	Payne, M.A.
Ronaldson, M.	Scullion, N.G.
Troeth, J.M.	Trood, R.
Watson, J.O.W.	

#### PAIRS

Brown, B.J.	Mason, B.J.
Evans, C.V.	Joyce, B.
Forshaw, M.G.	Coonan, H.L.
Hurley, A.	Brandis, G.H.
Murray, A.J.M.	Santoro, S.
Nettle, K.	Hill, R.M.
Ray, R.F.	Ferris, J.M.
Wong, P.	Vanstone, A.E.

\* denotes teller

Question negated.

#### COMMITTEES

##### Scrutiny of Bills Committee

##### *Alert Digest*

**Senator McGAURAN** (Victoria) (4.24 pm)—On behalf of the Deputy Chair of the Standing Committee for the Scrutiny of Bills, I present *Scrutiny of Bills Alert Digest* No. 13 of 2005, dated 9 November 2005.

##### Electoral Matters Committee

##### Corrigendum

**Senator McGAURAN** (Victoria) (4.24 pm)—On behalf of Senator Mason and on behalf of the Joint Standing Committee on Electoral Matters, I present a corrigendum to the report of the committee on the 2004 federal election.

**Senator CARR** (Victoria) (4.24 pm)—I move:

That the Senate take note of the document.

This corrigendum that has been presented to the parliament today is another reflection of the need for corrections to what is a half-baked report. This is a report which was rushed through by the government in order to pursue a series of extreme, anti-democratic changes to the Australian electoral system—so is it any wonder that so many mistakes keep cropping up in this report?

**Senator Sherry**—Or arrogance?

**Senator CARR**—It is a clear example of the arrogance of this government which, after nine long years, one has come to see all too often. There are a number of mistakes which appear in this report that, as pointed out in the minority report, need to be clarified, and I would hope that government senators would take the opportunity to correct the record on these other matters.

I speak here, for instance, of the misleading claims that have been made about the electoral results in the seat of Richmond, where, the report states, the liberals for forests how-to-vote cards caused such confusion—in the eyes of the government—that the incumbent at the time, Mr Larry Anthony, was defeated. This is despite the fact that the Electoral Commission upheld the integrity of the vote in that electorate and despite the fact that the Electoral Commission, at last week's estimates, maintained its position that the declaration of the poll was a true and accurate reflection of the result. And, despite the claims that are made in the committee report, we have seen no effort being made by the National Party to dispute the result through the Court of Disputed Returns.

What we have of course is a situation where aggrieved Liberals have taken up this issue, by and large, on the basis that they say the electorate was cheated as a result of the similar typeface and colour used to the Liberal how-to-vote cards. The truth of the matter is that in this electorate there has been no Liberal candidate since 1996, so there was no question of people being confused; there were no Liberal candidates.

The majority report on the 2004 federal election is part of an ongoing effort by the conservative members of this committee to seek to marginalise the votes of thousands of Australians. What you see here is a blueprint

for recommendations that would change the conditions so that thousands of Australians would not be able to vote and would be discouraged from participating in the electoral process in this country.

It is a perverse report in that regard: it seeks to make it harder for Australians to enrol, it seeks to make it harder to maintain one's enrolment and it seeks to close the rolls as soon as the writs are issued. It is actually a device whereby 280,000 Australians, on the latest estimates, might well find themselves unable to vote, or the electoral rolls would be inaccurate on that account and they might not be able to exercise a legitimate vote. That means that, if these various recommendations were proceeded with by this government, more than a quarter of a million voters might well be disenfranchised as a result of the changes being proposed. The recommendations in this report actually make it more difficult for people to participate in the Australian electoral system.

A somewhat clumsy effort is being made with regard to the Senate ballot paper to make it as complicated as possible. It is likely that if this recommendation were accepted we would see a return to the very high levels of informal votes that we saw in the period before the changes to the ballot paper were accepted in the late eighties, which were as high as 11 per cent. We may see a situation where up to 11 per cent of the electorate are disenfranchised because of the informality of their vote.

This report seeks to reduce the capacity of Australians to cast a provisional vote by imposing still further proof-of-identity requirements. Despite the very best efforts of the conservative members of this committee, no-one has yet been able to produce any substantive evidence that the integrity of the electoral rolls is suspect. There has been no evidence of organised or widespread elec-



toral fraud in the Australian electoral system. That is one of its great strengths. The Australian ballot has, by international standards, an impeccable record when it comes to the question of electoral roll integrity. One of the axiomatic principles, I would have thought, of a democratic society is that people have the right to vote, that they are encouraged to vote and that minimum efforts are made to discourage people from voting.

The proposition we have before us in this parliament in this report is that the government is seeking to impose a whole series of deliberate obstacles so as to make it extraordinarily difficult for many people to cast a valid vote. That is most likely to affect those persons who need government the most. That is most likely to affect the poor, the dispossessed, the homeless, Indigenous Australians and Australians who do not speak English as their primary language. It is likely to affect those who need the government system and participation in the political system more than any others.

In my view, this report is calculated and designed to promote additional imposts on the electorate. That process, given the nature of the people concerned, is more likely to give the most serious disadvantage to those who are not likely to vote for the government. We have quite a nasty agenda being developed through this report. There are a series of proposals which are aimed ultimately at the question of removing the compulsory voting regime from this country. This is a toe in the water to test public opinion on the issue of voluntary voting. We should forget the fact that we have got one of the best electoral systems in the world. We should forget the fact that 80 per cent of Australians support the retention of compulsory voting. We should forget the fact that Australians see compulsory voting as a guarantee of the integrity of our electoral system.

The truth of the matter is that when it comes to the electoral system the Liberal Party does not have a great track record. We have got an opportunity to say no to these proposals. There is still an opportunity to say no. There is an opportunity to prevent the devaluation of our electoral system and there is a possibility over the coming months to watch and ensure that the government does not seek to extract electoral advantage out of these processes in a bid to advance the interest of the Liberal Party in elections into the future.

I am particularly concerned that the Prime Minister has seen fit to allow a number of frontbenchers, including Senator Minchin, Senator Abetz and some of the inner circle—his favourite sons in the House of Representatives—to come forth and raise these questions concerning the debasement of our electoral system while he simultaneously is able to suggest that he personally is not involved in these games. His role is to watch closely and to wait for the right moment to reverse the position we have traditionally held in this country with regard to these fundamental questions about improving the levels of participation, about improving the capacity of Australians to exercise their vote and about making sure that the electoral system has integrity and real legitimacy.

I am concerned that the ill effects of this report are not confined just to the rorting of the electoral system. If you look at this report, you can see that an attempt is being made to change the way in which the donation systems for our political parties are advanced as well. There is an agenda to encourage the secret donations of dirty money, of big money, into our electoral system. It is a device by which our electoral system will have the integrity of the voting system undermined and its legitimacy undermined, and there is a real opportunity to advance the interest of corruption with regard to the tax

deductibility of donations and the capacity for people to make secret donations on behalf of big money politics in such a way as to further undermine the Australian democracy. (*Time expired*)

Question agreed to.

### Public Works Committee

#### Reports

**Senator TROETH** (Victoria) (4.35 pm)—On behalf of the Parliamentary Standing Committee on Public Works, I present report No. 20—*CSIRO Minerals Laboratory extensions at Waterford, Perth WA* and report No. 21—*Fit-out of new leased premises for AusAID at London Circuit, City ACT*, and seek leave to move a motion in relation to the reports.

Leave granted.

**Senator TROETH**—I move:

That the Senate take note of the reports.

I seek leave to incorporate my tabling statement in *Hansard*.

Leave granted.

*The statement read as follows—*

#### **Proposed CSIRO Minerals Laboratory Extensions at Waterford, Perth, WA**

The proposed extension of the CSIRO Minerals Laboratory at Waterford, WA is intended to:

- provide accommodation for an additional 30 staff;
- provide improved amenities for staff, students, collaborators and visitors;
- replace existing sub-standard seminar and canteen facilities;
- redress current inadequacies in respect of storage and technical support amenities;
- improve efficiency and communication among staff, students and collaborators; and
- create safe, consolidated and accessible accommodation for research instruments.

The enlarged Minerals Laboratory, together with developments proposed by the Curtin University

of Technology, will be part of a proposed new world-leading minerals research and education centre. The estimated cost of the works is \$12 million.

The CSIRO has had a minerals research capability in Perth since 1984. The laboratory extension project was prompted chiefly by the continued increase in staff numbers at the Waterford facility, which reached full capacity in 2002 and has since relied on demountable annexes to house staff, students and support functions.

The extension project will comprise the development of some 3,200 square metres of extensions and 550 square metres of alterations to existing facilities, plus associated landscaping, site works and services upgrade.

In evidence submitted to the Committee, the CSIRO stated that the proposed works would also permit future expansion at the Waterford site. Considering the rapid growth of the facility, the Committee wished to know when CSIRO expected there to be a requirement for further expansion and, if this requirement were already known, whether it would be more cost-effective to enlarge the scope of the current proposal. CSIRO responded that future growth would depend upon co-investment from industry, but the current proposal should satisfy requirements for the next decade. CSIRO explained that research programs can fluctuate over time, so it would be unwise to construct buildings that may stand empty for some period. In view of this, CSIRO submitted that the current proposal represents the optimum use of capital and resources.

In reviewing this work, the Committee was particularly pleased to receive evidence from other minerals research bodies, all of whom welcomed the proposed extension project as the first step in the development of a world-class Minerals and Chemistry Research and Education Precinct at Waterford, which will enable Australia to retain a competitive position in the global minerals industry. The Committee therefore recommends that the works proceed at the estimated cost of \$12 million.

### **Proposed Fit-out of New Leased Premises for AusAID at London Circuit, City, ACT**

The Committee's twenty-first report for 2005 addresses the fit-out of new leased premises for the Australian Agency for International Development (AusAID) at London Circuit, City, ACT. The works will be carried out in a new building known as London 11 at an estimated cost of \$9.5 million.

AusAID currently occupies premises at 62 Northbourne Avenue, City, ACT, which it has leased since 1987. The need for the proposed work has been prompted by:

- the expiry of AusAID's present lease on 31 July 2007;
- ageing infrastructure and services in the current 30-year-old premises and associated high ongoing maintenance and refurbishment costs;
- the inability of the current premises to meet modern standards in respect of occupational health and safety, disability access, security, building code requirements, ecological sustainability and energy efficiency, general amenity and presentation;
- the inflexible design and low proportion of usable floor space at the current premises; and
- the fact that the current leased area 9,556 square metres is slightly surplus to the agency's needs.
- The fit-out of AusAID's new premises will comprise:
  - integration of electrical, mechanical, communications, security, fire and hydraulic services into base-building works; and
  - tenant fit-out above the base building, including reception, executive offices, workstations, meeting spaces, computer room, storage, conference and training facilities, employee amenities and secure areas.

In scoping the proposed work, AusAID considered three options, including:

- undertaking an extensive upgrade at its existing premises;
- relocating to an existing building; and

- relocating to new purpose-built premises.

The third option was preferred as an upgrade would not sufficiently address all shortcomings of the current premises and, whilst AusAID received submissions from 12 existing buildings, none of the proposals satisfied its stated requirements. The Committee was informed that AusAID had obtained advice from a registered valuer, a quantity surveyor, an architect and engineers, to the effect that the proposed new premises represents better value for money than the other submissions received in the tender process. Further, AusAID anticipates that its new lease will lead to substantial operational savings which will more than compensate for any rental increases.

AusAID reported that construction of the new building will commence in January 2006 and expects that both the base building and proposed fit-out works will be completed by May 2007. The Committee expressed some concern at this short timeframe, but was assured by AusAID that the property developer has sufficient expertise to construct a commercial building. Further, AusAID's decision to carry out an integrated fit-out will result in a more efficient process. The Committee was pleased to note that AusAID had taken steps to minimise its exposure to risk by including stringent penalty clauses in its agreement with the developer, and through its active contingency planning processes.

Having thoroughly examined all evidence put before it, the Committee is happy to recommend that the fit-out works proceed at the estimated cost of \$9.5 million.

Mr President, in closing I wish to acknowledge the support and hard work of my Committee colleagues and commend the reports to the Senate.

Question agreed to.

### **Membership**

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—The President has received a letter from a party leader seeking variations to the membership of certain committees.

**Senator PATTERSON** (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Min-

ister for Women's Issues) (4.37 pm)—by leave—I move:

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

**Electoral Matters—Joint Standing Committee—**

Discharged—Senator Forshaw

Appointed—Senator Hogg

**Public Works—Joint Statutory Committee—**

Discharged—Senator Wortley

Appointed—Senator Forshaw.

Question agreed to.

**LAW AND JUSTICE LEGISLATION  
AMENDMENT (SERIOUS DRUG  
OFFENCES AND OTHER MEASURES)  
BILL 2005**

**COPYRIGHT AMENDMENT (FILM  
DIRECTORS' RIGHTS) BILL 2005**

**CUSTOMS TARIFF AMENDMENT  
(COMMONWEALTH GAMES) BILL  
2005**

**Assent**

Message from His Excellency the Governor-General was reported informing the Senate that he had assented to the bills.

**COMMITTEES**

**Procedure Committee**

**Adoption of Report**

Consideration resumed from 7 November.

**Senator PATTERSON** (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women's Issues) (4.38 pm)—I move:

That—

- (1) The following recommendations of the Procedure Committee in its second report of 2005, presented on 28 October 2005, be adopted:
  - (a) that standing order 74(5), relating to unanswered questions on notice, be

amended as set out in the report with immediate effect; and

- (b) that standing order 164, relating to orders for the production of documents, be amended as set out in the report with immediate effect.

- (2) The Senate endorse the conclusion of the Procedure Committee, at page 5 of its second report of 2005, relating to repeated motions for suspension of standing orders.

Question agreed to.

**Employment, Workplace Relations and  
Education Legislation Committee**

**Reference**

Debate resumed from 8 November, on motion by **Senator Crossin**:

That the following bills be referred to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report by 6 December 2005:

Commonwealth Radioactive Waste Management Bill 2005

Commonwealth Radioactive Waste Management (Related Amendments) Bill 2005.

**Senator MILNE** (Tasmania) (4.39 pm)—

I rise to speak briefly in support of the reference motion in its current form as put forward by Senator Crossin. I especially support a reporting date later than the one I note is being proposed by the government by way of an amendment which has been circulated. I regard this issue as being critically important because the Northern Territory government has made it clear that it does not want this Commonwealth nuclear waste dump imposed on the Northern Territory. That expression has come from the Northern Territory parliament, and the minister and all members of the federal parliament have been notified of it.

Furthermore, I had the privilege this week of meeting some of the traditional owners at the Alcoota-Harts Range and Mount Everard sites. I want to put on the record the state-

ment of the traditional landowners in relation to the nuclear waste dump. They said:

We are the traditional landowners of the country where your Government wants to build a nuclear waste dump.

We do not want your nuclear waste dumped on our country.

You and others in Canberra might think that our country is an empty place, that no people live here. We are telling you that there are communities and outstations close to the proposed sites—this is our home and unlike you we cannot move to another place.

We live on this country, we use it for hunting kangaroo and getting bush tucker like honey ants and bush bananas. Our country is alive—there are sacred sites and our law and ceremonies are strong.

We don't believe that this poisonous waste can be kept safely for thousands of years. You will be gone but our grandchildren will be left to worry. Can you tell us why we should be the ones to live with the risk? Why should Aboriginal people be dumped with this problem?

We know you have experts in Sydney. You should leave the waste safely there instead of bringing it here out of your sight. We will not let you turn our country into a waste land.

You talk a lot about economic development—telling us we should make money from our country. We run a successful cattle business on Alcoota station, and now you want to put this dump in the middle of it. Do you think people will still buy our beef if the nuclear waste dump is built here? We have ideas for tourism too—but tourists won't come to our country if we have a waste dump.

Your Government tells us to manage and care for our country. Putting this waste on our country is not caring for country. It might take a long time but one day it will poison our country.

We call on you, as the Prime Minister of Australia, to respect our law and culture, to respect our views as traditional landowners and to listen to our voice. We call on you to stop your plans to impose a nuclear waste dump on our country.

It is a very strong statement from the traditional owners. I heard here in the Senate earlier today Senator Vanstone announcing and talking about a program of capacity building and leadership training for Indigenous women and saying that the government valued their views; yet clearly this action by the government shows that it is all talk and no action when it comes to respecting the views of traditional owners.

It was clear to me, after talking to Aboriginal men and women yesterday, that they are horrified by the fact that the government is seeking to impose this nuclear waste dump on them. It is not being proposed for Bob Hawke's backyard at Potts Point. It is not being proposed for Senator Nigel Scullion's property in the Northern Territory. It is being proposed for the land of Indigenous people. This issue of postcodes is at the very heart of the issue of nuclear waste, because inevitably it is always proposed that it be put on the land of Indigenous people.

Yesterday we heard Senator Crossin talking about the time frames. There is no necessity for the obscene rush that we are seeing from the government. Clearly we would need many months to properly assess the impact of what the government is doing, since the sites they are recommending are not those that were recommended by the scientific assessment of suitability of sites. The sites are being recommended because the government cannot find a single state government that will go along with their plans, so their only option is to go to the Territory government and use Commonwealth land, which completely negates any capacity for Indigenous people to go ahead with land rights claims. In fact, this bill explicitly overrides the operation of both territory and state laws that 'regulate, hinder or prevent' the facility's development and operation, although the bill retains the flexibility to permit the operation of any territory or state laws if the Com-

monwealth considers this appropriate, which clearly it does not in this case.

The bill also overrides the application of various Commonwealth laws that might present some procedural delays in progressing the facility. The construction and operation of the facility will be subject to licensing provisions, but mostly the Environment Protection and Biodiversity Conservation Act, the heritage legislation and the native title legislation have been suspended. It is horrific that the bill makes it clear that the government's decision on the preferred site is not disallowable by parliament or reviewable under the Administrative Decisions (Judicial Review) Act 1977 and that the government owes no legal obligation of procedural fairness towards anybody affected by the legislation and the decision.

What an appalling thing, when we have a government that said it would not use its Senate majority to abuse due process and that it would allow appropriate review. What a decision from a government in which the Prime Minister said, 'We will treat the Territory as no less than the states.' What a decision from the Minister for the Environment and Heritage, who, in the Northern Territory before the last election, emphatically said, 'There will be no waste dump in the Northern Territory.' Where is the minister, Senator Campbell, now, explaining why he said the exact opposite to what the government is now doing when it comes to the Territory? It is an absolute disgrace that this nuclear waste dump is infringing the rights of the government of the Northern Territory and the rights of the traditional owners. It makes a mockery of the whole notion of trying to get reconciliation with Indigenous people. How can you expect reconciliation when you trample the rights of people whose souls go to the very heart of their land, and vice versa—their land goes to the heart of their souls?

Talking to the Indigenous and traditional owners, I was horrified to hear that the minister who is doing this, Minister Nelson, refused to meet with them. That is why I find Senator Vanstone's welcoming of Indigenous women here today rather hypocritical, because not only do the actions of the government completely undermine anything she had to say, but the minister has refused to meet the traditional owners. To give Senator Vanstone credit, she did at least meet with the traditional owners. I acknowledge that she did that, and I think it is appropriate that she did. As I understand it, she is the only government minister who has been prepared to do that.

What is being asked for here is a reference of this legislation, which, as I said, we can do nothing further about once it goes through this house, because it is not disallowable by parliament, it is not reviewable and there is no obligation of procedural fairness towards anybody affected, let alone provisions for compensation. I note that there is the capacity to compulsorily acquire land for roadworks and, no doubt, acquire whatever else is required in terms of this bill. I think that people around Australia need to start getting very conscious of how this government operates in terms of using its absolute power in both houses of parliament to take away rights that people have fought for for years—particularly when saying that this is not disallowable by parliament, that this is not reviewable and that the government has no obligation of procedural fairness towards anybody affected.

On that basis, I am wholeheartedly supporting this reference to the committee. I think that the time frame that has been proposed, to 6 December, is entirely reasonable and appropriate. In fact, I would have preferred to move that it go to February, because it does require an appropriate visit to the sites, and it would do members of the gov-

ernment good to go out and stand with the traditional owners on their land and tell them why they should have to have a nuclear waste dump imposed on them. There should be an opportunity for us to go out to those communities and listen to their stories, listen to what they mean when they talk about country and listen to how heartfelt their objection to this waste dump is. I would have preferred a February or March date, frankly, and it would have fitted into the government's time frame and site assessment.

However, Senator Crossin has been more than reasonable in suggesting a December date. But, according to the circulated amendment, we now find that the government is going to make a complete mockery of this by bringing the date forward to 28 or 29 November. Given everything else the committees have to review in the next couple of weeks in terms of the antiterrorist legislation and the industrial relations legislation, there is no opportunity to properly assess this bill. Having this reference in such a short time is making a mockery of the whole Senate process of review. I ask the government to reconsider and withdraw its amendment and support the reference as it is currently stated, because it is more than reasonable, given the time frames that the government's own site assessors have said that they intend to meet.

I am really offended by what I see as an abuse of Senate power, an abuse of proper process and an abuse of the citizens of the Northern Territory and the traditional owners of the land. I think the government does owe some explanation as to why it is abusing the scientific assessment and all process in order to bludgeon people with this solution that it has come up with that it would never attempt had it not had a majority in both houses of parliament. But the thing about governments when they get absolute power is that they behave in an excessive way. This is a lesson

to everybody in the Northern Territory about how the government intends to treat them, what it thinks of the status of the Northern Territory and what it thinks about issues to do with traditional and cultural knowledge. I think the Northern Territory will recognise that when it comes to the next election. It was offensive indeed to see the media interview with Senator Scullion yesterday, when he referred to Indigenous people as naive and talked about people spreading 'evil misinformation'. What sort of behaviour is that when everything is defined in terms of good and evil and all good must come from the coalition and all evil is implied to come from elsewhere?

This is not in the context of good and evil but it is certainly in the context of misrepresentation. An absolute misrepresentation was the Minister for the Environment and Heritage, Senator Ian Campbell, telling people in the Territory that there would be no waste dump in the Territory—absolute misinformation. It was a misrepresentation when the Prime Minister said that he would regard the Northern Territory as being the same as the states, because he is making no effort to impose such a waste dump on any of the states. In fact, South Australia made it very clear that they would take the matter to the High Court if the government tried it on with South Australia. So we see that there is no equality in terms of treatment; there is just an opportunity to exert power over people who have a weaker position—both the Northern Territory government, because of its territorial status, and traditional owners, because, while they are traditional owners of the land, at this stage they do not have native title to it. Imposing this waste dump will compromise their whole native title claim in the case of one of these particular sites. I support the motion as it has been put forward by Senator Crossin. I congratulate her for the effort she

is making to get some scrutiny of these government bills.

**Senator PATTERSON** (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women's Issues) (4.53 pm)—On behalf of the coalition, I move the following amendment to the motion:

Omit "6 December 2005", substitute "29 November 2005".

**Senator CROSSIN** (Northern Territory) (4.53 pm)—I will close this debate on the reference of these bills to a committee for inquiry. It is pretty obvious and pretty evident that, after nine long years of this government, it shows arrogance in the extreme. You can now no longer negotiate with this government. You can now no longer reason with this government. You can now no longer trust this government. When it comes to such substantial legislation as the Commonwealth Radioactive Waste Management Bill 2005 and the Commonwealth Radioactive Waste Management (Related Amendments) Bill 2005, it is unfair to expect Territorians to cop this legislation with a reporting time of what will effectively be less than three weeks. It is unfair to expect people in the Territory who have an interest in this—in particular, the Northern Territory government, the land councils, the traditional owners, scientists and the Medical Association for the Prevention of War—to put together a submission and present it to this committee in time for it to do a fair and decent job and to inquire into the matters before it in terms of this legislation.

This is not due process; this is a farce. Territorians will know that there are some of us down here who have tried hard to ensure that this inquiry is long enough to enable people to put in a submission and appear before the committee and for the committee to take the evidence it needs to take from

scientists and experts in the field. It leaves us very little time to get international expert advice, and it leaves us very little time to actually show the people of the Territory exactly what is intended by these bills.

Why did we want a long inquiry? Why did we ask for a reporting date of next February or March? It is not an unreasonable time frame, given the work of this chamber, given the work of some of the Senate committees in the next fortnight and given the fact that there is no real rush for this legislation. The only real deadline that I can ascertain is that the unspent nuclear fuel rods will be coming back from France and Ireland in 2011. That seems to be the only deadline that we can pinpoint, and that is six years away. So there is no rush to get this done in the next five weeks, as far as I can understand.

But, if you were ever concerned about why we need an inquiry, I think you just need to have a look at the statements from a number of people in the last 24 hours—naïve, mischievous, ill-informed comments that do little to add any intellect to the debate about this very serious matter. In the *Northern Territory News* today, in the 'NT and Beyond' section, I notice it says, under the heading 'Lost in space':

Independent Member for Nelson, Gerry Wood, is adamant he was not exposed to nuclear radiation while taking a tour of the Lucas Heights reactor in Sydney yesterday.

No-one would expect him to be exposed to radiation. He does not work there. He was a visitor there; he was a guest there. I assume he was probably given a guided tour without any exposure at all to the radiation that may well have occurred there. But, if that is Gerry Wood's case, I sincerely hope he asked Lucas Heights and ANSTO while he was there why it is that they are currently under investigation because a worker at Lucas Heights received five years worth of radiation in the



last month. They are required to report to ARPANSA about the incident by 30 November. Gerry Woods may not have experienced radiation exposure while he was there on his little fleeting visit, but it has happened. There is evidence of this in the last two months. ANSTO are required under the federal legislation to report to ARPANSA, to answer questions, to justify why that incident occurred and to report about it. Yesterday, Senator Scullion said on ABC radio:

People are still peddling to a fairly naive community—

I am assuming he means the traditional owners at Harts Range and Alcoota—

complete evil misinformation to make people so afraid—anybody that suggests that this is at all dangerous to anything it is entirely wrong ...

The Indigenous people of Harts Range and Alcoota were actually briefed by DEST. They are traditional owners. They are Indigenous people of this country. They did not agree with the information that DEST gave them. They do not support it. It does not make them naive—it does not make them naive at all. It just means that they were not convinced about what they heard. It just means that they do not trust what they heard—they do not want it. They have had the facts presented to them by DEST, and they do not cop it. They are not going to wear it. It does not make them naive at all. In fact, in my mind it actually makes them fairly intelligent people. They had the courage to invite DEST to come to their meetings and to talk to them and to quiz them about the facts and, at the end of the day, to make up their own minds about it. Senator Milne is right: just because they did not cop the information from this coalition and they did not accept the information from DEST, that does not make them naive. Accepting the coalition's information does not make you perfect in this world. I would have thought

that not accepting it makes you an independent thinker.

It is not 'complete evil misinformation'. It is a shame that perhaps some of the comments offered by my colleague in the Northern Territory are not based on fact, science or research, because let me tell you this from the extensive research that we have done to date on this: nuclear waste is a serious issue. It requires a responsible and a prudent approach, not simplistic sloganeering that downplays the real concerns; and acknowledging the existence of these legitimate and valid concerns is not 'evil misinformation'.

There are extensive national and international codes of practice, industry standards, requirements and guidelines which all attempt to reduce the risk of people being exposed to radiation. There is a radioactive risk. That is why we have international and national codes of practice. They exist to protect people who have been exposed to radiation, and the incident at Lucas Heights in the previous couple of weeks is evidence of that. These are not the creation of disgruntled Greens or naive Indigenous communities. They are a reflection of the serious nature and the hazards of nuclear material. So Senator Scullion's comments are inconsistent with the international industry norm in this area and only work to undermine public confidence in the wider radiation protection framework.

The risks of radiation are powerfully expressed in the United Nations Environment Program's position statement on nuclear risks. In fact, that says:

Radiation, by its very nature, is harmful to life. At low doses it can set off only partially understood chains of events which lead to cancer or genetic damage. At high doses, it can kill cells, damage organs and cause rapid death. Radiation doses have to reach a certain level to produce acute injury but not to cause cancer or genetic damage. So, in theory at least, just the smallest

dose can be sufficient. So no level of exposure to radiation can be described as safe.

That is a quote from the United Nations Environment Program's position statement.

Nuclear waste and nuclear waste management has been described by the United Nations International Atomic Energy Agency as the most perplexing topic in nuclear technology today. Despite massive effort and resources, no country on earth has yet developed an operational final disposal facility for nuclear waste, and management of this material is a major international issue and preoccupation for the nuclear industry and its regulators.

Examination of government data on the proposed dump shows that there are at least 12 categories of radioactive material that are almost certain to end up in the Northern Territory in the dump that is being proposed there. So to suggest that this material does not require measured and active management and control, or to state that it cannot be at all dangerous to anything, as Senator Scullion said on radio yesterday, is absurd and cavalier. It has been confirmed by government sources—by ANSTO and DEST—that the reprocessed spent fuel destined to be stored at this dump will also contain plutonium, an extremely long-lived toxic substance that is a serious management issue. This is not benign material we are talking about here.

So Senator Scullion in downplaying the real and serious nature of this material only serves to reinforce the federal government's lack of credibility on this issue. Let us not forget that the issues that are being rushed through this parliament in order to fast-track the development of a waste dump that only last year the federal government gave an absolute categorical assurance, and I think Senator Campbell, in fact—welcome to the chamber: they were your words I am quot-

ing—said would never be imposed in the Northern Territory.

So what we are saying is: yes, these bills do need an inquiry; they need a long period of time. This is a government, of course, that has been in government for so long it is arrogant—extremely arrogant, out of touch, and really not interested in what the views of the people in the Territory are. The one and only reason why the dump is going to be placed in the Territory is because we are a territory; we are not a state. And the government are going to do it because they can—not because they care for the rights of Territorians or the wishes of Indigenous people; they are going to do it simply because they can. They have got the numbers; they are going to rush it through, and they are going to dump it in the Territory whether we like it or not.

So, yes, we wanted a decent inquiry into these bills. We wanted a number of months to actually have a really good look at what this legislation means, but this government now not only wants to move the date from 6 December but wants to pull it back a week to 29 November. So we will have this inquiry; we will have it in less than three weeks; and that is a highly unsatisfactory process and a highly unsatisfactory outcome.

**The ACTING DEPUTY PRESIDENT (Senator Hutchins)**—The question is that the amendment moved by Senator Patterson be agreed to. I will put that: all those of that opinion please say 'aye'—

**Senator Ian Campbell**—Could I speak briefly, Mr Acting Deputy President?

**The ACTING DEPUTY PRESIDENT**—Is leave granted?

**Senator Crossin**—No.

**The ACTING DEPUTY PRESIDENT**—No, sorry, Minister.

**Senator Ian Campbell**—Then I will do it under standing order 191, Explanation of speeches—

**The ACTING DEPUTY PRESIDENT**—Which one is that, Minister?

**Senator Ian Campbell**—Standing order 191, Mr Acting Deputy President, which I am sure you are familiar with, but, just to refresh your memory, it is called ‘Explanation of speeches’:

A senator who has spoken to a question may again be heard, to explain some material part of the senator’s speech which has been misquoted or misunderstood, but shall not introduce any new matter, or interrupt any senator speaking, and no debatable matter shall be brought forward ...

**The ACTING DEPUTY PRESIDENT**—What number was that again, please, Minister?

**Senator Ian Campbell**—191.

**The ACTING DEPUTY PRESIDENT**—You have not spoken to that question, so I am afraid you are unable to speak.

**Senator Ian Campbell**—What about under standing order 190, Personal explanations?

**The ACTING DEPUTY PRESIDENT**—I think we can do that later, but not now. Minister, you can do it after we dispose of this matter.

**Senator Ian Campbell**—Okay; and next time Senator Crossin wants an explanation, she will be denied it.

Question put:

That the amendment (**Senator Patterson’s**) be agreed to.

The Senate divided. [5.11 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	32
Noes.....	<u>29</u>
Majority.....	3

#### AYES

Abetz, E.	Adams, J.
Barnett, G.	Boswell, R.L.D.
Calvert, P.H.	Campbell, I.G.
Chapman, H.G.P.	Colbeck, R.
Eggleston, A. *	Ellison, C.M.
Ferguson, A.B.	Fierravanti-Wells, C.
Fifield, M.P.	Heffernan, W.
Humphries, G.	Johnston, D.
Joyce, B.	Lightfoot, P.R.
Macdonald, J.A.L.	Mason, B.J.
McGauran, J.J.J.	Minchin, N.H.
Nash, F.	Parry, S.
Patterson, K.C.	Payne, M.A.
Ronaldson, M.	Scullion, N.G.
Troeth, J.M.	Trood, R.
Vanstone, A.E.	Watson, J.O.W.

#### NOES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, C.L.
Campbell, G. *	Carr, K.J.
Conroy, S.M.	Crossin, P.M.
Fielding, S.	Hogg, J.J.
Hutchins, S.P.	Kirk, L.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	McEwen, A.
McLucas, J.E.	Milne, C.
Moore, C.	O’Brien, K.W.K.
Polley, H.	Sherry, N.J.
Siewert, R.	Stephens, U.
Sterle, G.	Stott Despoja, N.
Webber, R.	Wong, P.
Wortley, D.	

#### PAIRS

Brandis, G.H.	Nettle, K.
Coonan, H.L.	Ray, R.F.
Ferris, J.M.	Brown, B.J.
Hill, R.M.	Forshaw, M.G.
Kemp, C.R.	Faulkner, J.P.
Macdonald, I.	Evans, C.V.
Santoro, S.	Hurley, A.

\* denotes teller

Question agreed to.

Original question, as amended, agreed to.

### Membership

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

**Senator IAN CAMPBELL** (Western Australia—Minister for the Environment and Heritage) (5.14 pm)—by leave—I move:

That Senator Trood replace Senator Johnston on the Employment, Workplace Relations and Education Legislation Committee for the committee's inquiry into the Commonwealth Radioactive Waste Management Bill 2005 and a related bill.

Question agreed to.

### HIGHER EDUCATION LEGISLATION AMENDMENT (WORKPLACE RELATIONS REQUIREMENTS) BILL 2005

#### Second Reading

Debate resumed.

**Senator WONG** (South Australia) (5.14 pm)—As I was indicating before we moved on in the program, Labor believes that the bill that is before us exposes the ideological obsessions of this government. This government is making \$838 million of desperately needed funding for our universities conditional on meeting its unreasonable industrial relations requirements. As I indicated previously, Labor will oppose this bill. At its most basic, this government is blackmailing universities into implementing this Prime Minister's industrial relations dream—a tired old dream from a Prime Minister nearing the end of his political career.

This bill places unprecedented workplace relations conditions on the funding of higher education institutions. These conditions have absolutely nothing to do with the core functions of our universities—teaching, research and community service. On the one hand, this bill is an absurd attempt at micromanagement of issues that we all know should be

left to the management of the universities and their staff; on the other hand, the government is seeking to diminish terms and conditions of employment, such as redundancy pay and maternity leave, to allow AWAs to override existing agreements and to remove limits on excessive levels of casual employment.

These are drastic changes that have absolutely nothing to do with teaching or research. These are matters that should be left to vice-chancellors and staff to manage—not appropriated by politicians peddling an extreme industrial relations agenda. It is interesting that this Liberal government—which calls itself a Liberal and National party government—which has supposedly had the view that government should get out of people's lives is using its funding power in the context of the higher education sector to impose its own ideological agenda onto the university sector and, more importantly, to interfere in the management of our universities.

The Howard government's cuts of \$5 billion to Australia's universities, its stubborn refusal to properly index university grants and its policy of forcing universities to over-rely on student fee income have left our universities in a dire financial position. The changes that are before the Senate will create a workplace nightmare on university campuses across Australia. Teaching and research will be first and hardest hit as staff and management are forced to focus on the industrial relations changes instead. The bill before us, the Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005, forces universities to put the government's industrial relations agenda before educational standards and quality and harshly penalises its many higher education critics.

This bill is the most significant erosion of workplace rights in our universities and is the latest in a line of political paybacks that this government has engaged in since it came to power. It provides that, under the terms of the Higher Education Support Act 2003, the grants provided to universities may be increased if certain unreasonable conditions are met. So, in order to be eligible for additional funding, universities are forced by this bill to obey the new higher education workplace relations requirements. The funding that we are talking about is not loose change, either. The additional funding at stake amounts to 2.5 per cent of each university's basic grant in 2005, five per cent in 2006 and 7.5 per cent thereafter—\$838 million, to be precise.

This bill incorporates these higher education workplace relations requirements in the guidelines of the Commonwealth Grants Scheme, the CGS. It also requires the minister for education to be satisfied that the requirements have been implemented if universities are to receive the extra and conditional funding. In effect, this bill removes universities, staff unions and the Industrial Relations Commission as the arbiters of fair and proper agreements and places the minister for education on the throne of this coercive kingdom. For universities in desperate need of funds—stripped away by nine long years of cuts under the Howard government—the additional funding will not be optional. Universities will have no choice but to accept the higher education workplace relations requirements because the Howard government has effectively starved them into submission. This is nothing short of industrial and economic blackmail by the national government.

There are five specific conditions which must be met by universities. The first is so-called 'choice in agreement making'. Under this provision, universities must offer Austra-

lian workplace agreements to all new employees employed after 29 April 2005 and to all other employees by 31 August 2006. Until 30 June 2006, universities are exempt from offering AWAs to casual employees engaged for a period of less than one month. All certified agreements made by universities and certified after 29 April 2005 must include a clause that explicitly allows AWAs to operate to the exclusion of the certified agreement or to prevail over the certified agreement where there is any inconsistency.

Currently, universities may offer AWAs to staff under existing certified agreements. This was the outcome of the education minister's hit-and-run the last time this matter was considered by the Senate in 2003. The government is seeking to get its own way completely now it has control of this chamber, without regard for the rights and opinions of employees or universities. A new condition imposed in this bill is that every university employee must be offered an AWA by 31 August 2006. This requirement demonstrates the minister's total disregard for the smooth day-to-day management of our universities and his lack of concern for how employees on AWAs fare. The proposed agreement at the Central Queensland University is a perfect example of this government's coercive approach to 'choice'. Their enterprise agreement contained a clause which originally read as follows:

Employees and prospective employees will not be disadvantaged in any way in relation to their employment due to their acceptance or non-acceptance of either an AWA or the certified agreement, and it will not be a condition of employment, or of promotion or of any variation to employment arrangements that an employee accept an AWA or remain covered by the certified agreement.

I repeat:

... it will not be a condition of employment ...

The Department of Education, Science and Training advised CQU on 12 October 2005 that this sentence had to be deleted before the agreement would be ticked off by the minister. Essentially this means that jobs could be offered at CQU on an AWA basis only. That is: no AWA, no job. Even Hobson would have had some stern words about this sort of advice. We know that employees who are on AWAs earn two per cent less and work six per cent more hours than those who are on registered collective agreements. What is more, women receive about 90 per cent of the hourly pay of men employed on collective agreements. That percentage is reduced under AWAs, where women earn on average only 80 per cent of the hourly pay of men. Casual and part-time employees on AWAs earn 15 and 25 per cent less respectively relative to their earnings under the terms of collective agreements.

Over the period 2002-04, average weekly earnings for employees on AWAs went backwards by \$110 or 11 per cent. At the same time, average weekly wages for workers employed on collective agreements went up by 6.2 per cent, or \$46. When you look at the statistics, there is no argument that AWAs are bad news for employees, especially women—who represent more than 50 per cent of university staff.

The second condition that the minister has set out in the bill is direct relationships with employees. University workplace agreements, policies and practices must now allow for direct consultation between employees and universities about human resources and workplace relations matters. So-called third party involvement in representation of employees must occur only at the request of an affected employee. The Minister for Employment and Workplace Relations has suggested that employees could bring their accountant to industrial negotiations. With nearly 88,000 staff working in our universi-

ties, would this just be a make-work scheme for underemployed accountants? Perhaps instead the government should fund universities properly so they can train more accountants to fix Australia's skill shortage.

What the government is really trying to achieve through this condition is to entirely exclude unions from having a role in staff consultative processes. If third party involvement can only occur at an employee's request and is no longer a right, many university staff will feel intimidated and forgo the right to be represented at all. Labor will not support such an extreme and unbalanced system of workplace representation, which leaves staff vulnerable.

The third condition which must be met by universities forces universities to ditch previous workplace agreements and relevant awards in favour of new, unfair agreements. New workplace agreements must not restrict the ability of universities to make decisions and change course offerings and associated staffing requirements, including not placing limitations on the form of employment arrangements. Under this condition, the government is also taking aim at the restrictions on casual employment—a protection agreed between universities and unions in the last round of enterprise bargaining. The level of casualisation in the higher education sector has reached extremely high levels. Today, casual employment in the higher education sector is second only to casualisation in the hospitality and tourism industry.

This government fails to see that the quality of teaching, research and student learning outcomes are at risk with high levels of non-continuing and insecure employment in universities. Labor is not prepared to support spiralling increases in casualisation. If this bill is passed, there is no doubt that the government will have the power to coerce uni-

versities into stripping back essential protections from their agreements.

The fourth condition relates to so-called productivity and performance. This means that workplace agreements in universities must include a fair and transparent performance management scheme to reward so-called 'high flyers' and must also include processes for managing poorly performing staff. Whilst this sounds good in theory, the fact is that all universities are already able to reward the high flyers and deal with unsatisfactory performance. The government's real agenda is to make it far easier to terminate the employment of staff that universities deem to be unsatisfactory or perhaps inconvenient.

The fifth condition is so-called freedom of association. Under the bill, university enterprise agreements must be consistent with the freedom of association principles contained in the Workplace Relations Act 1996, and universities must neither encourage nor discourage membership of unions. Under this bill, the minister will have the power to decide whether universities comply with these requirements. Fundamentally, this condition gives more power to the minister to penalise staff and their unions.

The Minister for Employment and Workplace Relations, the Prime Minister and major employer groups have repeatedly chanted their mantra of employers and employees being free to choose the form and content of agreement that best suits them. The fact that universities and their employees already do this every three years or so appears to have escaped this government's notice. Sadly, we see again more Orwellian tactics and strategies by this government. This bill is, beyond any doubt, an attempt by the government to force its own ideological and extreme industrial relations agenda onto our higher education sector. The aim is to force universities

into weakening or destroying unions and slashing staff wages and conditions. They are prepared to use government funding mechanisms as leverage to achieve that aim.

In contrast to this arrogant government, Labor is committed to a reasonable and co-operative industrial relations policy—about which we have spoken on a number of occasions. We are committed to a fair and decent industrial relations agenda, and in government we would return dignity and productivity to the workplace. If this bill is any guide, dignity and productivity in the workplace belong at the bottom of the heap for the Howard government. Many hard-won conditions of employment in our higher education sector will be wound back or lost if this bill proceeds. For example, employment conditions such as family friendly maternity leave provisions that university management and staff have previously negotiated could go.

Family friendly entitlements to 26 weeks paid maternity leave have been offered or agreed to at some 27 universities, including the Australian National University, Edith Cowan University and Flinders University, and 36 weeks of paid maternity leave at seven universities, including Australian Catholic University, La Trobe and Monash. If this bill becomes law, the government will be able to undermine decent standards of paid maternity leave. The community standard for paid maternity leave under the Howard government is no paid leave at all. But paid maternity leave will not be the only casualty of the Howard government's appalling legislation. Many other examples of mutually agreed terms and conditions of employment that led the way for the rest of the work force will be at grave risk should this bill become law.

Existing caps on the use of casual staff and the associated requirement that such staff may not carry more than 60 per cent of the

normal teaching load of a full-time academic will be jeopardised by this bill. Decent provisions for redundancy including the quantum of severance pay, length of notice periods, leave for emergency services and jury service are also at risk. All certified agreements for university staff currently include limitations on the circumstances in which fixed term contracts of employment can be used. They are also at risk.

It is beyond dispute that, through the operation of this bill, the quality of education of our students will suffer as staff conditions and job security are eroded. Clearly, this government does not care that students will again be the losers in the implementation of its misguided policies. Through this bill, the government seeks to massively compromise the independence of Australia's higher education institutions and threatens to diminish their international competitiveness by enforcing inferior terms and conditions of employment. The Australian Labor Party will oppose this extreme approach. We will oppose this bill and we will continue to take up the fight with the government on its extreme industrial relations agenda for our universities.

**Senator MILNE** (Tasmania) (5.30 pm)—I rise today to oppose the Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005. Nothing goes to the heart of a healthy democracy as much as academic freedom, freedom of speech and civil liberties. All of those are under threat in Australia at the moment. Our civil liberties are under threat from legislation that the government has introduced into this house in relation to its antiterrorism arrangements. Around the country, freedom of speech is being eroded in several ways, not least of which when citizens protesting about corporations are sued by them for defamation. They are taken to court and all their savings are jeopardised. In some cases, the capacity

to oppose government policy and developments is totally compromised by the ability of corporations to sue people for defamation. So freedom of speech is out the window, and now academic freedom is under attack as never before.

One might ask what the relationship is between academic freedom and tenure. The two are totally connected. If you do not have tenure in a university then your capacity to speak without fear or favour is severely compromised. It is already well known that academics in universities are concerned that if they speak out on matters of public interest, try to teach in a fearless way or attempt to conduct pure research—as opposed to research that has some application to an industry agenda—they will have no security of tenure if they have casual employment. Wherever the government's industrial relations agenda has been implemented, we have seen an increase in the number of people employed on a casual basis and, therefore, the status of their employment has determined their capacity to speak out.

It is quite clear that we should abandon this legislation and instead reaffirm the academic freedoms that universities have enjoyed in the past. We should support the independence of universities. We should increase public funding to higher education. We should respect the capacity of academics to collectively bargain and we should totally oppose the notion of using the Commonwealth funding of universities to blackmail them into adopting the government's narrow ideological agenda.

In the *Australian* newspaper on 7 November there appeared, in a quite extraordinary stand, a letter signed by over 220 academics. I would like to read that letter into the *Hansard*. The government will stand condemned in years to come because of its actions, and the bravery of these people, in signing this



letter and in going public, shows the extent to which academics around Australia are concerned by the government's move in this regard:

Legislation currently before the Australian Parliament will see universities denied nearly \$300 million in 2006 and 2007 unless they adopt the Federal Government's Higher Education Workplace Relations Requirements (HEWRRs).

The HEWRRs are part of the Government's wider Workchoices industrial agenda, and require the offering of Australian Workplace Agreements (AWAs) to all university staff, the removal of limits on fixed-term/casual employment and the elimination of any direct union role in collective bargaining, disputes and grievances.

We, the undersigned Professors in Australian Universities, urge the Federal Government to withdraw these proposals. Alternatively, we ask the Senate to reject them.

By intervening directly in the staffing, management and employment practices of Australian Universities, the HEWRRs are a severe infringement of the autonomy of our Universities. Government is not the 'employer' of university staff and it has no business demanding that Universities employ their staff in any particular way.

University autonomy is not unfettered and is subject to each University's Act of Parliament, which details the accountability measures required to protect the public interest. University governing boards are representative of the broader community, including business, and enable universities to directly engage with the communities they serve. Accountability and governance standards are also elaborated in the UNESCO Recommendation on the Status of Higher Education Teaching Personnel (1997) to which Australia is a signatory.

University independence and autonomy underpins academic freedom. Currently, Union-negotiated enterprise agreements provide for protection of academic freedom rights in line with UNESCO and International Labour Organisation (ILO) standards. Our rights to be represented by a union and to collective bargaining are outlined in the ILO Conventions 87 (Freedom of Association and the Right to Organise), 98 and 154 (Collective Bargaining).

Universities can only maintain freedom of inquiry if all teaching and research staff are able to exercise their professional rights to academic freedom and collective bargaining. The HEWRRs are at odds with these principles in several important respects.

1. The integrity of teaching and research standards depends on the right of Universities to appoint staff and set employment conditions without fear or favour.
2. Australian Universities have difficulty in recruiting staff from overseas because they are unable to offer 'tenured' positions. This difficulty is likely to deepen if the HEWRRs lead to the extensive use of fixed-term contracts in Australian Universities. This is particularly pertinent in research work.
3. The requirement that AWAs are offered to all staff undermines academic freedom. Secret individual contracts weaken and put at risk the rights and responsibilities of staff to speak out in the public domain.

**Universities must remain at arm's length from the Government of the day.**

**Academic freedom is part of the collegial and collaborative culture of the best Universities in the world, and is at the core of their international reputation.**

That letter is signed, as I indicated previously, by 220 academics from universities from around Australia. If that does not put the government on notice then I do not know what does. Academics do not take this kind of action unless they are at the point of desperation. Academics can see that academic freedom and the freedom of speech are not the only things at stake here. How will Australian universities maintain their reputation as leading global universities if they are unable to attract high calibre academics from around the world because they are not in a position to offer tenured positions? Why will academics stay in academia when they are going to have these kinds of threats, in terms of what they can and cannot teach and the conditions under which they can teach them,

over their heads the whole time? How are they going to be able to offer research without fear or favour knowing that the government is breathing down their necks?

This is nothing short of blackmail, because it is saying to universities: 'Either you do as we say in the manner in which you employ your staff or you do not get funding.' That was never envisaged when the Commonwealth had responsibility for funding tertiary education in this country and it is a shocking indictment on Australia. Academics elsewhere must be horrified at what is happening in this country as they see civil liberties being taken away and academic freedom challenged in this manner. The irony is that the government will be arguing this not with the truthful position, which is that it is a purely ideological agenda, but on the basis that this will somehow make Australian universities more competitive when in fact it will undermine our competitiveness in a global environment.

Foreign students are going to look at Australian universities and wonder about the academic freedoms that are available in those universities—whether they will be able to pursue pure research or whether their teachers will be able to speak without fear or favour. We are competing with the best universities around the world not only in terms of foreign students but in terms of the nature of the degrees and the reputation of Australian universities. I fear for the reputation of Australian universities because of this move by the government. It is central to the quality of life in our country that we have a high-quality and healthy democracy. A democracy is not just about voting every few years; it is about an informed public and informed public debate. One of the ways you get informed public debate is when academics are able to engage in that informed public debate.

In the last 10 years in Australia, because of the increasing casualisation in universities, the increasing meanness of spirit and the increasing pressure and power of the corporates in terms of private sector funding of universities, we have seen academics retreat. We have lost, largely, the voice of the public academic in the public interest as a third-party referee. I have seen it in environment debates around the country time and time again. Back in 1989 when we were campaigning on the Wesley Vale pulp mill, academics came out strongly providing scientific assessment of the claims of industry in relation to whether it could or could not meet pollution standards and so on. Those academics were invaluable in being able to give completely unbiased assessment. They were able to come out and be third-party referees.

Academics also provide fearless and without favour opinion in relation to Australia's compliance with international conventions to which we are signatories. If you put academics on these kinds of contracts and take away their tenure and their security, you take away their capacity to come out and criticise the government, if criticism is implied by an independent interpretation of Australia's compliance with its overseas obligations, whether it is the United Nations refugee convention or the World Heritage Convention—whatever the convention might be. I am fearful that we are going to see a more diminished public debate and a more diminished democracy because we are not going to have a highly informed public debate.

Our democracy is being shut down, not enhanced, by the activities of this government. Not only are we seeing it in terms of people being able to be stopped in the street and disappearing and corporations suing citizens because they are trying to stand up for their rights but we are now seeing the government moving very effectively on aca-

ademic freedom by attacking tenure through the AWA system that is being proposed and by stopping academics from achieving fair employment conditions by being able to ask for union assistance in terms of collective bargaining. I find this assault on academic freedom in Australia horrendous and I find it very sad that 220 academics feel that they have no option left but to go to the paper and write a letter pleading with senators to do the right thing by academic freedom in Australia. It is very much a signal of how academics are feeling.

The great irony in this is that many of those government ministers who are running this agenda are the very people who benefited from enormous academic freedom back in the seventies and from free university education. The very people who are here now are able to be here, in many cases, because of free universities and because of public funding of universities. Their education challenged them to be independent thinkers because of the nature of the teaching they received in those universities.

The Minister for Education, Science and Training, Brendan Nelson, is a case in point. Here we have someone who benefited from an era in which there was widespread, vibrant public debate around a whole range of issues, a huge amount of academic freedom and a vibrancy in our democracy that has been lost progressively in the 30 years since. I find it appalling that the people who benefited from a taxpayer funded education in that way can now turn in such a malicious way on academic freedom and young people in Australia trying to access a university education with all that is going on in terms of the fees they have to pay and the costs associated with it. You only have to look at the number of people accessing university education to see the decline that is occurring as a result of the government's policies.

I wholeheartedly support the amendment that my colleague Senator Nettle has distributed in the chamber. It will be spoken about by my other colleague Senator Siewert a bit later. Clearly, the Senate should be respecting the opinion of academics. It should be rejecting this bill and, instead, moving to support and reinforce the independence of universities. We should be moving to increase public funding. We should be recognising the right to collective bargaining for staff within universities. We should be rejecting absolutely an ideological industrial relations agenda. We should be rejecting holding universities to ransom—blackmailing universities in their bid for public funding to offer, in the public interest, a high-level education for Australians in the tertiary sector.

**Senator CROSSIN** (Northern Territory) (5.46 pm)—The Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005 is yet another in the long list where this government is forcing totally inappropriate workplace relations requirements onto higher education institutions and Australian employees. The real catch in this bill is this: you must implement our draconian workplace relations system and offer all employees Australian workplace agreements or you do not get the dollars. Blackmail, I suppose, by any other name you may well use, but it is another fine example of this government providing only a minority of the total funding in the higher education sector and demanding total control and micro-management of the higher education sector in return.

Certainly in the hearings I attended in Melbourne some months ago now, it was quite clear that the higher education funding that comes from the Commonwealth government these days to that sector is much less than 50 per cent. This is a government that would want 100 per cent control of what happens in higher education institutions,

right down to the employment conditions of each and every employee. However, we will probably find that, as with the ongoing, catastrophic saga of the Department of Immigration and Multicultural and Indigenous Affairs, this government and the minister will want all of the control but none of the actual responsibilities when things go pear shaped.

This bill reintroduces the industrial relations elements that were defeated when they were put up in December 2003, around Christmas. They were rejected at that time, of course, when this Senate was controlled by a number of Independent senators. After nine long years of this arrogant government, they are now going to impose their will anyhow and anyway they might. It imposes various obligations on universities to meet provisions under the national governance protocols and the higher education workplace relations requirements. Failure to satisfy these requirements will mean the government will get out the big financial stick and cut a proportion of university funding.

Under this legislation, every university staff member will have to be offered an AWA by August of next year. This is in excess of requirements for employees in any other industry. Enterprise agreements will be stripped back to the frighteningly small safety net. More casualisation and limited contracts for staff will be encouraged and enabled. These measures will threaten university independence, staff tenure, job security and limits on fixed term and casual staff. A massive decision in the Industrial Relations Commission some 10 years ago on a case that was put by the National Tertiary Education Union acknowledged that there should be limits on fixed term and casual employment in higher education institutions and that the percentage of academic staff that ought to be on casual employment and fixed term contracts should be limited. But that

will all disappear when this government have their way. They will take Australian universities downmarket by undermining employment conditions currently efficiently made through collective agreements, which are supported by university management and staff and reflect international university standards.

The government approach means, as already indicated, that they want to put in minimal funds for maximum control of universities. They want to threaten their academic independence and will threaten our international competitiveness by reducing staff terms and conditions of employment. What quality overseas academic would relocate to an Australian university to find inferior terms and conditions, less autonomy, larger class sizes and control over many courses by a minister drunk with his own sense of power? This is a most worrying trend from a power hungry minister and government. It is made even more worrying if we consider what a mess they have made with the changes to Indigenous education to date and how long it took them to make decisions on the first round of investing in our schools. But it is even more worrying when we consider that all decisions on HEWRRs will be made directly by the minister with no scope for appeal or review.

So heaven help our universities and heaven help our academics in this country. What has happened to university autonomy and what will happen to university autonomy under this government? Remember, the minister not only makes mistakes on compliance with HEWRRs but also can change them at any time; he can change the goalposts at any time. As pointed out by the National Tertiary Education Industry Union in their submission to the Senate Employment, Workplace Relations and Education Legislation Committee's inquiry into this bill:

The legislation does not constrain the Minister in any way about how often, for what purpose, and in what manner, the HEWRRs can be altered.

The Council of Australian Postgraduate Associations, in their submission to the Senate committee, said:

... this legislation is an attack on institutional autonomy as recognised by the United Nations Educational, Scientific and Cultural Organisation—

UNESCO.

This legislation will do absolutely nothing to solve the ever greater problems confronting our universities and students under the Howard government and Minister Nelson: insufficient funds, an unwillingness to index funds, growing class sizes and excessive workloads—that is, excessive workloads for staff, and excessive workloads for students forced, more and more, to work to earn money to pay for their studies and keep while trying to undertake further education at university. But to this government those are not seen as issues. This government believe their control and whip-cracking will bring universities and their staff back into line. If only they could remove their ideological blinkers and get real for once.

In the Australian Vice-Chancellors Committee submission to the Senate's Employment, Workplace Relations and Education Legislation Committee inquiring into this bill, they said, on page 2:

... many individual contractual arrangements currently exist ... The HEWRRs are very intrusive in terms of universities' capacity to manage their internal affairs.

Their second recommendation, on page 2, is:

... that ... universities be able to offer employees a range of employment instruments, and not be required to offer AWAs to all employees.

So where is the choice here? The academics do not want this. Postgraduate students are worried about it. The bosses, the Australian

Vice-Chancellors Committee—the vice-chancellors, who control and run the universities—do not want it either. So where is the choice? This government's rhetoric of 'workplace choices', I thought, was the latest propaganda being foisted on the Australian public; where is the choice in this? Universities have to cop this or they lose their funding. There is no choice in that at all.

The Australian vice-chancellors' submission also recommended:

... that ... the Committee—

the committee being the Senate committee—

recommend to the Parliament not to pass the Bill, allowing universities to enjoy the same workplace laws as the wider community.

As recently as 8 November, in an article in the *Australian*, some 200 academics argued against AWAs, saying they will 'destroy the collegiality' of the universities and 'prompt an exodus of staff' when some find out they are being paid more or less than others. It could not be much clearer when the AVCC and the academics, as I said, do not see the need for any such legislation. They do not want it. They do not see why they alone should be singled out amongst employers in this country to have to offer all staff AWAs. And the government has not been able to provide any reason either. Not only are they blinded by their own ideology but they are also deaf to reason.

The real reason is the usual one for such ideologically based policy: they just want to limit the content and scope of employment conditions and remove the union and collective bargaining from a direct role in disputes and grievances. This is clearly illustrated now that we have seen the gory detail of the so-called Work Choices bill. It will in fact do nothing to make our higher education sector work any better.

The minister wants universities to have a direct relationship with employees. For that,

read: no unions. For that, read: let's see if we can squash the National Tertiary Education Industry Union. The employee has to specifically request union involvement; it is no longer a right. However, the NTEU claim that this requirement may well breach International Labour Organisation's C135 Workers' Representatives Convention, in particular article 2, which provides that workers' representatives be given the facilities as appropriate to carry out their functions promptly and efficiently. But, as with so many other situations, this government seems not to care at all about any international conventions. Under this government, they are probably not even worth the paper they are written on.

Indeed, the government seems not to really care about higher education either, since they have presided over nine long years of declining government investment in our young people, both at university and in TAFE, and each year has seen thousands of young Australians turned away due to the lack of government support and funds for places—although, of course, if one has well-to-do parents or can actually afford the university fees then entrance to higher education gets easier under this government. But that will hardly benefit our long-term prospects. Is it any wonder at all that a government with such an attitude and policies towards higher education and VET have managed to allow our nation to be faced with a massive skills shortage? But, as we all know, the government blame everyone but themselves. They blame mainly the states and territories; they blame the unions and even the workers in the workplace. They always turn the blame on the victims. They never take responsibility.

That is really all this bill tries to do. It tries to use bullying tactics to micromanage the higher education sector by forcing on that sector conditions of employment and industrial relations changes that have nothing at all

to do with education, and indeed, if truth be known, nothing at all to do with efficiency in a higher education workplace. It is just another outright, brazen attempt to force regressive industrial relations changes into workplaces that have been functioning quite well for years, despite this government cutting funding year after year. We have already seen from the Australian Vice-Chancellors Committee submission to the Senate committee that the AVCC clearly thought the existing IR and employment arrangements at universities were working quite well and these changes were seen as highly intrusive.

For employees at universities, collective bargaining has seen terms and conditions well above awards. As pointed out in the other place by my colleague Ms Jennie George, at ANU, for example, the award salary for a senior lecturer is around \$57,000 per annum. But negotiations have seen the actual enterprise rate at around \$72,000. For a level 6 general staff member the award is \$38,000, but the rate negotiated is \$48,000. I point out most strongly that these have been negotiated, not bullied through like this government is now doing—negotiated between the National Tertiary Education Industry Union on behalf of the workers at ANU, the ANU vice-chancellor and the management committee.

Those salary differentials stand to be lost under this legislation. Staff pay will be reduced—maybe not at once but over the next agreement period and certainly under the Work Choices bill that this government intends to ram through this parliament before Christmas. They will be lost and the no disadvantage test will be lost, and the benchmark will simply become minimum wage—lost not because the university employers want to disadvantage the employees but because of the blind, ridiculous policy of this government being bludgeoned through and imposed on them.

It is being imposed on them by a hypocritical government that espouses that negotiations are best left to the parties at an enterprise level—that is, directly between the boss and the employee—but which then does this to the parties. There is no choice here. There is no negotiation with the Howard government. The reality is it does not like or want collective negotiations. Its precious AWAs have not proved popular by choice, so as much as possible it is going to force them on workers in the workplace and, in particular, force them on academics in higher education institutions.

The government want to micromanage our universities and control them although they only put in 40 per cent of the total funding. They want to see collective agreements with their good terms and conditions replaced by AWAs with far lesser terms and conditions. They want to see more casual and more fixed-term employees at universities, despite the decision of the Industrial Relations Commission some 10 years ago. They want to see, as they would say, more workplace flexibility—flexibility to suit not the workers but the employers, or in this case just as likely the government, seeing that the vice-chancellors do not agree with this bill. Since the minister is hell-bent on being able to change these HEWRR rules at will, under this legislation he wants to dictate what courses can be taught and where, and that university staff can be pushed around and in and out of non-tenured positions more easily.

The shadow minister put it quite clearly and bluntly in her speech in the second reading debate on 14 September:

Quite simply, the government is blackmailing universities into implementing John Howard's industrial relations policies. The bill imposes on the funding of higher education institutions unprecedented workplace relations conditions that have nothing whatsoever to do with the core functions of universities ...

In contrast to this high-handed approach by the government, I want to highlight the principles that Labor has for its industrial relations policy. The six key features of our position are that a Labor government would recognise the need for a strong safety net of minimum award wages and conditions; a strong independent umpire to assure fair wages and conditions and to settle disputes; the right of employees to bargain collectively for decent wages and conditions; the right of workers to reject individual contracts which cut pay and conditions and undermine collective bargaining and union representation; proper rights for Australian workers who are unfairly dismissed; and the right to join a union and to be represented by a union. These are the principles that Labor will base its industrial relations policy on.

This bill does none of these. It is the antithesis of Labor values and, as such, Labor will have no truck with such a bill and will not support it. The government wants this bill to put industrial relations before education standards. It sees industrial relations as more important than university teaching and learning for students, more important than class sizes and more important than investing in young Australians.

This is a government that has reduced higher education funding by some \$5 billion since it was elected. It has refused to properly index funding and has forced students to pay an ever-increasing proportion of university funding for their own studies. Our universities are in dire economic straits, and so the government uses a problem of its own making to further cause chaos by forcing through unwanted, irrelevant and inappropriate legislation. Universities should be given that additional funding and then left to focus on their core functions of teaching, research and community linkages. They should be given that funding with no strings attached, without being forced to offer all workers

AWAs and without being forced to implement a draconian workplace relations system that not even the bosses, the vice-chancellors, sign up to. They should not have to serve as guinea pigs for the Howard government attack in pushing through their Work Choices reform. They should not have to serve as research agents for the Howard government's attack on working conditions.

Labor strongly oppose this bill and believe it to be just one of the series of industrial relations bills from this government which we will be opposing. They are unfair. They are unnecessary. They are unwanted by all parties in the higher education sector and they are un-Australian. They do not offer workers in universities a fair go. They do not offer workers a choice. They do not even offer the bosses a choice in this case. It is simply a blind attack by this government to link university funding with changes in industrial relations conditions—changes which no-one wants to sign up to, from postgraduate students who might be seeking to get some tutorial work, to employees, both academic and general staff, the union involved in the industry and the vice-chancellors involved in the industry.

This government will blindly push on, tie funding to workplace relations conditions and force these requirements onto universities—requirements that no other industry, no other sector, is required to take. I wonder what response we would get from the Australian Chamber of Commerce and Industry if any contracts or requirements for funding in that industry were also linked to draconian workplace relations requirements. If bosses in this country were told how to manage their workplaces to the degree that this government wants to meddle in the universities' management of their workplaces, there would be a large cry of outrage—

**Senator Stephens**—From the community.

**Senator CROSSIN**—You are right, Senator Stephens: from the community. This bill is unnecessary. It is unwanted. It is not supported in the industry by any sector and will not be supported by Labor. (*Time expired*)

**Senator SIEWERT** (Western Australia) (6.06 pm)—One of the big questions for me about this bill is: are these changes needed for the higher education sector? I and a number of other people do not believe that they are. This is yet another plank in the government's attack on industrial relations conditions in this country and it promotes their ideological campaign. There is strong consensus on this issue across the university and TAFE sector, with agreement among the Vice-Chancellors Committee, the AVCC, the tertiary unions, both the NTEU and the CSA; the academic and general staff; and students that these changes are not necessary.

The only driver for these changes is, I believe, the government's hardline ideological position. They are again pushing their extreme agenda, in the face of widespread opposition in the sector, in the face of the analysis and the expertise available to the higher education community and in the face of the needs and aspirations of the sector, its productivity achievements and its central role in providing education to build the future of Australia.

The university staff and administration have already demonstrated that they have no difficulty negotiating and reaching agreements on awards and conditions. They already have flexible workplaces, with high levels of productivity and agreements negotiated to meet the very complex demands of academic schedules and the requirements of both students and research partners. The universities are reluctantly going along with these so-called reforms, essentially because they realise that they have no choice. They



are basically being held to ransom by these funding arrangements.

If the government were serious about the future of our economy and the long-term sustainability of our standard of living, they would be investing in higher education and research and they would not be fussing about these so-called reforms. They would be growing the new economy and investing in our future on the back of the resources boom, rather than putting all their economic eggs in the one 'exploitation of finite primary resources' basket. We need to be growing new industries through innovative research and forward-looking investment. We need to be growing and adapting to the needs of the new economy. We need to be addressing our current skills shortages and gaps and making intelligent predictions about the needs of future Australian industries.

Australia has at many times in the past been a world leader in research and technology, through cutting-edge research in our universities and CSIRO. In many cases we have squandered these opportunities through government and industry short-sightedness and left it to other countries to develop the new industries based on our technological breakthroughs. Research in this country is littered with examples of this. We continue to see this government throttling the higher education sector, and in the last week we have heard about the difficulties with CSIRO. We are continually hearing the rhetoric about linking industrial relations reforms to productivity, yet here we have a sector that is showing distinct productivity gains. There is no need for this sort of reform.

The NTEU has recently taken a complaint to the United Nations Educational, Scientific and Cultural Organisation, UNESCO, and the International Labour Organisation, ILO—which you have already heard about

tonight—on behalf of Australian university staff. They have taken this extraordinary step because they are concerned about the impacts of these changes on their ability to compete in the international market. They are concerned that the international reputation of Australian universities, which currently is very high, and which rests on their ability to provide teaching and research that meets international standards, is being compromised by this legislation.

UNESCO conventions, to which Australia is a signatory, cover the professional standards expected of higher education research and teaching. The higher education workplace relations requirements—the HEWRRs—contravene, we believe, the UNESCO standards outlined in the 1997 recommendation on the status of higher education teaching personnel. In particular they contravene article 17 on institutional autonomy; article 40 on entry to the academic profession; article 46 on security of employment; article 22 on institutional accountability; articles 26 and 27 on civil rights, academic freedom, publication rights and the international coverage of information; and articles 52, 53 and 56 on freedom of association and the negotiation of terms and conditions of employment. The bill also contravenes the ILO standards, particularly convention C98 on the right to organise and collectively bargain, convention C15 on collective bargaining, convention C87 on freedom of association and the right to organise and convention C135 on workers' representatives. At the request of Senator Nettle, I move:

Omit all words after "That", substitute "the Senate rejects this bill and expects the Government to:

- (a) desist from interfering with the independence of universities;
- (b) increase public funding of Australia's higher education sector;

- (c) recognise that university staff should be entitled to collectively bargain with universities, without prescriptive government interference; and
- (d) refrain from insisting on its ideological industrial relations agenda being applied to universities”.

Australian Universities are independent of government and they are proud of this independence. Academic independence is fundamental to the kind of open debate which is the cornerstone of civil society in our democracy. Research independence is crucial to the ability of our universities to pursue excellence in scientific research, which is the basis for technological innovation. Australian universities are viewed under law as constitutional corporations. They are dependent on government for core funding, but the government does not employ staff on their behalf—it accepts no liability for staff salaries. Yet it believes it has a right to intervene in how universities manage their staff and it does so in a way that threatens the excellence of our universities, undermines their international standing and jeopardises the gains they have made in productivity and their reputation as centres of excellence.

This bill aims to eliminate the rights, roles and functions of collective representation in Australian universities. This is entirely driven by the government’s extreme IR agenda and bears no relationship whatsoever to the needs of the sector. This hardline ideology threatens the very institutions that are the cornerstone of intellectual life and scientific rigour within Australian society. Australian universities need to be able to ensure the managerial and professional autonomy of their teaching and research staff. This is what the UNESCO standards clearly state, and this position is strongly supported by the Australian Greens. Australian universities have not sought the use of Australian workplace agreements, AWAs, but this bill mandates

that all institutions must offer AWAs to their staff.

We support the opposition to this by the NTEU and applaud their efforts to stand up for the health and reputation of Australian universities. We believe that the Australian vice-chancellors, within their universities and through the actions of the AVCC, have demonstrated that they are concerned about the wellbeing of their universities and that of their staff, their students, and their research collaborators and partners. They have shown that they are willing to openly enter into negotiations with the unions that represent general and academic staff to reach collective agreements that are in the interests of all parties and that contribute to the productivity of our universities and the international standing of Australia as a provider of excellence in education and research. Freedom of association and professional autonomy are fundamental to science, research and innovation. These are core professional standards that are at risk through this bill. The Australian Greens oppose this bill. I seek leave to incorporate Senator Nettle’s speech on the second reading.

Leave granted.

**Senator NETTLE** (New South Wales) (6.15 pm)—*The incorporated speech read as follows—*

The Higher Education Legislation (Workplace Relations Requirements) Bill is the direct result of bad policy becoming bad law.

If this bill is enacted, it will reduce the funding of universities by 2.5% this year, 5% next year and 7.5% in future years unless those universities abide by the Government’s industrial relations doctrine to the satisfaction of the Minister for Higher Education.

The ideological industrial relations agenda that the Government wants to impose on universities includes the requirements that they:

- (1) Offer individual contracts or AWAs to all new employees employed after 29 April

2005 and to all other employees by 31 August 2006.

- (2) Obstruct the role of academic and staff unions engaging with the process of representing their members on workplace relations and human resources matters.
- (3) Demand universities make workplace agreements according to the way the Government wants them, under the guise of simplicity and freeing up red tape.
- (4) Require university workplace agreements, policies and practices to include performance management schemes, and;
- (5) Ban university funds being used to pay union staff salaries, or fund union facilities and activities.

The Australian Greens believe the effect of this bill is overly prescriptive and punitive.

And it makes a mockery of university freedom.

The Greens believe universities should be given more public resources to research and educate, but this bill demonstrates the government's petulance towards and condescension for, the higher education sector.

On that basis, the Greens don't just oppose this bill, we condemn it

This bill is bad law because it legalises what is normally seen as being at least unethical behaviour and perhaps criminal behaviour in Australia.

The behaviour that this bill attempts to support has many names, but, the most accurate definition that sums up this bill is "blackmail":

Blackmail in spirit and blackmail in effect.

Section 87 of the Victorian Crimes Act defines the offence of "Blackmail" as follows:

A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and for this purpose a demand with menaces is unwarranted unless the person making it does so in the belief.

- (a) that he has reasonable grounds for making the demand;

and

- (b) that the use of the menaces is proper means of reinforcing the demand.

The Greens believe that the behaviour of the Government in proposing this bill is in effect blackmail, because all the elements of the offence are present in the Government's actions.

Namely,

- The Government will gain for itself money, it would otherwise spend on universities, unless these universities yield to the will of the Government by adopting these regressive changes.
- Universities will suffer a loss, rising to 7.5% of funding arrangements per year, if they do not comply with the Government's wishes.
- That is entirely unreasonable, when the urgent state of university funding is considered.
- That is an improper use of Government power, when universities should be left alone to teach and employ staff free from Government interference.

So what we have before the Senate is a bill that is designed to blackmail universities into toeing the government's industrial relations line—for no short or long term benefit for university academics, staff or students.

By withholding public money from universities, who are not flush with public funds if they do not agree to apply the Government's industrial relations ideology, this government reveals yet again its preference for its biased policies over the desperate need for universities to be properly resourced.

In effect, this bill demonstrates that the Government is content to withhold money from universities so it can spend less money on its students, its staff, its library and other entirely relevant and much needed university resources.

It is appropriate to underline the point that the Government only funds around 40% of Australia's University budgets, but nonetheless it still insists on punishing universities if they do not abide by the will of the Government. So the Government gets it both ways—it removes its financial obligations, but insists on its ideology being embraced by campuses across the country.

On my numerous visits to campuses around Australia such as Charles Sturt, Griffith, UTS,

Monash and others I have not seen any evidence to suggest that universities could comfortably forgo 7.5% of their Commonwealth grant money. In regional Australia universities are doing it tough. With the added spectre of Voluntary Student Unionism looming large, it is abundantly clear that Universities will agree to these demands under duress.

An academic at Charles Sturt University Ray Goodlass, wrote this about his understanding of the Governments higher education approach.

Mr Goodlass said: "The main problem with the HEWRRS agenda is that it is based on the assumption that the management of Universities is about their ability to make money.

It gives pre-eminence to a hierarchical management model at the expense of the collaborative and cooperative nature of education and research.

As a result the HEWRR guidelines have prevented us from:

- Negotiating a balance between casual and other forms of staffing in the University that will support good educational outcomes for students.
- Putting in place consultation processes that acknowledge the expertise of staff members in many fields including education.
- Maintaining a cooperative and collaborative environment in the pursuit of the development and dissemination of new knowledge.
- Universities have been so starved of funding that management is making all of their decisions based solely on what money they will receive.

The statement our Vice Chancellor made about HEWRR's when it was released was that the most important thing was that we get the money. I would have thought that the most important thing was that we fulfil our education and research roles and that the money was a means to this end, but management took a different view.

This comodification of education is working its way into the student body with comments like: 'I am paying a lot of money for this and expect to pass,' becoming more frequent."

These comments clearly illustrate the desperate chasm that universities are placed in.

Comply with the government or lose funding.

The Greens believe that approach is a tragedy for under resourced, over crowded universities and is a regressive step for Australian higher education generally. This government is putting ideology before good public policy.

This Bill has a chequered history. The government has tried to get these draconian, authoritative changes to higher education through the Senate that came from the Nelson review. But they failed.

Now that they have the numbers they're back here again peddling their old ideological war horses.

Like last time, The Australian Greens call on all Senators to reject this Bill, in order to protect the wages and conditions of university staff and as importantly, the independence of higher education in Australia.

The Australian community knows that the Prime Minister has never liked Australian workers and sought for many years to make their lives harder and the lives of employers easier.

The current industrial relations legislation is the testament to the Prime Minister's long held dream to make life harder for Australian workers and easier for bosses.

This Government has been intent for many years on reducing the role of unions in our workplaces and society and increasing managerial power.

The staff in universities are being ignored by this government. In fact if this package is agreed to, the conditions of employment currently protected in collective agreements, which have the support of both universities and their staff at Australian universities will undermined.

In turn that will impact upon academic freedom, limits on casualisation and job security which are all components of work that underpin the quality of our universities.

Members of this place may have seen the large advertisement taken out in Monday's The Australian Newspaper.

Signed by scores of senior academics, this public statement urges the federal government to listen to the academics on Australian campuses who

oppose the Governments, 'starve or comply' approach to Industrial Relations in higher education. Part of that statement reads,

"The Higher Education Workplace Reform Requirements (HEWRRS) represent a severe infringement of the institutional autonomy of our universities, one that could ultimately erode the independence of universities from the Government of the day.

University autonomy, as we understand it, is not unfettered. This autonomy is subject to, and governed by, each university's Act of Parliament. These Acts detail the accountability measures required to protect the public interest. This standard is encoded in the UNESCO Recommendation on the Status of Higher Education Teaching Personnel (1997) to which Australia is a signatory. University governing boards contain representatives from the broader community, including business, and facilitate universities being directly engaged with the communities they serve.

More importantly, university independence and autonomy underpins academic freedom, and works to ensure that university staff are able to speak 'without fear or favour', thus meeting the needs of our communities for expert advice and independent research. As Professors, we believe that universities can only ensure freedom of inquiry is maintained if all teaching and research staff are able to exercise their academic freedom rights, and their right to bargain collectively as professionals.

We call on the Government to recognise that it can best assist Australian universities by reducing its costly administrative and bureaucratic interference that adds little to the central work of high quality teaching and research in Australia's universities. Australian universities need to be internationally competitive. This is best achieved through encouraging autonomy, innovation and creativity, rather than excessive government controls."

The Greens urge the Government to consider these issues in detail- or better still, indicate that it will abandon this bill.

The Australian Greens condemn the Government's miserly approach to Universities specifically and Industrial Relations generally.

Instead of starving universities of funds, we believe that our higher education system should be free, and properly resourced and accessible for all students as an investment in current and future generations.

*(Quorum formed)*

**Senator McLUCAS** (Queensland) (6.18 pm)—I am very pleased to speak on the Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005. There have been many commentators this afternoon who have been able to explain the background to this particular piece of legislation, but the thing that I have found quite astonishing is that there was an attempt to pass this legislation in this place in 2003. As you may recall, in 2003 the government tried to pass legislation that included a provision that required universities to offer AWAs to all of their staff, but in the negotiations for passage of that legislation the Senate made the government understand that this was not a useful thing to do. The government acceded to that request in 2003, but here we are in 2005 facing legislation with exactly the same intent. One wonders what is different. The Senate obviously made the government see reason in 2003, but now reason cannot be seen. It is a simple matter of numbers. The reason we have this legislation in front of us today is the simple fact that this government has a majority in the Senate, and it is intent upon bulldozing this draconian legislation through this chamber.

One would ask: what is the value of a piece of legislation of this nature? What is the value to our society of requiring all higher education facilities in Australia to offer their staff an AWA? Do we get better teaching results out of it? As a former teacher, I cannot see any value that that would deliver to the quality of teaching that is delivered by those universities. Is there some indication that the government can tell us of that researchers are more productive if

they are on an AWA as opposed to being in an award based employment relationship with their employer? I cannot see any evidence of that, and none has been proffered as far as I can see.

You have to ask the question: why are we in fact dealing with this legislation? I put it to the Senate that the only reason that we are dealing with this legislation is because of ideology. This is totally ideologically driven. This has nothing to do with better outcomes for teaching and learning in higher education institutions. It has nothing to do with greater research productivity or greater collaboration between the research sector and industry or research organisations. This is simply a blind pursuit of ideology by this government because it can—because more people sit on that side of the chamber than on this side of the chamber. There is no improved outcome for our society or community as a result.

I am very hopeful that there are people who sit on the other side of the chamber who will realise their folly, reflect back to 2003, wonder why the matter was removed from the package at that time, recognise that this is poor policy—that this is not good policy for our higher education sector and will not deliver better education outcomes—realise, in particular, that it will not be any good for regional universities and consider walking across to this side of the chamber when the vote occurs.

**Senator WORTLEY** (South Australia) (6.22 pm)—The Higher Education Legislation Amendment (Workplace Relations Requirements) Bill 2005 is an extension of yet another tentacle of this government's extreme industrial relations agenda—an agenda to attack the employment conditions of working Australians. It wants to replace certified workplace agreements and relevant awards in our universities with new Australian workplace agreements, agreements that

will see an even higher level of casual employment and non-ongoing employment in our universities. This bill is just another blatant assault on collective bargaining and an aggressive move on the higher educational institutions of this country.

Under this bill, universities will need to satisfy the minister that they have complied with higher education workplace relations requirements as well as with the national governance protocols in order to be eligible for increased funding under the Commonwealth Grant Scheme. Simply put, this bill aims to hold universities to ransom. The minister has wide discretion within the ambit of the Higher Education Support Act to alter the workplace relations requirements by amending the Commonwealth Grant Scheme guidelines. The money from the grant scheme will only increase if the universities meet the unreasonable demands of the government. The so-called additional funding is being dangled before these now-struggling universities: 2½ per cent of each university's basic grant in 2005, five per cent in 2006 and 7½ per cent after that. And our universities are suffering. The Howard government has refused to properly index university grants and has forced them to over-rely on student fee income. The government's actions are responsible for cutting \$5 billion from Australian universities. Now we have our universities, starved of funding, being bullied into complying with changes that are detrimental to their very existence as higher educational institutions.

The government's actions will only further alienate Australia's place on the world academic stage. We already know the latest Organisation for Economic Cooperation and Development report, *Education at a Glance 2005*, shows that Australian public investment in universities and TAFEs has fallen eight per cent since 1995. What a stark contrast with the OECD average of a 38 per cent

increase. The introduction of this bill by this government threatens to diminish our universities' international competitiveness. At a time when there is increased competition in the tertiary education sector within the Asian region, the basic management and employment in universities is under attack. It threatens staff retention and the ability of universities to attract high-quality academic staff.

Under this legislation, higher education workplace relations requirements specify that every university employee must be offered an AWA by 31 August 2006. These requirements would also lead to the removal of limitations on the employment mix of institutions in relation to casual and limited-term contract staff. The result would be a detrimental effect, particularly in the area of research work. University staff know that they will not be better off under Australian workplace agreements.

The wording of this bill makes it clear that the government is doing what it can to exclude unions from a role in the consultative stages of any university workplace agreement. In doing so it makes way for the intimidation of university staff. It is just another demonstration of this government's extreme ideology about to be put into practice. It would appear that there are now few aspects of university operations which are beyond the regulatory reach of the government. The core functions of universities—teaching, research and community involvement—will be affected by the changes in the terms of employment and workplace conditions of their staff.

On Monday of this week more than 200 professors in Australian universities signed a statement published in the *Australian* newspaper, urging the government to withdraw the proposals and asking that the Senate reject them. Their concerns include: the legislation denying Australian universities nearly

\$300 million in 2006 and 2007 unless they adopt the government's higher education workplace relations requirements; the compulsory offering of AWAs to all university staff; the removal of limits on fixed-term and casual employment; and the elimination of any direct union role in collective bargaining, disputes and grievances. Federal Labor supports Australian university staff in their campaign and recognises the proposed changes will do nothing to improve the delivery of quality teaching and research in our universities.

These changes would further lower staff morale, create pay inequity for women and unfair employment practices and worsen educational outcomes for students. Analysis has found that the gender pay gap worsens with AWAs. Indeed, the gap widens when part-time employment is considered. What universities want is the option to offer a range of employment instruments and not to be required to offer AWAs to all employees. The majority of Australian universities are established as autonomous institutions, and the Australian Industrial Relations Commission has determined that universities are defined as independent constitutional corporations. As autonomous organisations, universities have met all their legal and legislative requirements and the requirements of other agencies, such as the Australian Universities Quality Agency. There is no need to interfere with them.

The Australian Vice-Chancellor's Committee recommended to the Senate Employment, Workplace Relations and Education Legislation Committee inquiry into this legislation that the parliament not pass the bill, allowing universities to enjoy the same workplace laws as the wider community. That may well be a case for 'be careful what you wish for', given the hostile agenda of this government on the employment conditions of Australian workers. However, the

intention of the vice-chancellors was clear. The higher education workplace relations requirements are an infringement on the autonomy of our universities, and, to quote the professors, 'university independence and autonomy underpin academic freedom'.

The Howard government, in pushing through its Work Choices industrial relations agenda under the guise of the higher education workplace relations requirements, is doing so at the expense of the quality of our university education system. This bill will lead to high levels of non-continuing and insecure employment that will ultimately jeopardise the quality of research, teaching and learning in our universities, the impact of which will be felt long after the students don their gowns and mortarboards on graduation day.

**Senator MARK BISHOP** (Western Australia) (6.30 pm)—When we are discussing education policy in Australia, it is fair to conclude that the most chronic problem is the current level of skills in that sector. The government's approach to education in more recent years has been one of lack of interest and disengagement over time. And nowhere is that more obvious than in the workplace within the university sector. The most confounding issue, and one which appears to be almost intractable, incapable of resolution, in that sector is that of industrial relations, and that, of course, is linked to the government's inactivity—its failure—in the realm of education and training. The skills shortage in that sector is at the heart of the supply and demand for labour.

We do know—because it is no secret—that the goal here is to establish a free market in labour. That being the case, and it being most likely that the relevant bills are going to go through this place in the next two or three weeks, we need to consider the consequences of the failure of the labour market in more

recent years and into the future. Therefore, in this discussion this evening I wish to address that general industrial context, and that general industrial context as reflected in the series of workplace bills introduced into the House more recently. These bills will have major impact on the tertiary sector of our economy.

It is no secret that there were three major events which shaped Australia in the 20th century. In particular, I refer to the two world wars and the Great Depression, each of these being global in effect and global for a generation in consequence. Each took a generation to recover from. But as Australia grew as a nation to become prosperous in that century, we took our place in the world as a nation formed on the principles of equality and a fair go. We were largely—and believed ourselves to be and portrayed ourselves as—a classless society, with well-established democratic principles. 'Liberty, equality, fraternity' sat well on our shoulders. They became enshrined in our Constitution, our institutions and our public ethos. We had common values, including an extraordinary degree of religious tolerance. We shared a responsibility for those of lesser means. Income redistribution in this country, through various institutions, has rarely been questioned as a necessary positive social good. Nor, in that context, has the provision of welfare based on means. In world terms, Australia had a good mix, a useful mix, of economic and social policies.

It is fair to say, though, that industrially it was often a difficult road to walk upon. That was the result of international tensions between labour and capital, in turn fed by those three significant crises. Negotiations on working conditions were often disruptive and often costly. However, despite considerable industrial turmoil, up until about 15 years ago our industrial policies supported, in turn, our common values. They were enshrined



through court cases and eventually came to form part of our industrial law. We developed laws and institutions which evolved to match changing circumstances over time. Today, it is fair to say that their maturity has led to a period of industrial peace remarkable in this country.

We have enjoyed, in the last 20 years or so, enormous growth in productivity. During the eighties and early nineties we saw enormous and dramatic change in workplace relations. We saw the ALP-ACTU led reform which brought about, and still is responsible for, an enormous productivity surge in this country, which has funded a lot of government spending in more recent years. And it is fair to say that those changes provided much of the base of our recent national economic success. That process involved considerable restructuring. Unions amalgamated and awards were rationalised. The wages accord saw an end to the Howard-Fraser induced bout of inflation that was prevalent in the late seventies and early eighties. The economy was put back on track after the appalling mismanagement of those times in the late seventies and early eighties. But how quickly people forget!

At the end, however, the basic principles and values were preserved. We built a stronger economy with an even fairer workplace. The emphasis then was on working together, and even today the government tries to use a mirage of working together. It was then a process of management realising that their work force was their most important asset. The theme was: people, people, people. Capital investment in equipment was vital, but so was investment in the human element in the workplace. Training and skills development were paramount. Enterprise bargaining recognised the need for flexibility. It also recognised the need for profit-sharing, based on productivity at the workplace. In healthy workplaces, management

and unions worked cooperatively for a common end. It may not have been perfect, but it was streets ahead of the old confrontationist environment which had existed from the beginning of the 20th century right up until the late seventies and early eighties. Harmony in the workplace now is unsurpassed in Australia—all of it, I say confidently, based on those reforms introduced in the late eighties and early nineties in this country.

However, from the time of the accord an undercurrent in our community began to develop. That undercurrent was based on the far Right, on the conservative side of politics. They argued, and still do argue, for deregulation of the labour market in absolute terms, and the current Prime Minister was both their leader and their cheerleader.

Their first ambition was to smash unions for purely political reasons. In addition, they shared a common approach to economics. This was based on the theoretical operation of the marketplace. According to this theory, labour was, is and always will be just another input to the processes of production. It should be subject to the movement of the laws of supply and demand like every other input. No recognition was due to other values, or to the wider health of the general community. This was a bare 18th century philosophy, when it was first articulated, of survival of the fittest.

Having deregulated, the role of government was simply consistent with that approach to pick up the pieces, and that is exactly what this workplace reform that we are discussing would do. The dries of the 1980s have finally won through. That legislation introduced into the House the other week throws out all of our history. It abandons everything which working people have fought for over the last 100 years. There are three undesirable themes to the workplace reform legislation. Firstly, there is a sinister

and cunningly calculated political agenda. Secondly, there is the overturning of a core of values in our society of which our workplaces are central. Thirdly, there are social consequences the likes of which few have yet been honest enough to contemplate, except for those who are the masterminds of this elaborate approach to change. I call this plan 'elaborate' quite deliberately. It has been contrived after years of frustrated ideological fervour and ongoing failure. It is based upon a narrow view of society.

I will tell you the plan. Firstly, there is the political agenda. There is only one goal here: eliminate collective bargaining from beginning to end—that is, divide and rule. Deal with the individual employee as a contractor for a fixed term. For those who believe unity is strength, that is not so. Unity is out; power is back. The removal of collective bargaining means a further decline of trade unions and the overall trade union movement. New restrictions on union activity in the workplace will make it even harder. That, of course, weakens the trade union movement and it is hoped will in time remove the wider base of the Australian Labor Party. The conservatives' dream of a one-party state based on common values, common interests and common outcomes—that is, the model of Singapore, which is a guided democracy—is within reach.

This brings me to the second part of this overall plan—that is, the radical changes to the workplace. The industrial relations regime in Australia has played an important part in the shaping of our national culture and our values that derive from that national culture. Fundamentally, these values are based on the notions of equality and a fair go. The responsibility of the employer for the employee we have forged over the last 110 or 120 years. At the heart of this, until recent years, has been a commitment to and obligation of permanent employment—that is, a

value which says that the employer values the commitment of the employee. In return, the employee commits to the employer and the health of the enterprise.

When done at the collective level, this has always formed a contract which provides certainty and obligation and undertaking on all sides. As we know, the path has never run smoothly, and we do not shirk from that for one moment, but we have seen over the last 15 to 20 years at least a general and continuing decline in untoward industrial activity. The formula devised is working. That is where the productivity growth for redistribution has come from. We have grown beyond the adversarial world of crude force as part of a tripartite pact. Government, the union movement, workers and business have all gained.

The third downside of this elaborate master plan is the social consequences. Because this plan is about the individual, not the collective good, some individuals will suffer. The protection of the collective of the community will be stripped away over time. Gone will be the concept of continuous employment or permanency. With that gone also goes certainty of guaranteed income. For the overwhelming bulk of the Australian people, these are important elements in our community, though it must be said it has been breaking down slowly in more recent years. The principal cause of this has been what is generally known as the 'casualisation' of the labour market. The proportion of part-time and casual work has grown at the expense of full-time work. This is described as flexibility, and it is said to be beneficial for women and young people. However, there is a downside which those of us who are in more fortunate circumstances are loath to address, admit or discuss. That concerns the loss of permanency and the financial uncertainty that goes with that loss. That effect has been most marked with middle-aged men. That is

the price for flexibility, and this legislation introduced in the House the other week will accelerate it, including the new unfair termination provisions.

Loss of job certainty, lower superannuation, sporadic work patterns and poor savings over time all add up. The capacity to borrow for a family home will remain a dream for some and for many others will be much diminished. When one chooses to think about them, the social implications deriving from this change are obvious. Awards will become redundant and will form only the most basic of safety nets. The real safety net will be income support from the taxpayer in the form of welfare and family payments via the government. This is already becoming the new form of income redistribution rather than by way of the tax system. As part of this plan to ameliorate the harmful social consequences of labour market deregulation, the Howard government has been paying family benefits and bonuses very generously in more recent years. It has become a popular vote winner, but, as always, it reflects an ulterior purpose. The purpose is to get minimum wages determinations out of the industrial environment without the social consequences of reduced minimum wages or reduced real wages.

That is why we are going to have the so-called fair wages commission. The minimum wage will indeed be what its name suggests: a minimum wage. But it will not be negotiated; it will be calculated, we are told, by this body—by a set of accountants. Supplementation through family benefits will be for the government to determine, according to what it can afford and what it views as appropriate in terms of distributional mechanisms. So there is another rub: instead of wages being remote from government control, direct influence will be gained. Minimum wages will become dependent on the level of tax income and the decision of government at budget

time, in the mix of all other decisions that governments properly and necessarily have to make. It is a very different form of income redistribution and income supplementation than what we have had for many years in this country, which is not really understood or noted other than by those who are greatly interested in this particular debate. It may in fact be more efficient and fairer than the tax system, which is so full of avoidance. It may well be that the principle ‘to each according to their need’ as a value will be enhanced. ‘From each according to their capacity to pay’ will be as problematic as it has always been—even from the time it was first enunciated.

People need to understand the detail of this carefully crafted plan. It is a devious plan. It is a thorough plan. It is a plan that has its own internal logic. But, having said that, it is a plan with serious social consequences which are not yet much discussed, let alone understood, in the wider community. That is why the Prime Minister is able to trumpet himself as the working man’s best friend. He is not, of course—he is the best friend of the employer, who can afford to reduce his wages bill. For the lower paid, the government will be paying to employers a wages subsidy, dressed up as family allowances or family transfer payments. That is what productivity means to the Howard government. It is not about working smarter, building in incentive, giving reward for effort or building skills; it is about cutting costs at one place but at public expense—the public expense being the transfer payments funded via taxpayers. With reduced safety nets and awards restricted below current levels in real terms, wages can be pushed lower—and, with regard to some families, the taxpayer will make up the difference.

In the last few minutes available to me, I will return to the central theme of education and training with respect to this particular

bill. For this government, training is no longer a public good or a public responsibility. Industry, which has ridden on the publicly produced product over many years, or relied on poaching, is unlikely to fill the emerging gap in any significant way. Training for too many is still a cost—except for those who still share the ethos of ‘people, people, people’. That is why we have the current problem and why we will have a more significant problem in a different context in future years. Combined with the industrial relations dogma, it will emerge as a crisis in due course.

In conclusion, as many on the other side have said in more recent weeks, the workplace relations legislation introduced into the House is indeed revolutionary. It is a real watershed in our history. The Prime Minister’s ideology, poached in large part from theoretical assumptions overseas, now has its part to play. Australians need to understand the plot. In many respects, they are again being conned. The trouble is that, for many, the penny will not drop until it is too late—although the feedback that I and a lot of my colleagues are starting to receive is that there is in the wider community an awareness of major change and an awareness of the significance of that change and how a lot of people are going to be harmed by it. They are not relishing that change in any way and they are starting to question the worth and the merit of that change.

Debate interrupted.

#### DOCUMENTS

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Order! It being 6.50 pm, the Senate will proceed to the consideration of government documents.

#### Land and Water Australia

**Senator SANDY MACDONALD** (New South Wales—Parliamentary Secretary to the Minister for Trade) (6.50 pm)—I move:

That the Senate take note of the document.

The 2004-05 Land and Water Australia annual report discloses the activities of Land and Water Australia, which has used its government appropriation of \$12.5 million through the Agriculture, Fisheries and Forestry portfolio to generate investment exceeding \$28 million through 12 R&D programs involving 25 co-investing partners, including most of the major resource-using industries in all jurisdictions in the country.

I remind the Senate that, at the start of the decade of landcare in 1990, the then Land and Water Resources Research and Development Corporation was established to invest in R&D to build the knowledge base for more sustainable management of Australia’s land, water and vegetation resources. Since that time, the corporation—now trading as Land and Water Australia—has invested in more than 1,600 research projects that have made a major contribution to Australia’s understanding of managing water resources, climate variability, land management, irrigation and a whole range of social and institutional issues, groundwater, grazing systems, salinity, river health, biodiversity, soil health, native vegetation, agroforestry—a whole range of things that are so important to regional and urban communities.

The decade of Landcare started in 1990, but since we came to government in 1996 the initiatives involved in environment, land care and water care and water initiatives generally have been very much stepped up. I might remind the Senate that, particularly in the more recent part of the decade of Landcare, we have had a number of major national programs, including the National Landcare Program, which we have extended. There are now 5,200 Landcare groups across the nation. It is probably one of the most widely supported community and industry based groups across the nation. We have had the

Natural Heritage Trust, and a very large amount of money has been put into that by the federal government.

Other initiatives include the National Action Plan for Salinity and Water Quality and the National Water Initiative, which is a very big program and does require a lot of money and a lot of political horsepower as we move forward. This represents a collective public investment of Australian government funds probably exceeding \$5 billion since we came to government in 1996. So it is a very substantial amount of money which has been directed at the management of land care, water care and the environment generally. I do congratulate Land and Water Australia for the work that they do.

As I am on my feet, I might take a moment to talk a little bit about the rainfall and the projections for drought recovery and the crop as it comes in this spring. I am particularly pleased to report that yield prospects for all crops across New South Wales, particularly in my area of northern New South Wales, have been boosted by recent rain. Rainfall across New South Wales in September and October has been encouraging, and temperatures have been milder. Seasonal conditions in general have improved since mid-September, and they have improved in most areas progressively since about the middle of June.

The Bureau of Meteorology released its drought statement last week, which indicated that above-average rainfall for October has removed or significantly eased rainfall deficiencies in parts of south-east Queensland and south-east South Australia. There was some easing of deficiencies in southern Victoria, and while there is a belt straddling the New South Wales and Queensland border which is still experiencing drought conditions, recent rain in the past week should improve farming conditions in those areas as

well. This patch of drought-affected area is already smaller than earlier this year because of good rains recorded in October.

The *New South Wales Grains Report* says that winter crop production in New South Wales is forecast to be 8.2 million tonnes, which is up from the mid-September estimate of eight million tonnes. The seasonal conditions are improving, and let us hope that favourable rains and conditions will continue, making the need for continued support for our very hard-pressed farmers in some areas of Australia less demanding, and perhaps we may see a reduction in the extraordinarily high need for exceptional circumstance arrangements. (*Time expired*)

Question agreed to.

#### **Director of National Parks**

**Senator CROSSIN** (Northern Territory) (6.56 pm)—I move:

That the Senate take note of the document.

In moving to take note of the annual report of the Director of National Parks for 2004-05, I want to make a number of comments about the work of national parks in the previous year, including the outstanding work that I have seen national parks do in relation to Christmas Island. There is a fairly extensive section in the report about the work that has been performed on Christmas Island, and I want to make particular mention of the success of the crab crossings for Christmas Island, which is detailed on page 68 of the report. No doubt if you live in northern Australia—and in that I include Christmas Island and Cocos (Keeling) Islands under the Indian Ocean territories—you would be aware that it has started to rain up there, so we are in the wet season, and that means that the red crabs on Christmas Island are on the move.

Having been in this job for nearly 7½ years, I have not actually seen the crabs crossing the paths and the roads up there in

order to get to the waters at this time of the year. It is something I intend to do in the not-too-distant future. Parks Australia have developed tunnels so that when the crabs get to the road they are funnelled down a tunnel and they go under the road and come up the other side. You may think it is quite amusing; I can see some people in the chamber laughing. But it has meant that this very rare and endangered species will now go at least some way to being preserved, and it will help stop the crab mortality that has occurred with the vehicles and humans on the island. Each year, around 300,000 crabs were being killed in that way. The crab crossings will help to look after some of the 90 million or so red crabs that are on the island. This is the only place in the world where you can see the red crabs, and they are worth protecting. In taking note of this report, I want to pay tribute to Parks Australia for the work they have done there.

Parks Australia look after Uluru and Kakadu National Park in my electorate of the Northern Territory, and there have been significant challenges in those parks in recent years. The Uluru-Kata Tjuta Park, down in the central western desert, has had challenges in coming to terms with how parks can better support the interaction between tourism and the expansion of the Ayers Rock resort in conjunction with the needs and wishes of the Mutijulu Indigenous community, who own the traditional land and Uluru.

There have been significant challenges there and I was privileged, a couple of weeks ago, to attend to the 20th anniversary of the hand-back of Uluru to the Indigenous people. Parks Australia played a significant role in that celebration and should be acknowledged and recognised for the role that they have played in bringing together the economic development of that community in terms of the tourism, the business development and the Indigenous community and for the fine

balance that they maintain in ensuring that as many international tourists as possible get to see the rock, while also maintaining the cultural uniqueness of the rock for the Indigenous people. We have not had such a great success story at Kakadu National Park. That is not Parks Australia's fault; it is due to the decline each year in the federal government funding for its budget. That makes it much more difficult for Parks to maintain its infrastructure and needs.

In closing, I pay tribute to Peter Wellings, the Assistant Secretary of Parks Australia North. He has spent over 20 years working in the field of national parks management, mostly in the Northern Territory. I understand that he is leaving Parks Australia North and heading to another job in the coming weeks. I wish him well in his new role. Since the annual report was tabled tonight and is due to be taken note of, it is a fitting time for me to pay tribute to the work of Peter Wellings and to the dedication and the hard work that he has put into his role as the face of Parks Australia North. I wish him well in his future endeavours. (*Time expired*)

Question agreed to.

### Consideration

The following orders of the day relating to government documents were considered:

Australian Industrial Relations Commission and Australian Industrial Registry—Reports for 2004-05. Motion to take note of document moved by Senator Marshall. Debate adjourned till Thursday at general business, Senator Marshall in continuation.

Department of Family and Community Services—Report for 2004-05. Motion to take note of document moved by Senator McLucas. Debate adjourned till Thursday at general business, Senator McLucas in continuation.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2004-05. Motion to take note of document

moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Commissioner for Complaints [Aged care]—Report for 2004-05. Motion to take note of document moved by Senator McLucas. Debate adjourned till Thursday at general business, Senator McLucas in continuation.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2004-05. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Department of Health and Ageing—Report for 2004-05. Motion to take note of document moved by Senator McLucas. Debate adjourned till Thursday at general business, Senator McLucas in continuation.

Supervising Scientist—Report for 2004-05 on the operation of the *Environment Protection (Alligator Rivers Region) Act 1978*. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Aged Care Standards and Accreditation Agency Limited—Report for 2004-05. Motion to take note of document moved by Senator McLucas. Debate adjourned till Thursday at general business, Senator McLucas in continuation.

Australian Radiation Protection and Nuclear Safety Agency—Report for 2004-05. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Department of Education, Science and Training—Report for 2004-05. Motion to take note of document moved by Senator Crossin. Debate adjourned till Thursday at general business, Senator Crossin in continuation.

Industrial Relations Court of Australia—Report for 2004-05. Motion to take note of document moved by Senator Marshall.

Debate adjourned till Thursday at general business, Senator Marshall in continuation.

General business orders of the day nos 10 to 15, 17 to 21, 23 to 25, 27 to 44, 46 to 56, 58 to 62, 65, 66, 68 to 71, 73 to 78, 80 to 88, 90 to 136, 138 and 139 relating to government documents were called on but no motion was moved.

## ADJOURNMENT

**The ACTING DEPUTY PRESIDENT (Senator Forshaw)**—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

## Hasluck Electorate: Commonwealth Land

**Senator STERLE** (Western Australia) (7.08 pm)—I rise to speak tonight on a matter of great importance to the people living in the suburbs of Rose Hill, Hazelmere and High Wycombe in the federal electorate of Hasluck in my home state of Western Australia. The matter concerns the application by Len Buckeridge's company, BGC, to get approval from the Howard government to build a brickmaking factory on land owned by the Commonwealth government and leased to the Westralia Airports Corporation.

Honourable senators may be aware that Stuart Henry, the Member for Hasluck, is a member of the Liberal Party. Senators may also be aware that Stuart Henry is holding onto the seat of Hasluck by his fingernails, with a margin of only 1.8 per cent. Senators might well ask themselves why the Howard government would even consider allowing a brickworks to be built so close to the homes of thousands of people in a marginal Liberal seat. I put it to the Senate that there is something rotten in the seat of Hasluck and the stench of deception and hypocrisy has exposed what seems like a sleazy attempt by members of the Liberal Party to do a favour for one of their high-rolling Liberal donor mates.

On Sunday, 30 October 2005, I attended a public rally of over 300 people that was organised by a Mr John Collins, who promotes himself as spokesman for the community brickworks action group. At the meeting I spoke to a lot of people who were concerned about the possible health effects that a brickworks so close to their homes and their kids' schools would have. They were disappointed about the dismissive comments of Westralia Airports chief executive officer, Graham Muir, who said that no scientific evidence had been produced to suggest that the brickworks would have any adverse effects on the health of residents or the environment. Sounds to me like the same line tobacco companies trotted out years ago.

I was disappointed to find out that Stuart Henry did not front his constituents at the meeting and sent his apologies citing travel arrangements as his excuse for not being there. Like Stuart Henry, I too had to sit in parliament the following day but I still made it to the meeting. I think it is also worth noting that there were empty seats on the plane I flew across on, so he could not have missed the meeting for a lack of flights.

At the meeting, I spoke to John Collins, who was at pains to tell me that he did not want BGC's brickworks proposal to become a political issue. This comment to me came after he had already told newspapers that he was seeking assurances from the state and local governments that approval for the brickworks would not compromise the health of the community. John Collins knows that the state government has no power to approve or reject the proposal for a brickworks and neither does the local government, the City of Swan. John Collins also knows that the state government had previously offered Mr Buckeridge's company a number of alternative sites for his brickworks, including land at Neerabup, north of Wanneroo. I hate to break it to John Collins but this is a politi-

cal issue, and the decision to approve the brickworks is a political decision that can only be made by the Howard government.

Mr Collins's comments might have something to do with the fact that the posters he handed out at the rally asked people who were concerned about the issue to contact his group via Stuart Henry's office. A cynical person might think that Mr Collins was being used by Stuart Henry to do his dirty work to deflect attention away from the Howard government, in whose hands this decision rests, onto the state government and the local government. A cynical person might also think that Mr Collins's pamphlet—a pamphlet most probably produced in Stuart Henry's electorate office—was calling on people who are concerned with the brickworks proposal to write to local government councillors and state government ministers to voice their concerns.

You have to ask whether Stuart Henry or someone else in the Liberal Party has set up a front group to try to deflect criticism for the proposed brickworks away from the Howard government, where it rightly belongs, and onto the Labor state government and the local council. A cynical person might suspect that the reason for Stuart Henry's absence from the meeting was a deliberate part of a plan to make the state government the public face of the issue. I just thought that the reason he failed to front his constituents was that he is gutless, which is strange because Stuart Henry likes to get about his electorate telling voters that he is opposed to a brickworks being built in their backyard. I think I have worked out the real reason he failed to front. His mate Wilson Tuckey, the Member for O'Connor, has given the game away. In a speech in parliament on 11 August 2005, Wilson Tuckey said:

... Len is ... struggling to get a site to erect his brickworks on.



He then went on to say—and I am sure that Stuart Henry was horrified to hear it—that:

... the Commonwealth government is, through the Airports Association, giving him some assistance.

Well, how about that! According to Wilson Tuckey, the Commonwealth government are helping Len Buckeridge find a site to build his brickworks in Stuart Henry's electorate of Hasluck. I bet they are. I bet they are bending over backwards to help their mate Len. After all, he has been a very generous donor to the Liberal Party over the years. You would be forgiven for wondering whether Wilson's little revelation was the real reason Stuart Henry did not turn up at the anti-brickworks community rally on 30 October. He may have been afraid someone would have found out about Wilson's little slip and called him on it.

**Senator Abetz**—I rise on a point of order. If the honourable senator wants to engage in these sorts of smears, he might as well do it in accordance with standing orders and refer to those in the other place by their proper names.

**The ACTING DEPUTY PRESIDENT (Senator Forshaw)**—Yes. Senator Sterle, you should refer to them—

**Senator STERLE**—I am sorry. Wilson Tuckey is the member for O'Connor. You would be forgiven for wondering whether Wilson's little revelation was the real reason Stuart Henry did not turn up, as I said before.

**The ACTING DEPUTY PRESIDENT**—Order! He is the member for O'Connor. Mr Tuckey is also in order.

**Senator STERLE**—The member for O'Connor, Mr Tuckey. Senators might remember that Len Buckeridge told a meeting of the HR Nicholls Society, as they nodded their heads in approval, that he had prepaid for 30 unionists to get 'rubbed out'. Sounds like a conspiracy to commit a terrorist act to me. Does the Howard government need to

consider putting the HR Nicholls Society on the list of proscribed terrorist organisations? There is a long history of Liberal Party ministers bending over backwards to help their mate Buckeridge. West Australians all remember the time Western Australian taxpayers lost \$74,000 after the Liberal Court government sold Len Buckeridge a block of land for less money than it had been bought for 10 years earlier and for less than half the value put on it by the state's Valuer-General.

West Australians also remember the time the Peppermint Grove Shire Council issued a stop-work order against Len Buckeridge's company, Homestyle Pty Ltd, when it was found guilty of departing from council approved building plans, only for Liberal minister Paul Omodei to reject the advice of his own department and overturn the stop-work order. West Australians also remember Liberal planning minister Richard Lewis ruling against the advice of the Wanneroo City Council and the town planning appeals committee to approve a concrete batching plant for Len Buckeridge's company BGC, giving it a considerable commercial advantage over its competitors.

But why would Len Buckeridge get such preferential treatment from Liberal Party ministers? It might have something to do with all the money that he and his companies have poured into Liberal Party coffers over the years. You can imagine the grubby little deals that get done at Liberal Party fundraisers. You can just imagine Stuart Henry sitting at a table with Len Buckeridge at some posh 500 Club function telling Len: 'Look mate, I'm in a marginal seat. I might have to make a few comments to make it sound like I'm opposed to the brickworks being built in Hasluck. But, don't worry, the Liberal Party will look after you, just like we always have.' You can imagine Len answering him: 'Don't worry, mate. You say what you need to say. Just don't lose any votes. The member for

O'Connor has already told me that the Howard government is going to use the Airports Association to give me all the assistance I need.' Or maybe it is the case that Stuart Henry is just too gutless to stand up for the people of Hasluck, to stand up against the people in the Liberal Party who want to do whatever it takes to help their mate Len. I will not cop that.

I will stand united with the people of Hasluck and not Len Buckeridge. I stand united with the lady at the rally holding a sign which read, 'Children's health, not Buckeridge wealth'—not some grubby little favour for a highrolling Liberal Party donor. I stand united with everyone who opposes the BGC brickworks and who wants the land returned to the hardworking volunteers whose sweat built the Westviat golf club—and not for a smoke stack that will spew death into the air and onto the homes of people who deserve so much more from the Howard government.

### Higher Education

**Senator TROOD** (Queensland) (7.18 pm)—One of the more regrettable consequences of the great Dawkins upheaval in higher education in 1988 was a precipitous decline in diversity among Australia's higher education institutions. The reforms of that era may well have encouraged a mass market in Australian higher education—but at a cost. It left Australia with a highly homogenised university sector, with every university looking much like every other. Just as importantly, it left students facing fewer and fewer educational choices. As the Vice-Chancellor of the University of Melbourne, Professor Glyn Davis, pointed out earlier this year, offering 37 variants of essentially the same product was not a good outcome for Australia. As Professor Davis also pointed out, much of the Dawkins paradigm persists, entrenched in national protocols that define a

single model for Australian university education. As an educator, I have long been troubled by this lack of diversity in Australian higher education. I have therefore been delighted to see that the current Minister for Education, Science and Training, Brendan Nelson, is resolved to address the issue.

In March this year, the minister published a discussion paper entitled *Building university diversity* in which he asked whether the current system worked to Australia's advantage. The paper has sparked an important debate, one that has yet to run its full course. This is not just an important debate in Australia; it is one that confronts governments and universities around the world. It is one that provokes very strong expressions of opinion. But, overall, the debate reaches the conclusion that there is a widespread recognition that diversity in higher education offers better outcomes. It will enable the higher education system to deliver more things that we expect of it. I share this view. I believe that diversity, and the ways we seek to secure it, is an issue that is critically important to the future of tertiary education in Australia.

Assuming that greater diversity is desirable, let me lay out some propositions that ought to shape our consideration of the issue. First, diversity is not to be valued for its own sake but for the benefits it can deliver to higher education in this country. These include: greater community access to higher education; improved opportunities for students to match education to their goals, needs, ability and learning styles; greater flexibility for institutions to select their own goals and approaches to education; reinforcement of the ideal of educational freedom independent of government control; and, as one writer on the subject has noted, institutional differentiation gives a higher education system a strong democratic feel.

Second, we ought to be bold and imaginative in our vision of diversity. Regrettably, much of the debate to date has tended to revolve around a rather simplistic approach as to whether we should have research or teaching institutions. Our horizons need to be wider. In addition, the mix should include issues of institutional size, mission, public or private, graduate or undergraduate, course specialisations, and mode and language of instruction.

Third, within diversity, we should be careful about proliferating institutional hierarchies and creating them as mechanisms to entrench elitism. In the United States, the Carnegie Foundation identifies five levels of institutional diversity. I do not believe we need to go quite that far. We could think of three tiers, possibly: the first, comprehensive research universities offering graduate research degrees; the second, research and teaching universities offering undergraduate and graduate degrees to master level; and, the third, colleges, including the 24 new colleges funded under the new Skilling Australia program, and TAFEs. A critical issue here is the need for students to be able to move between institutions at different levels and, just as importantly, the need for institutions to have opportunities for mobility.

Fourth, we should open up our sector to additional private institutions. With 37 public universities and only three private universities, the Australian higher education sector is strangely unbalanced. I am glad to see that there will be some change with the establishment of the Carnegie Mellon University in the not-too-distant future.

Fifth, greater diversity should offer the opportunity to lift the crushing regulatory burden from which every tertiary institution in the country currently suffers. This is one of the more deplorable consequences of the Dawkins reforms, but no government since

1988 has done enough to seriously address the issue. Indeed, university vice-chancellors continuously tell me that the burden of compliance deepens with every reform. While regulatory compliance no doubt assists in maintaining standards, at current levels it also sucks up millions of dollars in funding, encourages 'managerialism' in university cultures and is a massive disincentive to innovation. The nation cannot afford the huge financial and other costs, and universities should not have to pay for the consequences.

Sixth, it is not possible to impose diversity; it should be encouraged through innovation. This will require incentives within the context of a competitive market. That will demand flexible access to funding and institutional freedom to make choices of mission and role. At the very minimum, it demands regulatory parameters, not regulatory prescription. As Professor Davis remarked:

... micromanagement is inimical to institutional innovation ...

Seventh, Australia's federal system is more likely to be an ally of diversity than an adversary. If history is any guide, the absolute assertion of Commonwealth power will not only reduce the national quantum of funds available for higher education, it will also serve to homogenise the product. As in the United States, the Australian states have an important role to play in securing high-quality tertiary education. Cooperative federalism should serve diversity, not frustrate it.

Eighth and finally, reform should not be approached on the assumption that diversity will be cheaper for government. Every element of our higher education sector has to be funded at a level that can deliver high-quality outcomes. In this respect, teaching institutions, were they to exist independently, should not be made the poor relation of research—though, clearly, funding would be proportionate. We have a national interest in

upholding the principle that, at whatever level a student seeks access to a tertiary education, it will be funded at a level to deliver a world-class education.

The changes in Australia's higher education sector over the last 20 years have not always served the nation well. We have lost sight of the fact that a healthy post-secondary education system needs to offer a comprehensive range of vocational, technical and university opportunities. We also have a huge national challenge to encourage into the higher education sector, however it is defined, more of the around 33 per cent of high school students who currently do not go on to further education and study.

One of the crippling legacies of the Dawkins revolution is a severe imbalance in skills, most visibly in the dearth of 'tradies'—the dire shortage of technically skilled men and women which is now threatening economic growth in this country. The Howard government has made a substantial commitment to addressing this problem. Its reforms will inject \$289 million into the apprenticeship system to create the new technical or trade colleges. This will make 7,200 places available to senior secondary students. In my view, these are significant commitments which will go a long way towards addressing skills difficulties. These colleges make a start towards diversity, but the imperatives for more comprehensive change are compelling and we need to embrace them.

#### **Workplace Relations**

**Senator SIEWERT** (Western Australia) (7.28 pm)—I want to take this opportunity to address the impact the Work Choices legislation will have on a specific group within our society, and that is young people. Behind these particular impacts, which I will address shortly, is a wider issue: the manner in which the proposed changes to industrial relations impact on the disadvantaged in our society

and are likely to increase disparity in wages across our society.

These changes undermine the concept of comparative wage justice that has previously been fundamental to the way wage rates have been set within our society to ensure that workers receive fair and just rewards for their work—that takes into account the demands of the work they undertake, the level of skill it requires and the investment that they have made in education and training, and balances this with the cost of living within our society and the need to be able to provide food and shelter for growing Australian families.

The Australian Greens believe that it is good public policy to engage with and involve key stakeholders, as it allows openness, transparency and public scrutiny. If we want to ensure that that legislation is sound and effective, we should be consulting widely—with experts in the field, with those most directly affected by the policies and with those on the front line who pick up the pieces when things go wrong.

We believe the Australian Greens have not simply been reacting to the government's agenda, having a knee-jerk reaction and getting caught up in criticising and opposing what we think are hardline, ideologically driven legislative proposals. We have been engaging in community debate and calling on the wealth of experience in our community. We have been seeking out academic expertise on these matters and finding those conducting some real analysis on these proposals.

I take this opportunity to update the Senate on one of the research projects that we have undertaken and its finding. We have been looking at the likely consequences of these reforms on young people of increasing the reliance on individual bargaining, rather than collective bargaining, in how their

wages and employment conditions are determined. In doing so, I draw your attention to recent labour market research conducted by Dr Richard Denniss, a respected labour market economist former deputy director of the Australia Institute, and lecturer in economics at the University of Newcastle, entitled *The impact of the proposed industrial relations reforms on young Australians*.

This research looks at two kinds of data. It combines statistical analysis of labour market trends based on ABS data which looks at the changing nature of work for young Australians with focus group interviews of random participants conducted by a market research company, and at young people's experiences in the work force and their attitudes to job security and workplace flexibility. I believe that this report is likely to be of interest to my colleagues, hopefully on both sides of the chamber, as it provides information of relevance to the debate within the chamber. To this end, I seek leave to table the report.

**The PRESIDENT**—Is leave granted?

**Senator Abetz**—Not at this stage. If we could see it, please, Mr President, at a later stage leave may be granted.

Leave not granted.

**Senator SIEWERT**—I need to quote from it and then I will give it to you. While it is common to talk about the abstract concept of the labour market in Australia, the reality is that individuals face a wide disparity in the opportunities, challenges and risks associated with their employment prospects. Confident, articulate individuals with sought-after skills will, for example, be significantly more likely to be able to bargain with their employers than people with poor English skills, little self-confidence and no specific training. Many young people are likely to find it harder than average to bargain effectively with their employers.

Young people are unlikely to have comparable skills and experience in workplace negotiation to their employer or their employer's legal representatives—that includes those over 18. However, bargaining skills alone are not sufficient to ensure that the bargaining process will deliver a desirable outcome. Therefore it is important for individuals involved in a negotiation to have similar or equal bargaining power. When an employer is considering a number of applicants for a position and such positions are difficult to come by, employers will have a much stronger bargaining position, as individual applicants will be in greater need of a job than the employer is in need of individual applicants.

I want to quote some of the young people who were involved in this focus work. They were asked a question about asking for a pay rise. One young person said:

It was hard.

Another said;

I was terrified. I literally made a speech and memorized it by word and hoped it would all go as planned.

Another young person said:

I'm in the process of wanting to ask.

Another one said:

I've never asked and I know I feel like I should ask but I am not really game enough to ask because what does that lead to ... I already feel like I am on the outer so I don't want to push over the edge.

Another one said:

I've thought about it. Its hard to get into IT and I kind of thought I was doing alright (just having a job).

Young people are likely to find themselves at a particular disadvantage in such a situation as it is harder for younger people to demonstrate that they have specific skills that are of particular value to an employer. As young people are often looking for entry level posi-

tions, it is much more difficult for them to differentiate themselves in terms of skills and experience from other applicants. This makes it more likely that for these kinds of positions employers will choose those applicants more willing to accept inferior wages and conditions over other applicants. Desperation rather than qualifications, unfortunately, may well be the main determinant of which young people are successful.

As one career information web site puts it:

The more power you have, the better. This means that if your ... job role is critical, then you have bargaining muscle. "Fairness" is not really what it's about. Even performing your job diligently might not be enough for ... a raise ...

...      ...      ...

However, if your role would be hard to fill if you left the company or your team is at an important stage of a project or you are in a revenue-generating role or you are underpriced in terms of the market, then you should have power to negotiate.

Young people are far more likely to be employed on a casual basis than older workers. Casual employment can make it easier for some to juggle work with other elements of their life, like study, but there is no doubt that casual employees have less job security, less benefit from less investment in training and lower expectations about how they should be treated in the labour market. Young people who have worked as casuals for many years before accepting a full-time job are therefore less likely to demand the forms of conditions and job security that full-time employees have historically come to expect.

Young people are likely to be prepared to take riskier decisions than older citizens. In the workplace, younger workers may choose to forgo benefits such as sick leave in exchange for higher take-home pay, based on a lack of understanding and experience of the consequences of these decisions. While such

trade-offs may seem desirable at a time in life when serious health issues are less likely, it is unlikely that, once one age group opts to forgo such benefits, other age groups will be able to maintain them. This is not to say that young people are incapable of expressing their preferences; rather, the point is that, while such preferences are likely to change over time, there are likely to be lasting and widespread consequences of one age group making these choices.

While there has been a rise in part-time and casual work right across the Australian labour market, these trends are most apparent among young people. According to data compiled by Labour Force Australia over the period 1978 to 2005, the proportion of jobs held by 20- to 24-year-olds that are full time has declined from 96 per cent to 75 per cent. For individuals entering the labour market between the ages of 15 and 19, their first experience is most likely to be gained through part-time employment. Furthermore, long periods spent working as a casual before accepting a full-time position shape the expectations of young workers. Young people with extensive exposure to casual work have lower expectations of job security and conditions. They also feel less attachment to their employers and appear more prone to change jobs more frequently.

Given the substantial increase in part-time work among younger Australians and the remaining high level of youth unemployment, it is clear that young workers have a precarious position in the labour market. Given the role of bargaining power negotiation, the high rate of youth unemployment and the strong growth in more precarious forms of employment, it is likely that young workers will be relatively disadvantaged by a system that relies more heavily on individuals' capacity to negotiate on their own behalf. I hope I have been able to convey the impor-

tance of these issues and the need for members of the Senate— (*Time expired*)

### Road Transport Industry

**Senator NASH** (New South Wales) (7.38 pm)—Just over two weeks ago I was given the opportunity to join the Australian Trucking Association's driver of the year, Des Bailey, and experience the reality of Australian roads from a truckie's perspective.

**Senator Conroy**—Well done!

**Senator NASH**—Thank you. Des, who is a professional truck driver with Herb Blanchard Transport of Grafton on the state's mid-north coast, was on a week-long drive from Tarcutta, in the New South Wales south-west, up to Grafton in a Volvo FH16. He was showing politicians what life is like in a truck on the roads. Des's driving record is certainly worthy of note. Over his 30-year career he has driven more than five million kilometres, only received one traffic infringement and had no accidents, and I think that is a pretty terrific record. After leaving Tarcutta, Des drove his new Volvo—a 610 horsepower Volvo which is said to be the most powerful and comfortable and safest truck ever built by Volvo—up to the end of the state, going through Young, my home town, on the way. I was privileged to be the first politician to join Des on a very small part of what was a week-long venture. From Young we travelled towards Yass on Murrumbidgee Road, which is a typical NSW regional arterial highway.

Des is typical of the more than 180,000 professional truck drivers who take to the roads of Australia. I am advised that on average Australia's truck fleet travels about 12½ billion kilometres per year on the freeways, highways and roads and carries in the order of 1½ billion tonnes of freight. It is interesting to note that it is expected that the road freight task will be at twice its present level by 2020.

You certainly get a different perspective of road travel when you are sitting in the cab of a big rig. You see things in a completely different light. The roads seem narrower and you can see the rough edges. It is a bit like it is with those on the other side—sitting here makes it a bit easier to see their rough edges.

I want to pay tribute to the professionalism and the safety consciousness demonstrated by truckies, and, while we do hear some negative stories, in the main their professionalism really should be noted. Their safety record is on the improve, which is great to see. The road toll for all vehicles, including heavy vehicles, has been in decline over the last decade, despite the significant growth in numbers of vehicles and enhancements in vehicle performance technology. Truck crashes and fatalities peaked during the late 1980s, then dropped significantly in the early 1990s.

Even though the number of trucks on the roads has increased, as have the kilometres travelled and the tonne per kilometre rate, the amount of road trauma has remained relatively stable since then. In 2002, sadly, there were 200 deaths from 171 fatal crashes involving articulated trucks. In 2004, fatalities were down 26½ per cent from that 2002 figure, with 135 fatal crashes, which resulted in 147 deaths. We know it is still too many, but more can be done to improve safety, and it is being done.

Just last week the inaugural meeting of the Australian Trucking Association's safety consultative group was held in Canberra. Senior officials from a range of national and state enforcement and regulatory agencies as well as senior industry representatives discussed the need to tackle the heavy vehicle safety agenda, both on and off road, more vigorously than is the case at present. No longer can the trucking industry rely on enforcement by officialdom. I understand the

industry is looking to change its culture to drive improvements, not just on road but off road too, in the areas of effective risk management, fatigue management, more effective enforcement and closer scrutiny of the more cost-effective ways to supply safer roads. I congratulate the trucking industry for taking this step.

The Howard-Vaile government is taking significant steps to improve road infrastructure. A key part of this is AusLink, the government's plan for improving Australia's transport infrastructure. AusLink will help to create a better, safer heavy vehicle operating environment. The government has committed around \$12½ billion for land transport infrastructure, which includes around \$8 billion to be spent on the national network and over \$1½ billion to be spent on Roads to Recovery, which has been a tremendous program and has been very well received by our local, rural and regional communities. So this government certainly has a plan to improve road infrastructure, which will go a long way towards helping the trucking industry. Those opposite appear to have nothing. Certainly I have not seen anything—'aon rud': nothing. Unlike the Australian trucking industry, the Australian Labor Party seem to be on the road to nowhere.

I would like to pay tribute to Des Bailey and the many like him. While we are often presented with the negative side of the trucking industry, Des Bailey is just one example of the many terrific truckies who are travelling Australia's roads. I am sure that those on the other side would join with me in commending those truckies that are out there on the road, doing the right thing and trying to take the industry forward.

**Senator Conroy**—I've actually met more than one.

**Senator Nash**—I note that those on the other side are indeed agreeing with me. I

would like to commend to the Senate the Australian trucking industry and particularly its peak body, the Australian Trucking Association, whose commitment to creating better conditions and workplace practices for all truckies will lead to better, safer road travelling for all Australians.

**The PRESIDENT**—Leave is granted for the tabling of the documents that Senator Siewert wishes to table.

#### **Investment and Financial Services Association**

**Senator CONROY** (Victoria) (7.44 pm)—I rise today to congratulate one sector of the business community for its active participation in supporting charities. Often in this chamber the business community gets a hard time, but today I want to acknowledge and congratulate IFSA, the Investment and Financial Services Association, for their strong and continued support for the work of the Inspire Foundation. I recently attended the IFSA annual dinner, where more than \$200,000 was donated to the Inspire Foundation by both corporate and individual supporters. This means that since 1999 IFSA have contributed more than \$600,000 to the Inspire Foundation's programs, which play a vital role in assisting our young people to get through the tough times in their lives and make a difference in their community.

As senators may be aware, Inspire is the organisation behind the ReachOut! service—and if anyone wants to look that up it is reachout.com.au—which was established in 1998 in response to Australia's then escalating rates of youth suicide and is now visited by up to 3,000 young people each day. Since ReachOut! was launched in 1998, there has been a 40 per cent decline in the youth suicide rate. While it is impossible to know exactly how much ReachOut! has contributed to this decline, with more than three million visits to the service and dozens of young



people saying that it has stopped them from attempting suicide, I have no doubt that it has been a significant one.

I congratulate IFSA and its chief executive, Richard Gilbert, on their great support for Inspire—support which means that there are now some young people out there who might otherwise not be alive today. I call upon the federal government to provide ongoing and substantial support for the Inspire Foundation, an outstanding organisation which is making such a critical difference in the lives of our young people. It is disappointing that last financial year the federal government contributed a paltry three per cent of Inspire's total funding. We hear a lot of talk from the Prime Minister about corporate Australia needing to do more to support our charitable organisations, but when corporate Australia does come to the party, as IFSA clearly has, this can never provide an excuse for the government to lessen their support for great community organisations like Inspire.

As I said, the business community does get a bit of a bagging some days, but today is a day to acknowledge the very positive role that IFSA have played in supporting this much appreciated organisation. There are many examples, testimonies and even people who have been inspired by the ReachOut! web site who have appeared at these dinners and they give us real-world examples of how this organisation has helped them through difficult times. So I want to congratulate IFSA and, as I said, Richard Gilbert, their CEO, for their ongoing support for the Inspire Foundation, and I look forward to attending many more IFSA dinners. Each year contributions reach a new record, and hopefully next year will see a new record. So congratulations to IFSA.

**The PRESIDENT**—Order! The time for the debate has expired.

### **Senate adjourned at 7.48 pm**

### **DOCUMENTS**

#### **Tabling**

The following government documents were tabled:

Australian Law Reform Commission—Report—No. 101—Report for 2004-05.

Australian Postal Corporation (Australia Post)—Equal employment opportunity program—Report for 2004-05.

Land and Water Resources Research and Development Corporation (Land and Water Australia)—Report for 2004-05.

*States Grants (Primary and Secondary Education Assistance) Act 2000*—Report on financial assistance granted to each State in respect of 2004.

Treaty—*Multilateral*—Text, together with national interest analysis and annexures—United Nations Educational, Scientific and Cultural Organization International Convention Against Doping in Sport, done at Paris on 19 October 2005.

#### **Tabling**

The following documents were tabled by the Clerk:

Commonwealth Authorities and Companies Act—Notice under paragraph 45(1)(f)—Cessation of membership of Employment National Limited.

Sydney Airport Curfew Act—Dispensation Report 10/05.

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**QUESTIONS ON NOTICE**

The following answers to questions were circulated:

**Working Party on the Registration of Drugs for Use in Children  
(Question No. 907)**

**Senator Allison** asked the Minister representing the Minister for Health and Ageing, upon notice, on 12 May 2005:

- (1) Can the Minister confirm that the Australian Drug Evaluation Committee report, Report of the Working Party on the Registration of Drugs for Use in Children was completed in 1997 for the Therapeutic Goods Administration.
- (2) Can the Minister provide an outline of the recommendations made by the working party.
- (3) What action is planned and what action has been taken to implement the recommendations of the working party.
- (4) Has the working party been discontinued; if so, has any follow-up study been established.

**Senator Patterson**—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) Yes. The report was completed in 1997.
- (2) The recommendations made by the working party are outlined below:

The Guidelines for the Registration of Drugs for Use in Children should be accepted by the Australian Drug Evaluation Committee (ADEC), adopted by the TGA and distributed to industry with the aim of implementation from a date to be determined in consultation with industry.

All sponsors seeking registration of a drug should be encouraged to include a paediatric population in clinical trials. Such trials should occur earlier for diseases that are common and important in children as well as for drugs that are expected to be handled differently in children.

That ethical issues associated with the registration of drugs for use in children should be considered by the NHMRC.

That the Government amend the Therapeutic Goods Act to exempt industry for a period of five years from all evaluation fees for submissions to include paediatric data in the product information statements for currently registered drugs.

That the Government should provide additional funding to the TGA to allow the organisation to process these additional applications. This would be a means whereby the financial cost of extending the approved use of essential drugs to children could be met by the taxpayers.

That the Australian Adverse Drug Reaction Section be requested to consider the development and introduction of methods that may result in an increase in the rate of reporting of paediatric adverse drug reactions. In particular the working party recommends that the Australian Drug Reactions Advisory Committee (ADRAC) Bulletin includes a new section on current paediatric adverse drug reactions.

That the ADEC Chairman should approach the Minister to:

- acquaint the Minister with the current problems regarding registration of drugs for use in children, including problems associated with limitations imposed by current legislation;
- seek funds to allow the TGA to evaluate applications for updates to product information documents for drugs which are currently registered (especially grandfathered drugs) but do not include paediatric indications; and

- seek support for any legislative amendments which may be necessary to implement the changes as recommended in this report.

- (3) Events in Australia and overseas superseded the recommendations of the report. The principal events were:

- the availability of international guidelines for the development and assessment of drugs for use in children. The TGA has a policy, in agreement with Australian industry, of adopting international best practice guidelines as they become available. An early European version of the international guideline on drugs for children was adopted by TGA initially. A more updated version of this guideline replaced the earlier version in the year 2000. As most new products have international packages, adoption of international guidelines facilitates submission of data packages.

- The Australian Health Ministers' Advisory Council (AHMAC) set up a working party on medicines for paediatric use in May 2003.

Notwithstanding these events, the following activities have also occurred:

- all sponsors seeking registration of a drug are encouraged by both the ADEC and TGA to include paediatric data. In order to facilitate this, the TGA has also adopted guidelines that would allow use of, and approval based on, extension of data from one population to another based on smaller bridging studies. The TGA also redeveloped its own guidelines on submissions based on published studies, rather than new experimental work, to try to encourage submission of data on paediatric usage. The TGA has more recently adopted the European version of the international data submission format, the common technical document, that requires sponsors to justify not having paediatric data if a product could possibly be used in children.

- The NHMRC revised its ethical guidance to include use of products in children.

- As part of the introduction of full cost recovery for the TGA, provisions were made for reduction or waiving of fees in cases where there was a need for the product and payment of fees would make submission of an application not financially viable. The TGA has an Orphan Drug Scheme under which all TGA fees are waived. This scheme is intended to facilitate applications to register products that are to be used by small populations of patients. Many of the designations granted for orphan drug status have been given for paediatric usage.

ADRAC agreed to include more items relevant to paediatric patients in the Australian Adverse Drug Reactions Bulletin. From January 1998 to June 2005, seven items specific to children and three other items relevant to children as well as adults were published. In November 2004, following a review of Australian reporting of adverse drug reactions in children, ADRAC convened an informal consultation on paediatric adverse drug reaction reporting. This brought together some pharmacists from paediatric hospitals and paediatricians to discuss and advise on means for enhancing reporting of suspected adverse reactions in children. The attendees recommended that ADRAC:

1. Publish an article in the Australian Adverse Drug Reactions Bulletin promoting paediatric reporting, mentioning off-label prescribing, and that the safety profile of most medicines, especially those not approved for use in this age group, is essentially unknown in children.
2. Consider using the weekly email newsletter of the Royal Australian College of Physicians (RACP), Division of Paediatrics & Child Health, and the Journal of Paediatrics and Child Health as possible vehicles for promoting reporting to ADRAC, and providing information on paediatric adverse effects.
3. Consider other ways to improve reporting and feedback, including targeting all healthcare professionals engaged in the care of children and infants in the community.

4. Prepare a graphical presentation of the reporting data for each of the paediatric hospitals and send it out with the reporting rate for the addressee hospital designated, much as had been done for each of the major public hospitals in 1998.

5. When an article for the Australian Adverse Drug Reactions Bulletin is prepared, consider for inclusion in the text any data available concerning use in children. The question should be asked: "What data do we have about use in children?"

6. Encourage the conduct of formal epidemiological studies of adverse reactions to medicines in children in Australia, whether those medicines are used for approved or unapproved indication.

7. Disseminate information about adverse effects of medicines in children, in approved and unapproved uses, directly to those who prepare commonly used paediatric prescribing information resources, as well as via the Australian Adverse Drug Reactions Bulletin and the product information.

In addition:

8. Attendees asked that when changes in the product information are occurring, data concerning use in children be assessed.

To date, recommendations 1, 3, 4, 5 and 8 have been actioned. In addition, approaches have been made to have an article on paediatric adverse reaction reporting published in the Journal of Paediatrics and Child Health. ADRAC also supported the proposal that the report of the consultation, either in its entirety or in summary, be published in the Journal of Pharmacy Practice and Research and/or the Journal of Paediatrics and Child Health. To date this report has not been published.

- (4) The ADEC working party was an ad hoc working party and was disbanded on completion of its report. Representatives of the ADEC and TGA have subsequently met with industry on the issue of paediatric pharmaceutical access. As a result of ongoing concerns in this area, AHMAC commissioned a review of access to paediatric medicines in 2003. The working party includes representatives from the jurisdictions, industry, TGA and pharmaceutical benefits area as well as those working in health practice with children. The interim report of the working party was considered by AHMAC in late 2004. As a result, the working party was charged with the task of undertaking extensive consultation on the impact of implementation of its proposed recommendations. The final report of the working party will be considered by AHMAC in late 2005.

#### **Treasury: Grants**

#### **(Question No. 1004)**

**Senator O'Brien** asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 24 June 2005:

For each of the financial years 2001-02, 2002-03, 2003-04 and 2004-05, has the Minister, the department or any agency or statutory authority for which the Minister is responsible, made grants or other payments to business organisations and/or associations, including but not necessarily limited to peak employer groups; if so, can information be provided for each grant or other payment including: (a) the name and address of the recipient organisation; (b) the quantum and purpose of the payment; (c) the name of the program under which the grant or other payment was funded; (d) who approved the grant or other payment; and (e) whether the grant or payment was successfully acquitted; if so, when; if not, can details be provided, including action taken to recover the grant or other payment.

**Senator Coonan**—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator's question:

#### **Australian Accounting Standards Board**

- (a) The Australian Accounting Standards Board (AASB) contributes to the International Accounting Standards Committee Foundation (IASCF). The IASCF is the governing body of the International

Accounting Standards Board and is located at 30 Cannon Street, London, EC4M 6XH, United Kingdom.

- (b) The AASB made a contribution of \$700,000 to the IASCF on 3 July 2003 and a contribution of \$300,000 on 6 May 2004. These two payments made up the 2002-03 \$1 million Australian contribution to the cost of setting international accounting standards.

The AASB made a contribution of \$1 million to the IASCF on 4 November 2004. This payment was the 2003-04 \$1 million Australian contribution to the cost of setting international accounting standards.

- (c) Refer to Financial Reporting Council response.  
 (d) These contributions were made at the direction of the Financial Reporting Council, the governing body of the AASB.

#### **Auditing and Assurance Standards Board**

- (a) to (e) No.

#### **Australian Bureau of Statistics**

- (a) to (e) No.

#### **Australian Competition and Consumer Commission**

- (a) to (e) No.

#### **Australian Competition Tribunal**

- (a) to (e) No.

#### **Australian Office of Financial Management**

The AOFM has not made any grants of any type during the years referred to in the Senator's question.

#### **Australian Prudential and Regulation Authority**

- (a) to (e) No.

#### **Australian Reinsurance Pool Corporation**

- (a) to (e) No.

#### **Australian Securities & Investment Commission**

- (a) to (e) No.

#### **Australian Taxation Office**

For the financial years 2001-02, 2002-03, 2003-04 and 2004-05, the ATO made grants or other payments to organisations and associations under the Diesel and Alternative Fuels Grants Scheme and the Fuel Sales Grant.

Recipients of the grants and/or payments include producer's co-operatives and associations, however, it is inconsistent with the Commissioner's responsibilities under the secrecy provisions in the excise legislation to provide information specific to individual organisations.

The total number and value of payments per year are as follows:

Financial Year	How many Payments	Total Payments \$
2001-2002	2	\$26,400
2002-2003	3	\$26,800
2003-2004	3	\$813,000
2004-2005	4	\$870,000

#### **Companies Auditors and Liquidators Disciplinary Board**

- (a) to (e) No.

**Corporations and Markets Advisory Committee**

(a) to (e) No.

**Financial Reporting Council**

The following payments were made during 2004-05:

- (1) (a) International Accounting Standard Committee Foundation, 30 Cannon Street, London EC4M 6XH, United Kingdom.  
(b) \$500,000, being the first instalment of Australia's 2005 contribution to the cost of setting international accounting standards.  
(c) Well functioning markets (Output 3).  
(d) Financial Reporting Council recommended the payment, which was made during May 2005.  
(e) n/a
- (2) (a) International Accounting Standard Committee Foundation, 30 Cannon Street, London EC4M 6XH, United Kingdom.  
(b) \$500,000, being the second (and final) instalment of Australia's 2005 contribution to the cost of setting international accounting standards.  
(c) Well functioning markets (Output 3).  
(d) Financial Reporting Council recommended the payment, which was made during June 2005.  
(e) n/a

**Inspector-General of Taxation**

(a) to (e) No.

**Life Insurance Actuarial Standards Board**

(a) to (e) No.

**National Competition Council**

(a) to (e) No.

**Payments System Board**

(a) to (e) No.

**Productivity Commission**

(a) to (e) No.

**Superannuation Complaints Tribunal**

(a) to (e) No.

**Takeovers Panel**

(a) to (e) No.

**Treasury**

The Department's answers to these questions are detailed in the table below.

Financial Year	Name/Recipient	Address	Amount	Purpose	Program name	Approved by relevant official	Acquitted	Acquittal date
2001-02	Securities Institute of Australia	Level 33, Tower Building, Australia Square, Sydney NSW, 2000	\$500.00	To award promising studies in mergers and acquisitions	Securities Institute of Australia - National Award	Yes	Yes	March 2002
2001-02	Australian National University	Australian National University, ACT, 0200	\$500.00	Aims to increase Treasury's profile	Bachelor of Economics Prize in Economics III	Yes	Yes	2002
2002-03	Australian National University	Australian National University, ACT, 0200	\$1,100.00	Aims to increase Treasury's profile and assist in developing networks between post-graduate students and academics	PhD Conference in Economics and Business	Yes	Yes	August 2002
2002-03	Australian National University	Australian National University, ACT, 0200	\$282.24	Aims to increase Treasury's profile	Bachelor of Economics Prize in Macroeconomics III	Yes	Yes	March 2003
2002-03	Securities Institute of Australia	Level 33, Tower Building, Australia Square, Sydney NSW 2000	\$500.00	To award promising studies in mergers and acquisitions	Securities Institute of Australia - National Award	Yes	Yes	June 2003

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**QUESTIONS ON NOTICE**

Financial Year	Name/Recipient	Address	Amount	Purpose	Program name	Approved by relevant official	Acquitted	Acquittal date
2003-04	Securities Institute of Australia	Level 33, Tower Building, Australia Square, Sydney, NSW, 2000	\$500.00	To award promising studies in mergers and acquisitions	Securities Institute of Australia - National Award	Yes	Yes	March 2004
2004-05	University of Melbourne	University of Melbourne, VIC, 3010	\$5,000.00	Financial contribution towards the running costs of the conference	2005 Conference of Economists	Yes	No <sup>1</sup>	N/A

<sup>1</sup> Conference is being held in September 2005.



**Pre-Mixed Drinks****(Question No. 1041 amended)**

**Senator Allison** asked the Minister representing the Minister for Health and Ageing, upon notice, on 28 July 2005:

- (1) Is the Minister aware that the following 'super-strength' pre-mixed drinks are now being sold: (a) Woodstock Blue (9 per cent alcohol by volume and the 375ml can contains 2.7 standard drinks); (b) Bulleit Bourbon (9 per cent alcohol by volume and the 375ml can contains 2.7 standard drinks); and (c) Jim Bean Long Black (8 per cent alcohol by volume and the 330ml bottle contains 2.1 standard drinks).
- (2) Is the Minister concerned that these products contain approximately twice as much alcohol as standard pre-mixed drinks, wine and beer.
- (3) Does the Minister consider that the availability of these drinks will increase unsafe levels of drinking, especially among young people.
- (4) Would the Minister be concerned at any move to double the alcohol content of all pre-mixed drinks; if so, are there any proposals to prevent this level of alcohol content becoming the 'norm'.
- (5) Given that the industry has justified the selling of pre-mix drinks on the basis of parity of alcohol content with beer: (a) what, if any, justification has been given to the Government for putting these super-strength drinks on the market; and (b) how does this move comply with the industry's claim to be committed to the responsible marketing of alcohol.
- (6) Will the Government consider imposing limits on the distribution and marketing of these super-strength drinks.
- (7) Will the Government commission research to determine the extent to which pre-mix drinks contribute to the burden on the health system of acute drinking episodes or binge drinking.
- (8) Will the Government consider reforming alcohol labelling laws to require clear and prominent warnings on containers, particularly for super-strength drinks.

**Senator Patterson**—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) and (2) There is a considerable range in alcohol content and container sizes of ready to drink (RTD) alcohol products. On average, RTD products most frequently contain about 5% alcohol by volume and in a 375 ml container this equates to about 1.5 standard drinks – the same alcohol content as full strength beer. Most wine contains about 12% alcohol by volume and in the new 375 ml containers this equates to about 3.5 standard drinks. The Distilled Spirits Industry Council have stated publicly that RTD beverages containing higher amounts than this constitute about 5% of total RTD sales.
- (3) (4), (5) and (6) The supply of all alcohol products must meet the guidelines established by Food Standards Australia and New Zealand and existing state and territory legislation. These products are not exempt from this requirement. It is difficult to justify limitations on the distribution and marketing of RTD beverages with certain alcohol content when commonly sold spirits are frequently 40% alcohol by volume and consumers can mix their own spirit drinks.
- (7) There is research evidence that shows the risky and high risk drinking rates for young people under 18 years of age have not changed greatly over the last five years. This has occurred despite the increasing popularity of RTD products, often displacing consumption of beer.
- (8) Following the November 2004 meeting of the Ministerial Council on Drug Strategy my Parliamentary Secretary, the Hon Christopher Pyne MP, and the New South Wales Special Minister of State, the Hon John Della Bosca MLC, met with the alcohol industry seeking an industry-wide national

approach to the labelling of alcoholic beverages with graphics that clearly depict the number of standard drinks in the beverage. Work is currently under way to achieve a voluntary uniform labelling approach.

**Shipping: Dangerous Goods**  
**(Question No. 1170)**

**Senator O'Brien** asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 9 September 2005:

With reference to the carriage of ammonium nitrate by sea as a domestic cargo between Australian ports:

- (1) How many foreign ships operating under continuing voyage permits, for each year since 2000, have carried ammonium nitrate between Australian ports; (b) what are the names of these ships; (c) when was this product carried; and (d) between which ports.
- (2) (a) How many foreign ships operating under single voyage permits, for each year since 2000, have carried ammonium nitrate between Australian ports; (b) what are the names of these ships; (c) when was this product carried; and (d) between which ports.
- (3) How is the Commonwealth implementing the Principles for the Regulation of Ammonium Nitrate agreed to under the Council of Australian Governments (COAG) agreement of June 2004 as it applies to carriage of ammonium nitrate between Australian ports by sea.
- (4) How does the Commonwealth intend to meet the COAG principle that people involved in the storage, transport, use, import and export of ammonium nitrate within Australia should be licensed, including having their background checked by the Australian Security Intelligence Organisation (ASIO).
- (5) In the case of foreign seafarers employed in the domestic shipping trade, what background checks will be undertaken, given that an ASIO check is not possible.
- (6) When ammonium nitrate is carried by sea under a single or continuing voyage permit, is it classified on the permit as 'general cargo'; if not, how is it classified.
- (7) What notification procedures are in place to ensure that waterside workers at Australian ports are given appropriate notice that they will be handling this dangerous cargo.

**Senator Ian Campbell**—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) and (2) I refer the Senator to my response to Senate Parliamentary Question on Notice number 1103.
- (3) The Council of Australian Governments (COAG) Principles for the Regulation of Ammonium Nitrate do not apply to the transport of ammonium nitrate between Australian ports by sea. The carriage of ammonium nitrate by sea in Australia is governed by AMSA Marine Order 34, which implements the international principles for shipping of bulk hazardous materials.
- (4) The regulation of security sensitive ammonium nitrate (SSAN) in the jurisdictions is the responsibility of state and territory governments. In each jurisdiction an appropriate regulatory authority has been identified to administer the licensing regime for SSAN, which will include ensuring that all licensees and persons with unsupervised access to SSAN undergo background checks (a police records check and an Australian Security Intelligence Organisation (ASIO) security check).
- (5) Seafarers, and others, who require unmonitored access to a 'maritime security zone' as defined in the Maritime Transport and Offshore Facilities Security Act 2003, will require a Maritime Security Identification Card (MSIC). The MSIC application process involves Australian Federal Police and

Australian Security Intelligence Organisation background checking. This requirement applies whether the applicant is Australian or foreign.

Seafarers, whether Australian or foreign, who do not require an MSIC are not required to undergo an ASIO background check.

All foreign seafarers, including those employed in the domestic shipping trade, are checked against lists of known persons of concern before their arrival in Australia. This is conducted by the Australian Customs Service in consultation with the Department of Immigration and Multicultural and Indigenous Affairs. The lists include persons identified by ASIO as being of security concern.

- (6) Where an application for a Single Voyage Permit or a Continuous Voyage Permit identifies a number of commodities the term 'general cargo' is used, in line with industry terminology. Other permit applications have used the description 'fertiliser'.
- (7) AMSA Marine Order 34 specifies the notification procedures for shipping bulk cargo, including ammonium nitrate.

### **Governor-General: Visit to Papua New Guinea**

#### **(Question No. 1225)**

**Senator Mark Bishop** asked the Minister for Defence, upon notice, on 15 September 2005:

- (1) With reference to a visit to Papua New Guinea by the Governor-General and Mrs Jeffery to commemorate the 60th anniversary of the surrender of the Japanese 18th Army to Australian forces: have Royal Australian Air Force (RAAF) aircraft been made available for the Governor-General's visit to Papua New Guinea; if so: (a) what RAAF aircraft have been made available; and (b) over what timeframe were the aircraft available for the visit.
- (2) What is the total cost to the RAAF of providing all aircraft and support staff for the Governor-General's visit to Papua New Guinea.
- (3) What were the names and occupations of all passengers carried on each flight made by RAAF aircraft during the visit to Papua New Guinea.

**Senator Hill**—The answer to the honourable senator's question is as follows:

- (1) Yes, both the Air Force and the Army supplied aircraft to support the visit.
  - (a) and (b) One RAAF Boeing BBJ, one RAAF C130 Hercules, and two Army Black Hawk helicopters supported the visit at various times between 10 September and 17 September 2005.
- (2) The total additional cost for Australian Defence Force support was \$102,097.
- (3) The following passengers travelled on each flight:

Date	From - To	Name, Occupation
10 Sep 05	CANBERRA - DARWIN	CHAMPION, FED AGENT D - AFP CICUTTO, MRS M - STAFF HUNTER, FED AGENT R - AFP JEFFERY, AC,CVO,MC, HE MAJGEN M JEFFERY, HE MRS M - SPOUSE OF GG KILLER, DR G - PRIME MINISTER'S MEDICAL ADVISER ORMROD, SQNLDR A - RAAF SOVIPOPS ROBB, MR C - STAFF VALET TO THE GOVERNOR GENERAL SMITH, CAPT B - GG ADC

Date	From - To	Name, Occupation
11 Sep 05	DARWIN - PORT MORESBY	STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL SEC TO GG WORLD, MR G - STAFF CHAMPION, FED AGENT D - AFP
		CICUTTO, MRS M - STAFF HUNTER, FED AGENT R - AFP JEFFERY, AC,CVO,MC, HE MAJGEN M JEFFERY, HE MRS M - SPOUSE OF GG KILLER, DR G - PRIME MINISTER'S MEDICAL ADVISED ORMROD, SQNLDR A - RAAF SOVIPOPS ROBB, MR C - STAFF VALET TO THE GOVERNOR GENERAL SMITH, CAPT B - GG ADC STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL SEC TO GG WORLD, MR G - STAFF ALLARD, MR T - PRESS SMH
12 Sep 05	PORT MORESBY - WEWAK	CHAMPION, FED AGENT D - AFP CICUTTO, MRS M - STAFF DAVIS, FED AGENT K - AFP GWAND, CHIEF SGT P - PNG POLICE HUNTER, FED AGENT R - AFP JEFFERY, AC,CVO,MC, HE MAJGEN M JEFFERY, HE MRS M - SPOUSE OF GG JONES, MR L - PRESS AAP KILLER, DR G - PRIME MINISTER'S MEDICAL ADVISED LEWIS, MR D - DFAT MARSHALL, MR S - PRESS ABC MIMANO, MS B - PNG OFFICIAL ORMROD, SQNLDR A - RAAF SOVIPOPS POTTS, HC M - AUST HC PNG POTTS, MRS L - SPOUSE HE M POTTS ROBB, MR C - STAFF VALET TO THE GOVERNOR GENERAL SMITH, CAPT B - GG ADC STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL SEC TO GG WORLD, MR G - STAFF
		CHAMPION, FED AGENT D - AFP CICUTTO, MRS M - STAFF GWAND, CHIEF SGT P - PNG POLICE HUNTER, FED AGENT R - AFP JEFFERY, AC,CVO,MC, HE MAJGEN M JEFFERY, HE MRS M - SPOUSE OF GG JONES, MR L - PRESS AAP
14 Sep 05	WEWAK - MADANG	CHAMPION, FED AGENT D - AFP CICUTTO, MRS M - STAFF GWAND, CHIEF SGT P - PNG POLICE HUNTER, FED AGENT R - AFP JEFFERY, AC,CVO,MC, HE MAJGEN M JEFFERY, HE MRS M - SPOUSE OF GG JONES, MR L - PRESS AAP

Date	From - To	Name, Occupation
14 Sep 05	MADANG - PORT MORESBY	KILLER, DR G - PRIME MINISTER'S MEDICAL ADVISER LEWIS, MR D - DFAT MARSHALL, MR S - PRESS ABC MIMANO, MS B - PNG OFFICIAL ORMROD, SQNLDR A - RAAF SOVIPOPS POTTS, HC M - AUST HC PNG POTTS, MRS L - SPOUSE HE M POTTS ROBB, MR C - STAFF VALET TO THE GOVERNOR GENERAL SMITH, CAPT B - GG ADC STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL SEC TO GG WORLD, MR G - STAFF CHAMPION, FED AGENT D - AFP
		CICUTTO, MRS M - STAFF DAVIS, FED AGENT K - AFP GWAND, CHIEF SGT P - PNG POLICE HUNTER, FED AGENT R - AFP JEFFERY, AC,CVO,MC, HE MAJGEN M JEFFERY, HE MRS M - SPOUSE OF GG JONES, MR L - PRESS AAP KILLER, DR G - PRIME MINISTER'S MEDICAL ADVISER LEWIS, MR D - DFAT MARSHALL, MR S - PRESS ABC MIMANO, MS B - PNG OFFICIAL ORMROD, SQNLDR A - RAAF SOVIPOPS POTTS, HC M - AUST HC PNG POTTS, MRS L - SPOUSE HE M POTTS ROBB, MR C - STAFF VALET TO THE GOVERNOR GENERAL SMITH, CAPT B - GG ADC STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL SEC TO GG WORLD, MR G - STAFF
15-Sep-05	PORT MORESBY - GIRUA	CHAMPION, FED AGENT D - AFP CICUTTO, MRS M - STAFF DAVIS, FED AGENT K - AFP EDWARD, MR I - PNG OFFICIAL FOSTER, FED AGENT J - AFP JEFFERY, AC,CVO,MC, HE MAJGEN M JEFFERY, HE MRS M - SPOUSE OF GG JONES, MR L - PRESS AAP KILLER, DR G - PRIME MINISTER'S MEDICAL ADVISER LEWIS, MR D - DFAT MUSER, CONST A - PNG POLICE

Date	From - To	Name, Occupation
15-Sep-05	GIRUA - KOKODA	ORMROD, SQNLDR A - RAAF SOVIPOPS
		POTTS, HC M - AUST HC PNG
		POTTS, MRS L - SPOUSE HE M POTTS
		ROBB, MR C - STAFF VALET TO THE GOVERNOR
		GENERAL
		SMITH, CAPT B - GG ADC
		STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL
		SEC TO GG
		TAGALIA, MR W - PRESS EM TV
		WORLD, MR G - STAFF
		CHAMPION, FED AGENT D - AFP
		CICUTTO, MRS M - STAFF
		JEFFERY, AC,CVO,MC, HE MAJGEN M
		JEFFERY, HE MRS M - SPOUSE OF GG
15 Sep 05	GIRUA - KOKODA	LEWIS, MR D - DFAT
		ORMROD, SQNLDR A - RAAF SOVIPOPS
		ROBB, MR C - STAFF VALET TO THE GOVERNOR
		GENERAL
		SMITH, CAPT B - GG ADC
		STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL
		SEC TO GG
		DAVIS, FED AGENT K - AFP
		EDWARD, MR I - PNG OFFICIAL
		FOSTER, FED AGENT J - AFP
		JONES, MR L - PRESS AAP
		KILLER, DR G - PRIME MINISTER'S MEDICAL
		ADVISER
		MUSER, CONST A - PNG POLICE
15 Sep 05	KOKODA - ISUARAVA	POTTS, HC M - AUST HC PNG
		POTTS, MRS L - SPOUSE HE M POTTS
		TAGALIA, MR W - PRESS EM TV
		WORLD, MR G - STAFF
		CHAMPION, FED AGENT D - AFP
		CICUTTO, MRS M - STAFF
		JEFFERY, AC,CVO,MC, HE MAJGEN M
		JEFFERY, HE MRS M - SPOUSE OF GG
		LEWIS, MR D - DFAT
		ORMROD, SQNLDR A - RAAF SOVIPOPS
		ROBB, MR C - STAFF VALET TO THE GOVERNOR
		GENERAL
		SMITH, CAPT B - GG ADC
		STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL
		SEC TO GG
15 Sep 05	KOKODA - ISUARAVA	DAVIS, FED AGENT K - AFP
		EDWARD, MR I - PNG OFFICIAL
		FOSTER, FED AGENT J - AFP
		JONES, MR L - PRESS AAP
		KILLER, DR G - PRIME MINISTER'S MEDICAL
		ADVISER

Date	From - To	Name, Occupation
15 Sep 05	ISUARAVA - OWEN'S CNR	MUSER, CONST A - PNG POLICE POTTS, HC M - AUST HC PNG POTTS, MRS L - SPOUSE HE M POTTS TAGALIA, MR W - PRESS EM TV WORLD, MR G - STAFF CHAMPION, FED AGENT D - AFP
		CICUTTO, MRS M - STAFF JEFFERY, AC,CVO,MC, HE MAJGEN M JEFFERY, HE MRS M - SPOUSE OF GG LEWIS, MR D - DFAT ORMROD, SQNLDR A - RAAF SOVIPOPS ROBB, MR C - STAFF VALET TO THE GOVERNOR GENERAL SMITH, CAPT B - GG ADC STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL SEC TO GG
15 Sep 05	ISUARAVA - OWEN'S CNR	DAVIS, FED AGENT K - AFP
		EDWARD, MR I - PNG OFFICIAL FOSTER, FED AGENT J - AFP JONES, MR L - PRESS AAP KILLER, DR G - PRIME MINISTER'S MEDICAL ADVISER MUSER, CONST A - PNG POLICE POTTS, HC M - AUST HC PNG POTTS, MRS L - SPOUSE HE M POTTS TAGALIA, MR W - PRESS EM TV WORLD, MR G - STAFF CHAMPION, FED AGENT D - AFP
15 Sep 05	OWEN'S CNR - PORT MORESBY	CICUTTO, MRS M - STAFF JEFFERY, AC,CVO,MC, HE MAJGEN M JEFFERY, HE MRS M - SPOUSE OF GG LEWIS, MR D - DFAT ORMROD, SQNLDR A - RAAF SOVIPOPS ROBB, MR C - STAFF VALET TO THE GOVERNOR GENERAL SMITH, CAPT B - GG ADC STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL SEC TO GG
		DAVIS, FED AGENT K - AFP
15 Sep 05	OWEN'S CNR - PORT MORESBY	EDWARD, MR I - PNG OFFICIAL FOSTER, FED AGENT J - AFP JONES, MR L - PRESS AAP KILLER, DR G - PRIME MINISTER'S MEDICAL ADVISER MUSER, CONST A - PNG POLICE

Date	From - To	Name, Occupation
17 Sep 05	PORT MORESBY - CANBERRA	POTTS, HC M - AUST HC PNG POTTS, MRS L - SPOUSE HE M POTTS TAGALIA, MR W - PRESS EM TV WORLD, MR G - STAFF CICUTTO, MRS M - STAFF
		DAVIS, FED AGENT K - AFP FOSTER, FED AGENT J - AFP HUNTER, FED AGENT R - AFP JEFFERY, AC,CVO,MC, HE MAJGEN M JEFFERY, HE MRS M - SPOUSE OF GG KILLER, DR G - PRIME MINISTER'S MEDICAL ADVISER ORMROD, SQNLDR A - RAAF SOVIPOPS ROBB, MR C - STAFF VALET TO THE GOVERNOR GENERAL SMITH, CAPT B - GG ADC STUDDERT, MR M - S/STAFF DEPUTY OFFICIAL SEC TO GG WORLD, MR G - STAFF

### Selective Serotonin Reuptake Inhibitors

#### (Question No. 1272)

**Senator Allison** asked the Minister representing the Minister for Health and Ageing, upon notice, on 30 September 2005:

- (1) Is the Minister aware of the current Therapeutic Goods Administration warning that the use of selective serotonin reuptake inhibitors (SSRI) antidepressant medication in pregnancy is suspected of causing an increase in congenital heart defects in the developing foetus.
- (2) Is the Minister aware that there is no antidepressant medication available that is without a disclaimer regarding its use in pregnancy; if so, will the Government consider providing a Medicare rebate for cognitive behaviour therapy (CBT) (a non-drug treatment for depression that has a research based, proven track record, when provided by appropriately trained psychologists) for: (a) pregnant patients with depression; and (b) non-pregnant patients who opt for this non-drug alternative.
- (3) When SSRI antidepressant medication was assessed by the Pharmaceutical Benefits Advisory Committee for inclusion on the Pharmaceutical Benefit Scheme (PBS), was the alternative of CBT taken into account in calculating cost-effectiveness.
- (4) What was the average cost per patient to the PBS of the use of SSRI antidepressant medication over: (a) the past 12 months; and (b) over the past 5 years.

**Senator Patterson**—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) Yes.
- (2) (a) and (b) Yes. Provision of Medicare benefits for cognitive behavioural therapy services provided by psychologists to the categories of patients outlined at (a) and (b) above is not under consideration at this time. Medicare benefits are available for cognitive behavioural therapy performed by a



consultant psychiatrist under consultation items, or by a general practitioner with recognised skills providing Focussed Psychological Strategies in the context of the 3 Step Mental Health Process. Psychologists do not currently have direct access to Medicare, unless they are providing services under specific allied health arrangements for patients with chronic conditions and complex care needs being managed by a general practitioner under a care plan.

- (3) No, the cost-effectiveness of cognitive behavioural therapy was not assessed when the Pharmaceutical Benefits Advisory Committee considered the PBS listing of the SSRI medication.
- (4) (a) In 2004-05, the average cost per patient to the PBS for the use of SSRI medication was \$185.  
(b) Comprehensive PBS patient level data was not collected prior to 2002-03 and therefore, it is not possible to calculate the average cost per patient prior to this period. The average cost per patient in 2002-03 was \$190 and in 2003-04 was \$194.

Note: The cost of some of these drugs has fallen under the PBS general patient co-payment (which is currently \$28.60) over the past few years. Prescriptions priced under the general patient co-payment are not recorded by Medicare Australia as there is no government subsidy involved.

### **Pan Pharmaceuticals**

#### **(Question No. 1286)**

**Senator Allison** asked the Minister representing the Minister for Health and Ageing, upon notice, on 5 October 2005:

With reference to answers provided to the Community Affairs Legislation Committee during estimates hearings on 2 June 2005 by officers of the Therapeutic Goods Administration (TGA), in which it was indicated that the TGA had reviewed its list of reports of adverse events or reactions attributed to Pan Pharmaceuticals and had increased the number of events from 62 to 66: (a) can a copy of the revised list of the reports of adverse events be provided; if not, why not; and (b) can copies of the reports of additional adverse events be provided; if not, why not.

**Senator Patterson**—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

(a) A spreadsheet of the serious adverse drug reaction reports for products that listed Pan as a manufacturer and that were submitted in the twelve months prior to the Pan recall is available from the Senate Table Office. Reports where additional information confirms the batch as manufactured by Pan are highlighted in bold. Reports 185699 and 186329 that were on the earlier list have been omitted because, on review, it was considered they were very likely to be duplicate reports. (b) Thus an additional six reports have been included in the revised list. Public case details of these additional 6 reports are also available from the Senate Table Office.

### **Australia's Eating Habits and Physical Activity Project**

#### **(Question No. 1292)**

**Senator Allison** asked the Minister representing the Minister for Health and Ageing, upon notice, on 6 October 2005:

With reference to the joint Government/food industry project, entitled 'Measuring Australia's Eating Habits and Physical Activity', announced on 13 September 2005:

- (1) Will the department have input into the design of the data collection process; if not, why not; if so, what processes will ensure that input and who will be involved.
- (2) Will public health and nutrition expert groups have input into the design of the data collection process; if not, why not; if so, what processes will ensure that input and who will be involved.

- (3) What is the timeline for the project.
- (4) Is this project intended to act as a follow-up to the Australian Bureau of Statistics (ABS) National Nutrition Survey conducted in 1995; if so, why is the Government not funding the ABS to undertake a further national survey; if not, does the Government intend following up the National Nutrition Survey.
- (5) Will the sampling process, the measurement techniques and the questions used for this project be the same as those used in the previous ABS National Nutrition Survey conducted in 1995.
- (6) Will the Government ensure that the data collected will be comparable with data from previous ABS National Nutrition Surveys; if so, how; if not, how will the data provide information on: (a) changes in eating habits; and (b) overweight and obesity levels in Australia since 1995.
- (7) Given that the food industry is involved in the project, what safeguards will be implemented to address potential conflicts of interest.
- (8) Will the project be monitored by expert independent reviewers and researchers.
- (9) Given that the National Obesity Taskforce report, entitled *Healthy Weight 2008: Australia's Future: the national agenda for children and young people and their families*, recommends that research be undertaken into the impact of advertising practice on community levels of overweight and obesity, will the project examine this issue.
- (10) Does the Government intend to fund research into the impact of advertising practice on community levels of overweight and obesity.
- (11) Can a copy be provided of the 2003 National Obesity Taskforce report on television advertising and obesity provided to the Australian Health Ministers Advisory Council; if not, why not.

**Senator Patterson**—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) Yes. The Department of Health and Ageing is chairing a steering group that will oversee direction on the project. This will include endorsing the design of the data collection process.
- (2) A technical reference group will be established to provide technical and scientific expertise to the project. The project will be tendered and design of the data collection process will be considered as part of the tender selection.
- (3) The project is expected to be completed by mid 2007.
- (4) The project will link, as far as possible, with the data collected in the 1995 National Nutrition Survey. However, the 1995 survey collected dietary intake data from people aged 2 years and over. The joint Australian Government/industry project will collect data on the nutrition and physical activity of children aged 2-18 years. It will be the first phase of a planned rolling program of surveys which will, over time, collect data on people of all ages.

The 1995 National Nutrition Survey was not funded solely by the Australian Government Department of Health and Ageing. Other funders were State and Territory Health departments, the Australian Bureau of Statistics, the Australian Institute of Health and Welfare, Food Standards Australia New Zealand, the Department of Veterans' Affairs and the National Heart Foundation. The Australian Government is seeking similar partnerships with the states and territories and other bodies to establish an ongoing comprehensive food, nutrition and physical activity monitoring system. The decision about who will undertake the work will be made by the funding partners.

- (5) The project aims to provide comparable data to that collected in the 1995 National Nutrition Survey. The work will be tendered out and the technical reference group will advise on sampling methods, measurement techniques and the questions used.

- (6) (a) and (b) Yes. The project will provide comparable data about eating habits and overweight and obesity to that collected in the 1995 National Nutrition Survey for children and young people. This information can then be compared with the 1995 data to assess changes over time in relation to eating habits and overweight and obesity.
- (7) The Department of Health and Ageing will manage the contract for the project. The technical reference group will provide independent technical and scientific advice to the design of the survey and a research agency will be contracted to independently undertake the survey. The research agency will be responsible for collecting, collating and analysing the data. The results will be published by the department.
- (8) The technical reference group will provide independent advice at all stages of the project.
- (9) The initiative Measuring Australia's Eating Habits and Physical Activity will include measurements of food and nutrient intake, physical activity levels and weight status but will not examine the impact of advertising practice on community levels of overweight and obesity.
- (10) The Government does not intend to fund research into the impact of advertising practice on community levels of overweight and obesity.
- The Industry sector and the Australian Communications and Media Authority (ACMA) are the appropriate agencies to provide research on advertising issues.
- ACMA has a range of powers and functions, including assisting the different sectors to develop codes of practice relating to content and complaints handling. These codes of practice are self regulating, ACMA investigates any complaints about inappropriate content.
- A new Code of Practice for Free to Air TV, incorporating changes to the Australian Association of National Advertisers Code of Advertising to Children, was registered by ACMA on 1 July 2004. The changes include that advertising of food and/or beverages to children:
- should not encourage or promote an inactive lifestyle combined with unhealthy eating or drinking habits; and
  - must not contain any misleading or incorrect information about the nutritional value of that product.
- (11) The National Obesity Taskforce has not commissioned, nor presented to the Australian Health Ministers' Advisory Council, a report on television advertising and obesity.