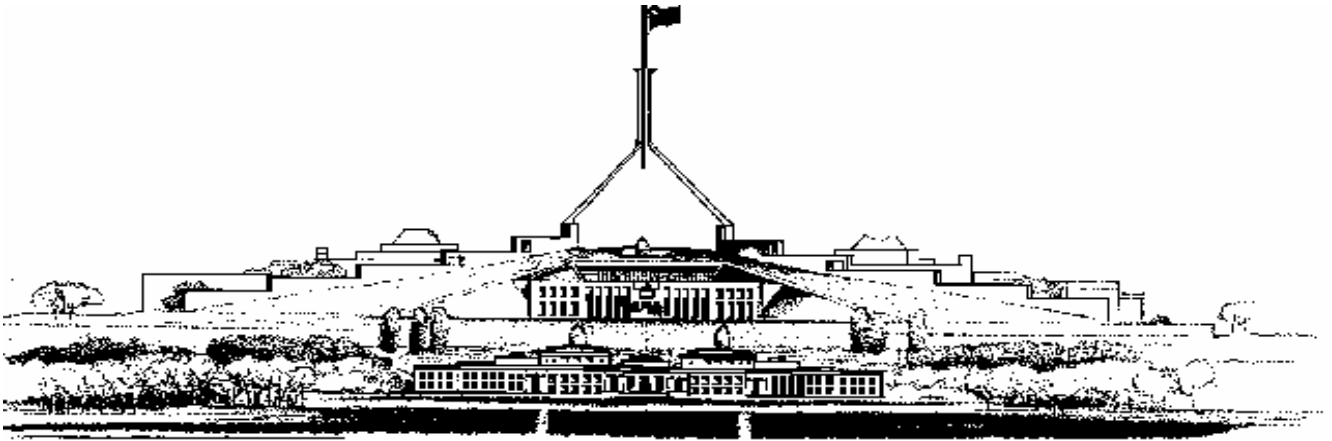




COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



**Senate**

**Official Hansard**

**No. 10, 2005**

**THURSDAY, 11 AUGUST 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	7, 8, 9, 10, 28, 29, 30
December	1, 5, 6, 7, 8

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

**Governor-General**

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

**Senate Officeholders**

*President*—Senator the Hon. Paul Henry Calvert

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

*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

*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, 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
Mason, Brett John	QLD	30.6.2011	LP

Senator	State or Territory	Term expires	Party
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.

#### 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

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THURSDAY, 11 AUGUST

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*Thursday, 11 August 2005*

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

### PETITIONS

The **Clerk**—Petitions have been lodged for presentation as follows:

#### Information Technology: Internet Content

To the Honourable the President and Members of the Senate in Parliament assembled

We, the undersigned citizens of Australia draw to the attention of the Senate the common incidence of children being exposed to Internet websites portraying explicit sexual images. These images may involve children/teens, sexual violence, bestiality, and other disturbing material. Many such websites use aggressive, deceptive or intrusive techniques to induce viewing. We submit to the Senate that:

- Exposure to pornography is a form of sexual assault against children and should be considered, like all sexual abuse of children, as a serious matter causing lasting harm.
- It is not adequate to charge individual parents with the chief responsibility for protecting their children from Internet pornographers determined to promote their product, OR to expect parents to teach children to cope with the damaging effects of pornographic images AFTER exposure.
- It is the primary duty of community and Government to prevent children being exposed to pornography in the first place by placing restrictions on pornographers and those businesses distributing such material.
- Internet Service Providers (ISPs), should accept responsibility for protecting children from Internet pornography, including liability for harm caused to children by inadequate efforts to protect minors from exposure.

Your petitioners therefore, pray that the Senate take legislative action to restrict children's exposure to Internet pornography. We support the introduction of mandatory filtering of pornographic

content by ISPs and age verification technology to restrict minor's access.

by **Senator Fierravanti-Wells** (from 3,817 citizens)

by **Senator McGauran** (from 11,759 citizens).

#### Workplace Relations

To the Honourable President and members of the Senate in Parliament assembled:

The petition of the undersigned Postal and Telecommunications workers draws to the attention of the Senate the impact of the proposed changes to industrial relations legislation that will have on them and their families. The changes include:

- Removing long standing employment conditions and entitlements from awards; Abolishing redundancy entitlements
- Removing unfair dismissal protection for 4 million working Australians;
- Replacing collective agreements with individual workplace contracts (AWA's);
- Reducing the power of the independent Australian Industrial Relations Commission including the removal of their current role to review minimum wages;
- Limiting the role of Unions in the workplace and restricting workers access to union representation.

Your petitioners ask that the Senate reject any changes to industrial relations legislation which will make working Australians and their families worse off.

by **Senator Marshall** (from 567 citizens).

Petitions received.

### NOTICES

#### Presentation

**Senator Stott Despoja** to move on the next day of sitting:

That the Senate—

(a) notes that:

- (i) the week beginning 1 August 2005 was World Breastfeeding Week,

- (ii) the theme for the week was 'Breast-feeding and Family Foods (feeding beyond 6 months)',
  - (iii) breastfeeding is a natural and normal way of providing optimal nutrition, immunological and emotional nurturing for the growth and development of infants, and
  - (iv) every woman has the right to be supported and not discriminated against if they choose to breastfeed or not; and
- (b) notes that breastfeeding women must be supported by allowing them to take breastfeeding breaks and breaks to express milk, encouraging workplaces to provide places for mothers to breastfeed and express milk, and encouraging workplaces to provide the necessary facilities for the storage of breast milk.

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

That the Senate, noting the scourge of petrol sniffing in Indigenous communities, calls on the Government to introduce the comprehensive roll-out of non-sniffable Opal fuel throughout the central deserts region of Australia.

**Senator WATSON** (Tasmania) (9.31 am)—I give notice that at the giving of notices on the next day of sitting I shall withdraw business of the Senate notice of motion No. 2 standing in the name of the Chairman of the Standing Committee on Regulations and Ordinances for 10 sitting days after today for the disallowance of the HIH Royal Commission (Transfer of Records) Regulations 2005, as contained in Select Legislative Instrument 2005 No. 11 and made under the HIH Royal Commission (Transfer of Records) Act 2003. I seek leave to incorporate in *Hansard* the committee's correspondence concerning this instrument.

Leave granted.

*The correspondence read as follows—*

**HIH Royal Commission (Transfer of Records) Regulations 2005**

17 March 2005

The Hon Phillip Ruddock MP

Attorney-General

Suite M1.21

Parliament House

CANBERRA ACT 2600

Dear Attorney-General

I refer to the HIH Royal Commission (Transfer of Records) Regulations 2005, Select Legislative Instrument 2005 No. 11.

Regulation 4 gives ASIC access to "any record of, or relating to, the HIH Royal Commission". The quoted words, found in regulation 4, are copied from section 6 of the HIH Royal Commission (Transfer of Records) Act 2003. Nevertheless the words "or relating to" appear to have wide application. The Committee would therefore appreciate your advice about the intended scope of these words.

The Committee would appreciate your advice on the above matters as soon as possible, but before 29 April 2005, to enable it to finalise its consideration of these Regulations. Correspondence should be directed to the Chairman, Senate Standing Committee on Regulations and Ordinances, Room SG49, Parliament House, Canberra.

Yours sincerely

Tsebin Tchen

Chairman

21 June 2005

Senator Tsebin Tchen

Chairman

Senate Standing Committee on Regulations and Ordinances

Room SG49

Parliament House

CANBERRA ACT 2600

Dear Senator Tchen

I refer to your letter of 17 March 2005 to the Attorney-General seeking advice about the intended scope of Regulation 4 of the HIH Royal Commis-

sion (Transfer of Records) Regulations 2005 (the Regulations). I regret that a response to the Committee's enquiry has been delayed due to a misunderstanding that the substance of the enquiry had been answered by the Attorney-General.

Whilst the Treasurer has responsibility for the enabling Act, the HIH Royal Commission (Transfer of Records) Act 2003 (the Act), I am responding to your enquiry as it was I that recommended that the Regulations be made. In this regard, I note that the Department of the Prime Minister and Cabinet (PM&C) is the controlling agency for records (other than administrative records) of completed Royal Commissions, including the HIH Royal Commission (the Commission).

The Explanatory Statement sets out the reasons for making the Regulations in some detail but the following information may provide a better understanding.

The intent of the Act was to give the Australian Securities and Investments Commission (ASIC) custody of all documents or things produced to the Commission still in its possession when it ceased to exist (section 4) as well as electronic copies of electronic versions of documents or things produced to the Commission (section 5), which would include electronic copies of documents or things produced which had been returned to their owners before the Commission ceased to exist. In essence, ASIC was to have all original material still held plus electronic copies of all material provided, whether still held or not, to the extent such material had been copied and kept by the Commission.

Late last year, it became apparent that there are electronic records, copies of which ASIC has an entitlement to under section 5 of the Act, held in part of the database received by PM&C from the Commission which PM&C understood only to hold documents created by the Commission (i.e. documents to which ASIC was not entitled). There was no way of determining which of these were electronic versions of documents produced to the Commission, and which therefore should be provided to ASIC, without opening and examining each of over 10,000 documents at issue. There was also a possibility that there might be documents produced to the Commission, the cus-

tody of which ASIC would be entitled to under section 4 of the Act, in the hard copy records of the Commission still held by PM&C. ASIC needed to be assured that it had received all material to which it was entitled under the Act, in order that potential prosecutions would not be compromised.

The Regulations were made to allow ASIC officers to access such Commission records and related records as would be determined by the Secretary to PM&C and to undertake the examination necessary to determine which further documents should be provided to ASIC, in order that the Commonwealth's obligations under the Act to transfer documents were met in full.

As you have noted in your letter, Regulation 4 simply copies the wording found in section 6 of the Act.

The database provided to PM&C by the Commission is a version of the Commission's electronic database in the custody of the National Archives of Australia. As such, the database in PM&C is not "a record of the HIH Royal Commission" but rather a version containing copies of Commission records. As controlling agency for the Commission's records, PM&C needed to be able to supervise any access to records by ASIC officers. It was determined therefore that access would be provided to the database held by PM&C rather than the Commission's electronic database held in the National Archives.

The PM&C database is not the official record of the Commission but is a copy of the record for PM&C's purposes and is therefore only a record relating to the Commission. In order to allow ASIC to have access to the PM&C database, the section 6 wording was adopted in drafting Regulation 4. The intention was that ASIC should have access to (but not custody of) such records either held by PM&C or under PM&C's control that would enable all concerned to be satisfied that all material to which ASIC is entitled under the Act has been provided, and no more.

To this end, ASIC has been provided with access on PM&C premises to a discrete part of the hard copy Commission records held by PM&C and to two folders in PM&C's electronic version of the Commission's database held. It is not anticipated

at this stage that any further access will be required.

I trust that this answers the Committee's enquiry. Please let me know if further information is required.

Yours sincerely

GARY NAIRN

Parliamentary Secretary to the Prime Minister

### BUSINESS

#### Rearrangement

**Senator ELLISON** (Western Australia—Manager of Government Business in the Senate) (9.32 am)—I move:

That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 4 Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) Bill 2005

Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Bill 2005

Question agreed to.

#### Rearrangement

**Senator ELLISON** (Western Australia—Manager of Government Business in the Senate) (9.33 am)—I move:

That the order of general business for consideration today be as follows:

- (1) general business notice of motion no. 113 standing in the name of the Senator George Campbell relating to skills shortages and government training policies; and
- (2) consideration of government documents.

Question agreed to.

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION: DISCOVERY CREW

**Senator STOTT DESPOJA** (South Australia) (9.34 am)—I move:

That the Senate—

- (a) congratulates the National Aeronautics and Space Administration and the Discov-

ery crew on their successful mission which involved the resupply of, and maintenance on, the International Space Station; and

- (b) commends the Discovery crew, astronauts Commander Eileen Collins, Charles Camarda, Wendy Lawrence, Steven Robinson, Soichi Noguchi, James Kelly and South Australian-born Andrew Thomas, on their safe launch into space on 26 July 2005 and return on 9 August 2005.

Question agreed to.

### URANIUM MINING

**Senator MILNE** (Tasmania) (9.34 am)—I move:

That the Senate—

- (a) notes the Federal Government's intention to override the Northern Territory Government in pursuit of expanding uranium mining, announced on the eve of the 60th anniversary of the United States of America dropping the first atomic bomb, killing approximately 140 000 people in the Japanese city of Hiroshima;
- (b) rejects the expansion of uranium mining because of its potential to cause grave harm to people and the environment, and the risk of Australian uranium being diverted to the production of nuclear weapons; and
- (c) calls on the Federal Government to abandon the expansion of uranium mining and instead support the expansion of energy efficiency and renewable energy to address the challenge of climate change.

Question put.

The Senate divided. [9.38 am]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	8
Noes.....	<u>54</u>
Majority.....	46

## AYES

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

## NOES

Adams, J.	Barnett, G.
Bishop, T.M.	Boswell, R.L.D.
Brandis, G.H.	Calvert, P.H.
Campbell, G.	Campbell, I.G.
Carr, K.J.	Chapman, H.G.P.
Colbeck, R.	Conroy, S.M.
Coonan, H.L.	Eggleston, A.
Ellison, C.M.	Faulkner, J.P.
Ferguson, A.B.	Ferris, J.M. *
Fierravanti-Wells, C.	Fifield, M.P.
Forshaw, M.G.	Heffernan, W.
Hogg, J.J.	Humphries, G.
Hutchins, S.P.	Johnston, D.
Joyce, B.	Kemp, C.R.
Kirk, L.	Lightfoot, P.R.
Ludwig, J.W.	Marshall, G.
Mason, B.J.	McEwen, A.
McGauran, J.J.J.	Minchin, N.H.
Moore, C.	Nash, F.
O'Brien, K.W.K.	Parry, S.
Patterson, K.C.	Payne, M.A.
Polley, H.	Ronaldson, M.
Santoro, S.	Scullion, N.G.
Sherry, N.J.	Stephens, U.
Sterle, G.	Troeth, J.M.
Trood, R.	Watson, J.O.W.
Webber, R.	Wortley, D.

\* denotes teller

Question negatived.

**TRUTH IN FOOD LABELLING BILL  
2003****Senator BROWN** (Tasmania) (9.43 am)—I move:

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the Truth in Food Labelling Bill 2003 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.

**BURMA****Senator STOTT DESPOJA** (South Australia) (9.43 am)—I move:

That the Senate—

(a) notes:

- (i) 8 August 2005 was the 17th anniversary of the Burmese military regime's murderous suppression of the pro-democracy movement,
- (ii) thousands of people have died and continue to die under the rule of the Burmese military,
- (iii) Daw Aung San Suu Kyi and many hundreds of other political prisoners remain under detention within Burma, and
- (iv) the Australian Government's passive approach to the Burmese regimes continued human rights abuses; and

(b) calls on the Government to:

- (i) make representations to the United Nations Security Council, calling on the Council to pass a strong resolution addressing the urgent need for democratic reform and greater protection of human rights in Burma, and
- (ii) repeat its calls for the immediate and unconditional release of Daw Aung San Suu Kyi and all remaining political prisoners.

Question negatived.

**Senator STOTT DESPOJA**—Mr President, I will not waste the Senate's time with a division in this case, but can I just ask the Labor Party if they did vote in favour of that motion?**Senator Ludwig**—Yes.**Senator STOTT DESPOJA**—I thank you.**Senator Nettle**—by leave—Mr President, I just want to indicate that the Greens also supported that motion about the Burmese regime.

**IRAQ**

**Senator NETTLE** (New South Wales)  
(9.44 am)—I move:

That the Senate—

- (a) notes that 126 members of the Iraqi Parliament have signed on to a statement that notes that:
- (i) the National Assembly is the legitimate representative of the Iraqi people and the guardian of its interests, and is the voice of the people, especially with regard to repeated demands for the departure of the occupation,
- (ii) these demands have earlier been made in more than one session but have blatantly been ignored from the Chair, and
- (iii) the Iraqi Government's request to the United Nations Security Council to extend the presence of the occupation forces, was made without consultation with the people's representative in the National Assembly who holds the right to make such fateful decisions;
- (b) notes that in line with their historic responsibility, these 126 members of the Iraqi Parliament reject legitimisation of the occupation and they repeat their demand for the departure of the occupation forces, especially since their national forces have been able to break the back of terrorism and to notably establish its presence in the Iraqi street and to recover the state's dignity and the citizen's trust in the security forces leading to the noble objectives in an Iraq whose sovereignty is not compromised; and
- (c) calls on the Government to bring Australia's troops home from Iraq.

Question put:

The Senate divided. [9.49 am]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	7
Noes.....	<u>54</u>
Majority.....	47

**AYES**

Allison, L.F.                      Bartlett, A.J.J.  
Brown, B.J.                      Milne, C.  
Nettle, K.                        Siewert, R. \*

Stott Despoja, N.

**NOES**

Adams, J.                         Barnett, G.  
Bishop, T.M.                    Boswell, R.L.D.  
Brandis, G.H.                   Calvert, P.H.  
Campbell, G.                   Campbell, I.G.  
Carr, K.J.                        Chapman, H.G.P.  
Colbeck, R.                      Coonan, H.L.  
Crossin, P.M.                   Eggleston, A.  
Ellison, C.M.                   Faulkner, J.P.  
Ferguson, A.B.                 Ferris, J.M. \*  
Fierravanti-Wells, C.         Fifield, M.P.  
Forshaw, M.G.                 Heffernan, W.  
Hogg, J.J.                        Humphries, G.  
Hutchins, S.P.                 Johnston, D.  
Joyce, B.                         Kemp, C.R.  
Kirk, L.                          Lightfoot, P.R.  
Ludwig, J.W.                    Marshall, G.  
Mason, B.J.                      McEwen, A.  
McGauran, J.J.J.                McLucas, J.E.  
Minchin, N.H.                  Moore, C.  
Nash, F.                          Parry, S.  
Patterson, K.C.                 Payne, M.A.  
Polley, H.                        Ronaldson, M.  
Santoro, S.                      Scullion, N.G.  
Stephens, U.                     Sterle, G.  
Troeth, J.M.                     Trood, R.  
Watson, J.O.W.                 Webber, R.  
Wong, P.                         Wortley, D.

\* denotes teller

Question negatived.

**BOMBING OF HIROSHIMA AND NAGASAKI: 60TH ANNIVERSARY**

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (9.54 am)—by leave—I move the motion as amended:

That the Senate—

- (a) acknowledges the massive destruction caused by the use of nuclear weapons against the cities of Hiroshima and Nagasaki 60 years ago;
- (b) notes that the one megaton bombs in the 28 000 strong nuclear arsenal worldwide

are 70 times bigger and more destructive than those used against Japan;

(c) notes:

- (i) the inability of the United Nations, at the recent Nuclear Non-proliferation Treaty Review conference, to commit to stringent and effective measures towards nuclear disarmament,
- (ii) the message of 4 August 2005 by the World Council of Churches referring to the 'unfinished business of banning nuclear weapons',
- (iii) that since the first atomic bombings in 1945 the number of nuclear-armed states is widely believed to have increased from one to nine, and
- (iv) that nuclear weapons have not stopped wars in Korea, Vietnam, Afghanistan, the Falklands or Iraq, nor deterred terrorists anywhere;
- (d) recognises the tremendous resilience and spirit of the Japanese people, especially the survivors and their families affected by the bombings in both Hiroshima and Nagasaki;
- (e) recognises, that due to that spirit, vibrant and modern cities have arisen out of the destruction and loss of life in both locations;
- (f) understands the special lesson of Hiroshima and Nagasaki is the need for us to redouble our efforts to stop the proliferation of weapons of mass destruction, including nuclear weapons; and
- (g) calls on the Australian Government to work towards a nuclear-weapons free world.

Question agreed to.

#### GLOBAL WARMING

**Senator BROWN** (Tasmania) (9.56 am)—by leave—I move:

That the Minister for the Environment and Heritage (Senator Ian Campbell) explain to the Senate his denial in the Federal Court that global warming exists or that the burning of coal contributes to global warming.

I move this motion with astonishment that we could have the situation where, in the Federal Court, effectively within days of the Minister for the Environment and Heritage announcing the government's *Climate change: risk and vulnerability* study, showing that Australia can expect more frequent and extreme droughts, floods and storms—

**Senator Ferris**—Mr President, I rise on a point of order. This is quite a complicated motion. We have not had an opportunity to have a look at it. I ask Senator Brown if he would defer it to give the opportunity to the government and the minister to examine it.

**The PRESIDENT**—Senator Brown may wish to do that, or you could move to defer the debate after Senator Brown's contribution.

**Senator Ferris**—Thank you, Mr President, but I would seek Senator Brown's good manners, I suppose, in allowing us the opportunity to have a look at the complexity of the motion.

**Senator BROWN**—My manners are excellent, as Senator Ferris knows, and the motion is being given to her. I ask that she give it to the Clerk so that other senators may see it as well. What an extraordinary situation we have. The Minister for the Environment and Heritage now readily recognises—belatedly—that global warming is upon us and that it has awesome implications for this nation, such as the loss of farmlands, coastal erosion, the loss of rainfall, agricultural downturn and massive economic, employment and social disruption, as well as the loss of species. Globally, scientists warn that a third of our fellow species on this planet may go to extinction this century unless we turn around from this threat.

Yet this same minister, whose job it is to protect the environment, to defend the environment from the onslaught of global warming, disputes in the Federal Court the Wild-

life Preservation Society of Queensland's assertion regarding two new coal-fired plants that global warming is a complex biophysical process involving a rise over time in the temperature of the earth's atmosphere due to human activities. He disputes that the burning of coal to generate electricity generally results in the emission of greenhouse gases, contributing to global warming, or even that global warming is likely to have a severe impact on matters protected by part 3 of the Environment Protection and Biodiversity Conservation Act 1999.

What is this minister about? He is saying in this place that this is a huge threat to Australia. His government has just been to Vientiane with other coal producers to establish an alternative global pact on climate change to the Kyoto protocol. Mr Downer has been getting world headlines. The Prime Minister says, belatedly, that global warming is real, but then the minister goes into action and effectively says, 'Not true; global warming is not likely to have an impact on Australia's biodiversity, its wildlife and those species being moved to extinction as their habitats are changed, as the continent warms up, as the sea moves in and as the rainfall diminishes.' The minister effectively says: 'No, global warming isn't a real entity. I'm denying it; you prove it. The burning of coal isn't the problem. Test it in the courts. I'm with the coal industry.'

At the heart of this is a duplicitous arrangement in government, which is that, on the one hand, the coal industry must be protected at all costs; our friends, the huge multinational coal corporations, have to be protected, no matter what they are effectively doing to the nation's welfare in the coming decades and centuries. So when it gets to real action, when Australian citizens take real action to defend this nation's future, the coming generations and our fellow creatures—as Senator Milne was referring to in

her first speech last night—we are told, 'We'll defend the coal industry against the national interest and we'll go to court to do so, come hell or high water.'

What an extraordinary failure of this minister in his allocated job as the nation's first environmentalist. What a failure by Minister Campbell to stand up for this nation, its best interests and coming generations. What an extraordinary thing that it is left to the Wildlife Preservation Society to take court action to insist on an environmental impact statement being done on two huge coal-burning power stations which are going to have two huge outputs of global warming gases and which are going to have two huge impacts, reaching not just into the coming years and the coming decades but into the coming centuries, inimical to everybody who comes after us on this planet.

One would have thought that any minister for the environment worthy of his or her salt would have said, 'Yes, we will do an environmental impact assessment; that's my job; we'll get to the facts of the matter'—not this ostrich, not this minister with his head in the sand, who says: 'Let's not look at the facts, let's not get an environmental impact assessment as I'm duty bound to do. Let me defend the coal industry.' So the minister for the environment becomes the minister for coal burning. That is what we have, and it is outrageous whichever way you look at it. Now we have a 'Bushian' attitude permeating out of the Howard government. Who would have believed the attitude of the office of the minister for the environment in this country, which on the one hand says, 'We've got to do something about global warming,' but on the other hand says, 'We'll foster the burning of fossil fuels'?

*Honourable senators interjecting—*

**The ACTING DEPUTY PRESIDENT (Senator Ferguson)**—Order! There is far

too much audible noise in the chamber. Would senators please resume their seats and keep the noise to a minimum.

**Senator BROWN**—There can be no more important issue for this Senate to be debating. We are at crisis point on the environment globally. The world's scientists have repeatedly warned that global warming is real and that its ramifications are disastrous. The former British chief meteorologist has said that global warming is a bigger threat to human society than terrorism. Echoing that, the Blair government has said, 'We must cut greenhouse gas emissions globally by 50 per cent by 2050.' Here in Australia we have a government which is commissioning—

*Government senators interjecting—*

**The ACTING DEPUTY PRESIDENT**—Order! I ask senators on my right to conduct their conversations elsewhere.

**Senator BROWN**—Here in Australia we have a government which is commissioning new giant coal-burning facilities in the face of this reality, and the minister for the environment says, 'I won't do an environmental impact assessment.' Do you know why he says that? It is because he knows that any dinkum independent assessment of these coal-fired stations is going to find negative results and that no environmental minister worth his salt could give his stamp of approval to it. Why not? It is because there are better alternatives. Let us look at one of them: energy efficiency. Again, world experts ranging from the Rocky Mountains Institute to Australian experts make it clear that a comprehensive effort by governments—and where is the one from the Howard government?—could cut—

*Honourable senators interjecting—*

**The ACTING DEPUTY PRESIDENT**—Order! For the third time, there is far too much audible conversation in the chamber. If senators wish to conduct conversations,

could they do so outside. Other senators, please take your seats.

**Senator BROWN**—Senator Ferris is very busy at the moment. The fact is that energy efficiency could free up 20 to 40 per cent of the power now being used in this nation for new purposes. Alone, energy efficiency could provide for this nation's growing economy for the next couple of decades without our building another energy installation. Why don't we have it? It is because the government and the minister for the environment, in particular, do not understand it. It is not a big power station. It is a diverse policy in which you get energy efficiency by simple things: having lights that automatically turn off when people leave the room, the cladding of hot water pipes and world's best use in industry and manufacturing. A whole range of ways in which we could divert currently produced energy into new energy demand satisfaction in the coming decades are not being looked at by this government. By the way, this approach is enormously job intensive, a great job creator, and produces environmental technologies as a spin-off in a world market thirsting for them.

But moving beyond energy efficiency, this minister for the environment should be putting to the court in Queensland his plan for renewable energy—to use energy that is given from the sun through solar power, wind power and biomass, which do not produce the prodigious amounts of global warming gases which come out of burning coal. This country is one of the world's four greatest coal-mining countries and by a country mile the biggest coal exporter in the world. I will tell you why the minister is failing to advocate his environment portfolio before the court: the coal industry has an open door to the Prime Minister and this minister, who are being led by the nose by the very industry that needs to be kept in its box—that needs to be contained.

At least let that industry pay its way. Let us have a pollution tax in this country so that those who pollute and who damage the interests of the next generation pay for it. Let the money from that tax go across into renewable energy and energy efficiency. There would be enormous support for that from the Australian people if only this government were to take the lead. But what have we got instead? We have a minister for the environment who turns out to be an advocate for the coal industry. How extraordinary, in 2005, that we have a minister who in the Federal Court effectively says, 'I dispute that global warming is likely to have a severe impact on matters protected by part 3 of the Environment Protection and Biodiversity Conservation Act 1999.' The minister for the environment is saying, 'I dispute that burning coal and global warming are going to have an impact on Australia's environment.' Is that daft? No; he knows better. Is that explicable? On the face of it, no, it is not. Here is the minister in this parliament saying one thing and in one of the nation's courts saying the opposite.

It is totally inexplicable, it is irresponsible and it is not acceptable that in Australia in 2005 a minister for the environment should so fail in his duty to this nation's environment. He has not even done environmental impact statements. And when the Queensland preservation society says, 'You should do one; you are failing in your duty,' he goes into court and says: 'There is no problem. I dispute that global warming exists.' It is like something out of Monty Python. If it were not so serious it would be risible. It is just extraordinary, and the government knows it. I have not seen the situation in a long time where a minister is sitting on the benches opposite, his ears down, and there is not one other member of the government in the chamber. There is no-one in this chamber to support the minister for the environment. But

you cannot blame them, can you? What an extraordinary situation. What a shameful way for this minister for the environment to fail in his duties.

The Senate, the parliament and the people of Australia are owed an explanation. This is not on. This is not trivial. This is not some matter that can be turned into a political fracas and forgotten. We are talking about the livelihood, the lifestyle and the security of every Australian who comes after us—indeed, of every person on this planet—as well as the whole diversity of the planet. Scientists by their thousands, including Nobel Prize winners, have said, 'Change direction or many species, perhaps even homo sapiens, will not survive the century.' This is why we need a vigorous exponent of the real environmental dilemma that global warming brings us going into the cabinet in defence of this nation's interests, if not its honour. But we have instead a minister who has his head, conveniently, in the coal, and who says: 'I will take the dictate from the prime ministerial office and the coal industry. I will not defend the environment. I will not even have a look at what new coal-fired power stations mean for global warming. I have got the blinkers on. It would be too embarrassing for me to have to spell out the real nature of the impact on our environment of building more thermal power stations, because it will be for centuries to come.'

One would think that the Beattie government would have more sense. It does not. One would think that the minister for the environment would bring it to book over it. He does not. At the end of it, one would think that he would let the court say: 'Yes, go and do your duty. Do an environmental impact statement.' I cannot judge what the court might think of this, but I do know what the court of public opinion will think of it. This is an irresponsible act by a failed minister. We should have a minister in court with the

Wildlife Preservation Society of Queensland, defending Queensland's, Australia's and the world's environment. Instead of that, he is saying, 'I dispute the facts that global warming exists, that coal burning contributes to it and that it will have an impact on Australia's endangered species, farmlands, seashores and economic wellbeing,' two or three weeks after he launched a government study showing that all those things are going to happen. How do you explain this erratic, inexplicable behaviour? I am glad to see that three government senators have now come in to defend the minister, but there is no defence to this. It will be interesting to see the process that the government use here, having been caught out, and caught out badly, this morning on the third day of sittings of this new Senate. I do not know what their procedural people are going to say about this, but I know that the Australian people are going to be aghast at the failure of performance of this failed minister.

**Senator IAN CAMPBELL** (Western Australia—Minister for the Environment and Heritage) (10.17 am)—We have seen, once again, a flurry of hot air and shaking of the hands from Senator Brown. It is in fact the sort of performance that drives people from the chamber. It is driving people to realise that Senator Brown is less than honest with facts about the environment. We know that the majority of his political manifesto ignores environmental issues. He comes to them every now and again when he can see a chance for a quick media event or a quick beat-up. We know that his party stands for ensuring that young Australians can get easy access to illegal drugs. We know that his party stands for higher taxes on the family home. We know that his party stands for economic policies that would bring the country to its knees and see many people living in poverty. We hear today that his policy would involve ensuring that people in sub-Saharan

Africa and in our region are more likely to die of malaria, AIDS, malnutrition and starvation, because he does what he accuses me of doing—he pretends that there is a magic wand solution to the issues of climate change and the impact of human activity on global temperatures.

Senator Brown would pretend and have people believe that you could close down every coalmine in Australia, and that is what he has effectively advocated today. He came in here with a motion talking about a court case brought by an environmental group in Queensland about a coalmine and would mislead senators and have them believe that we are talking about approval for a coal-fired power station, which we are not—it is an approval for two coalmines in Queensland, the product of which I understand will ultimately be exported. He misleads us and the Australian people and would have the Australian people believe that there is some benefit for Australia and the world in effectively seeing the end to coalmining in this country.

You need to understand what the consequences of that sort of policy are. Most sensible nations in the world and their environment ministers from both sides of politics believe that the real answer to addressing climate change and the future in what should be a carbon-constrained world is to recognise, first and foremost, that the world does rely at the moment on fossil fuels but that there are alternatives—and every government in the world in its own way, depending on geographic and economic circumstances, is finding practical, affordable ways to deal with that. Some countries, like Australia, are moving robustly towards putting more and more renewable energy resources into their energy mix. In fact, it is likely that the state of South Australia will achieve the highest level of wind power per capita of any jurisdiction on the planet within the next few

years if all the wind farms that are up for approval at the moment go ahead.

Australians should be very proud of the achievements that their industry is making through the Greenhouse Challenge Plus program. They should be very proud of the work that some state governments, the federal government, industry and communities are doing right across the levels of society to address greenhouse gas emissions. Yet Senator Brown would come in here and pour scorn upon his own country's activities, talk Australia down, talk Australians down and effectively say to all workers in the coal industry, 'You do not have a legitimate job anymore.' Thousands and thousands of Australians are involved in the legitimate activity of mining a fossil fuel—some of the world's cleanest coal—and shipping it to the rest of the world, allowing energy to be produced, and Senator Brown would say to all of those thousands upon thousands of Australian blue-collar workers, 'What you are doing is illegitimate and you should not do it anymore.'

He is saying that to sensible environmental leaders, like the UK minister for the environment, Margaret Beckett, who said at the dialogue hosted by Tony Blair in the lead-up to the G8, which I attended, that the world relies on fossil fuels; that, yes, there are alternatives, but the real gains in the near future are to be found in burning fossil fuels in a far more efficient way—cleaning up the coal, gasifying the coal, having a closed-loop concentration system that can get to low or zero emission fossil fuel burning, capturing the carbon and the other emissions from coal burning and other fossil fuel burning power generation facilities and geosequestering them or pumping them down under the ocean. These are all real opportunities.

Some countries will pursue an expansion of nuclear facilities, but Senator Brown says,

'No, that's not good either.' Some countries will pursue hydrogen economies to try to transform the transportation network, but he does not really care about the real solutions, because his political activity is often based on a series of stunts that are based on mis-truths and misleading. That is what he has done here today. He has misled the people of Australia in relation to this particular court case and he has misled this parliament by saying that this was a decision about a coal-fired power station. It is not; it is about a couple of coalmines in Queensland.

The world, if it is to expand, needs energy. If the people of sub-Saharan Africa are going to survive, they need to expand their economies and they will need energy. If we are going to see the next generation of Africans not be in the same situation as this generation are in—where they have a very high mortality rate, a very high chance of dying of malaria, a very high chance of dying of AIDS and a very high chance of starving to death—then we need to keep expanding the global economy. We need that in our own near-Asian region, where there are millions of people who live in dire circumstances. So we want to see the economies of India, China, Korea and Asia more broadly and, very importantly, Africa and the southern American countries develop rapidly.

The global economy will demand more and more energy. The cold hard reality is that at the moment most of that energy will come from fossil fuels. You could pretend to the Australian people that a simple solution is just to close all the coalmines and not allow any more to open, but the reality is that you could, if you were so ideologically committed to that course of action, close down the entire Australian economy tonight. We could pass a law that says that there will be no greenhouse gas emissions from any facility anywhere in Australia as at midnight tonight. Bob Brown would probably support that. He

would vote for it. What would be the result on 11 August next year for global greenhouse gases? What would have happened to global greenhouse gases? China alone would have entirely replicated all of Australia's greenhouse gas emissions within 12 months. If we shut down every single greenhouse gas emitting facility in Australia at midnight on 11 August, today, within 12 months the expansion in the Chinese economy, the expansion in China's energy production, the expansion in greenhouse gases coming out of China would have entirely replicated the entire greenhouse gas emissions of Australia.

This bloke sitting opposite, Senator Brown, would mislead Australians, he would kill the jobs of thousands of people who legitimately go about mining coal—blue-collar workers—and he would mislead people by saying that you can get rid of fossil fuels and still have an expanding economy and still be able to find a solution to climate change. It is just such a crock. It is saddening and sickening for someone who does deeply care about our global environment, who does deeply care about saving our climate, to see this charlatan create a fraud on the Australian people.

This country has just entered into a partnership with China, India, Korea and Japan. It is a partnership that builds on Kyoto, is complementary to Kyoto, and has been welcomed by a range of the annex 1 countries within Kyoto as a very constructive and positive next step—a positive and constructive step towards finding a way that the world can build on the Kyoto protocol and its achievements beyond 2012. The European Commission, for example, have welcomed this. Countries from around the world have welcomed this. They are very keen to get involved. We are keen to welcome new countries into the partnership as it gets established and as, to use an Australian colloquialism, the rubber hits the road.

This government will not just rely on building some of the world's leading international measures to create a true international partnership to reduce global greenhouse gases and reduce the increase in emissions. We know that, under the Kyoto protocol, emissions will in fact rise by 40 per cent. Senator Brown keeps saying that the solution is to sign the Kyoto protocol. He does not tell people that emissions will rise by 40 per cent under the Kyoto protocol. The world has to do better than Kyoto. The world has to find a way of bringing in China and India and the rapidly developing countries. You have to find a solution to global warming that recognises the fact that the world will need more and more energy and that it cannot come just from renewables, just from nuclear or just from a range of other energy options. There will need to be a whole portfolio of measures to reduce the growth in greenhouse gases in the short to medium term and turn them around and reduce them in the longer term.

We will have to find new technologies to clean up fossil fuels—and there is a whole range of those. The Victorian Labor government, under the leadership of Premier Steve Bracks and his environment minister, John Thwaites, established in their last budget a low-emissions technology fund. I do not know the exact name of it. Senator Carr, who I believe will be speaking on behalf of the Labor Party, may remind us. They established what is effectively a low-emissions technology fund to work with the Commonwealth government—and I credit John Thwaites with this. He has written to me and asked that the guidelines and approvals processes for applications under the low-emissions technology fund be harmonised with the Victorian scheme so that proponents of low-emissions technology projects in Victoria can receive funds from the Commonwealth's program and the Victorian program

without having to go through two sets of approvals and assessments.

John Thwaites and Steve Bracks realise that in Victoria they are sitting on somewhere between 500 to 700 years of coal. It is coal that, at the moment, has a high greenhouse signature. It is energy that Victoria needs to grow, but new technology offers us hope that we can clean up that coal, reduce the fluids and water in the coal, potentially capture the carbon that is emitted from burning that coal and sequester it and stop it going into the atmosphere. To the great credit of the Victorian Labor government, they want to form a partnership with the Australian government to help fund that sort of investment out of public funds. We have established a low-emissions technology demonstration fund with \$500 million invested by the Commonwealth, and I welcome the investment from the Victorian government to match that. I am very keen to see the Western Australian government set up a similar fund. I think that it is a real way to see the expansion of energy needs in our states—such as Western Australia—but also to invest money for the future so we can in fact have a low-emissions future.

We have heavily invested money into renewable energy. We already have a world-leading program to replace fossil fuel burning facilities in remote areas with the Renewable Remote Power Generation Program with \$205 million in funding. We have had the Mandatory Renewable Energy Target scheme, which has seen the biggest upsurge in wind turbine production of just about any jurisdiction in the world. Hundreds and hundreds of wind turbines across the Australian landscape are providing renewable, reliable energy based on the wind.

There have been massive investments in photovoltaics and solar energy. I just announced in the last budget an extension of

the Photovoltaic Rebate Program for the next couple of years. As that program continues, the Solar Cities program comes in. This is a fund to establish four new entirely solar regions to address the real problems of integrating renewable energy into the existing grid, overcoming a number of the hurdles that both wind energy and solar energy have faced. This is basically making solar energy a mainstream energy source for entire communities for the first time just about anywhere in the world. But, of course, Senator Bob Brown would rather talk Australia down. He would rather pour scorn on our country and ignore the activity of thousands of Australians in the renewable energy sector who are spending their entire lives developing one of the best renewable energy sectors of any country in the world. He would rather just ignore that because he is not serious or fair dinkum. We will continue to be leaders in both wind energy and solar energy.

To address the problems that renewables face in terms of reliability and storage we have invested another \$20 million in advanced electricity storage technologies to support the development and deployment of advanced storage technologies to provide solutions to the barriers presented by intermittent renewable energy sources such as solar and wind power. Those who live in the real world all know that the wind does not always blow. When you have a lot of wind turbines and the wind does not blow you have to get the energy from somewhere else. In Australia this traditionally means going back to relying on either diesel generators or fossil fuel power stations. We want to try and address that problem. As you build the capacity of renewable energy, how do you store it when it is being generated so that you can use it? There is a fantastic array of potential technologies there. In wind forecasting capabilities there is \$14 million to make sure that we have the very best science available so

we can guide future investors in wind technology as to where the best place for the turbines is to get the most reliable outcome. In the renewable energy equity fund there is \$21 million designed to encourage commercialisation of research and development in renewable energy technologies. The list goes on from a government that is not talking about greenhouse and going out and scaring people about it; it is telling the truth about it.

I did release a report on the risks to Australia of climate change, because Australia is very vulnerable to climate change, rather than go around and scare people and create stunts such as those Senator Brown has built his entire career on. He is all stunts and no policy; no follow-through. He goes from stunt to stunt to stunt. This is why people are beginning to not take him seriously. He has been in the Senate for—

**Senator Eggleston**—Nine years.

**Senator IAN CAMPBELL**—Nine years is it, Senator Eggleston? Thank you. He has not been able to deliver a single legislative or policy outcome for the environment, yet he calls himself a Green. I remember a few years ago going to Senator Brown and calling him to a meeting with Senator Kemp, and saying, ‘Look, we could do with some assistance on this piece of legislation. Can we talk to you about helping in relation to an environmental cause?’ As I recall, it was a conversation about trying to save some forests in Tasmania. We said to him, ‘You really want to save this bit of forest; we need some help on this.’ I do not even know what the policy was. We were trying to do a bit of cross-trading. Senator Brown, to his credit, came to the meeting and was very pleasant, as he often is. We said, ‘Why don’t you look at giving us a win on something we need and we can give you a win on something you need—a real win for the environment?’ He went away. In fact, I think after that he even

flirted with the idea of the sale of Telstra, until he was brought into line by his Socialist Workers Party supporters. He has been in this place for nine years and has not had a single win on the environment—not a single win. You wonder why he comes here and if it is not just a platform to perform stunts at great expense to the taxpayer. I would like to add up all the greenhouse gas emissions from the endless number of aeroplane flights from Hobart to Canberra and back that he uses at taxpayers’ expense. It must be an enormous profile. I hope he goes out and plants a few trees to sequester the carbon from it every time he gets home. He probably does.

But this is a very serious issue, and it will not be solved by stunts. It will not be solved by going around and scaring people. It will be solved by telling people the truth about the energy needs of the world, addressing it through fair dinkum domestic programs and action internationally—which Australia is now leading the world in—and by real work and real action; not stunts. Again, this morning we have seen a stunt. I am glad and very proud to be the Australian environment minister under the leadership of John Howard at a time when we are taking this issue seriously. We are investing real money, working with the states and other countries and hopefully creating a policy that will help save the planet. (*Time expired*)

**Senator MILNE** (Tasmania) (10.37 am)—I am really disappointed by the contribution of the Minister for the Environment and Heritage. What this motion asks him to do is explain to not only the Australian community but also the international community why he is making two completely different statements. I note that he is leaving the chamber. He is so uninterested in explaining to people what is going on that he just walks away.

The point at issue here is that he has said in this chamber that the Australian government is concerned about greenhouse gas emissions. I welcome that, because it is a change in the rhetoric—and rhetoric will influence behaviour ultimately. I was at the conference of the parties to the UN Framework Convention on Climate Change in Buenos Aires and later in The Hague. I was humiliated by the behaviour of the Australian government delegation in doing everything it possibly could to undermine and frustrate the efforts of the rest of the world to get action on this globally significant issue—in fact, the most significant environmental issue of our time. Australia was so ridiculed in The Hague that, in the pot plants around the place, there were little signs saying, ‘Australia’s effort on greenhouse’, so pitiful was what the Australian government was putting forward.

I now welcome the fact that suddenly, having denied that greenhouse emissions exist and having denied that we have to do anything about them, the government has now changed its position. The minister has said that climate change is important and it is important to address it. He says, ‘We will not save the climate and address climate change unless we have substantial international agreement on this.’ He is right. The action Australia has taken I will dispute in a moment, but he is right in saying that we need to address this issue.

The tragedy here is that what we have seen is, on the one hand, a series of public statements trying to reassure the Australian people and the global community that Australia has now changed position and is trying to recover its international standing but, at the same time domestically, another statement being made in the Federal Court. I am going to quote that statement because this is what the minister needs to explain. Let us forget all of the personal attack and vilifica-

tion that we just heard from the minister. I always find that, when people cannot defend their position, that is when they resort to personal attack. What I want to know from the minister is why he has disputed in the Federal Court the following statement: ‘Global warming is a complex biophysical process involving a rise over time in the temperature of the earth’s atmosphere due to human activities.’ That is what he is disputing. He is saying that climate change does not exist. He is disputing that particular statement.

He is also disputing that the burning of coal to generate electricity generally results in the emission of greenhouse gases, contributing to global warming. Where is there any evidence to say that the burning of coal does not contribute to greenhouse gases? There is no evidence. Yet the government is disputing that statement. The minister has to explain this to the parliament, to the people of Australia and, more particularly, to the world, because the minister has been making a great big deal out of his relationship with the G-8, his relationship with the British government and the big meeting that is going to be in Adelaide later this year. He is saying to the rest of the world that he is concerned about global warming and that this government is going to do something about it. But, at the same time, he is going to the courts in Australia to dispute, firstly, that global warming is actually happening to the earth’s atmosphere and is due to human activity and, secondly, that the burning of coal to generate electricity results in the emission of greenhouse gases.

What that is actually saying is that this government does not want to take greenhouse gas emissions and global warming seriously. That is what the minister needs to explain. He really does need to tell us why he is saying one thing in one forum and the exact opposite in the other. You can imagine what would happen if on the one hand the

government was out there saying that terrorism is a global problem and then going to the Federal Court disputing the existence of terrorism. Can you imagine what sort of media that would generate in this country? Yet that is precisely what is going on over the greatest security threat to the world's ecosystems, to the potential to grow food and to coral reefs. That is exactly what is happening. That is why the minister has to explain himself.

He stood in here and did exactly what I said in my speech yesterday that the government is doing. He used all of the rhetoric of Australian nationalism and Australian national symbols to try and suggest that his activities are justified and that those who question the government are in some way not supporting Australia and not standing up for Australia. I would argue that the government's behaviour on greenhouse over the last near decade since Kyoto has sold out Australia globally. It has humiliated us in international fora and it has set us back. As other economies around the world have adjusted to recognising that they need to invest heavily in energy efficiency and renewables, Australia has constantly fallen back on excusing its behaviour because it prefers the short-term imperative of coal mining. It is quite obvious that the government has no interest in jeopardising lucrative coal exports by acting to support long-term efforts on greenhouse. That is what this comes down to. It is about the government saying, 'Let's give people the impression that we want to do something but let's do it in such a way that it actually leads to expanded coal mining,' when Australia already exports three times as much coal as our nearest competitor in the international coal market.

What we actually have now is a coal club. I say that because there are no targets. Here we have the minister saying that Kyoto is not strong enough and the targets are too weak. Whose fault is that? Whose fault is it that

those targets are not as strong as they might be? It is the delegations of Australian negotiators, in there undermining every attempt of the European Union to get stronger targets. What is more, what did Australia argue for? One hundred and eight per cent of the 1990 emission levels—more, not less—when everybody in the world knows that we have to radically reduce greenhouse gas emissions.

Then we had the Chief Scientist, after years of saying nothing, suddenly saying, 'Yes, we have to reduce by 50 per cent, but let's go with geosequestration.' Geosequestration is unproven technology. That is the point. We have proven technology now that can help to reduce greenhouse gas emissions. We can invest heavily in renewable energy. But, instead of that, we have a preference for saying: 'We'll go for technology transfer to China and India. We'll go for coal exports. We will not go for any enforceable targets or any compliance mechanism.' Where does that leave us in terms of emissions? We are going to have creeping emissions or, in fact, an explosion of emissions.

At the same time, there is no national strategy on energy efficiency. We should have been not only investing heavily in solar, wind and other renewables but legislating across the country, in negotiation with the states, for highly stringent and different regimes in terms of energy efficiency. The Australian people would have supported that because they know that greenhouse is happening. They see it in the droughts. They know that the recent drought has been exacerbated by the global warming effect. They know that there have been changing seasonal patterns—people comment on it everywhere. They understand that something has to happen, because it is going to impact heavily on their children and their grandchildren. The people selling out our children and grandchildren are those who are saying, 'Let's gamble with unproven technology now so

that we don't have to do anything,' landing our children with a severe disruption to their lifestyle and in fact to the global economy. It is not just me saying that; leaders of Australian business are saying it. They must be out there today shaking their heads, because a number of Australian business leaders welcomed the government's change of rhetoric on climate change and now they must be wondering, 'What does it mean if the federal minister lodges a statement in court denying the existence of greenhouse and denying that coalmining increases greenhouse gas emissions?' Where does that leave business leaders? What sort of signal does it send to the Australian business community?

I want to go back for a moment to geosequestration. As I indicated, it is totally unproven technology. It is technology that will be very complex, and it involves much more than just burying the gas underground. At first it would involve either converting a fossil fuel to a gas before combustion and extracting the CO<sub>2</sub> or capturing the CO<sub>2</sub> from the stream of combustion gases. It would require a mechanism to transport the CO<sub>2</sub> from the point of production to the geosequestration site and then to inject the CO<sub>2</sub> into the geological formation. The CO<sub>2</sub> capture step is in many ways the most complex and difficult. On the other hand, it is the final geosequestration step that is the most uncertain over the long term. And, if it does not work, where does that leave Australia?

I would like to quote to the government what Republican Arnold Schwarzenegger had to say in the United States. He said:

It is not enough to be the caretaker of the world we have been given. We must leave a better world for our children and their children.

In decades past, when we brought this damage to the world around us, we didn't know any better. That was our mistake.

But now we do know better. And if we do not do something about it that will be our injustice.

I allege that the government are carrying out an injustice in terms of the global community, the Australian community and future generations by having a two-bob-each-way approach. On the one hand, they are trying to persuade people that they are doing something; however, they are refusing to have any enforceable targets and any enforceable compliance regime, making it all voluntary and suggesting that somehow that is going to reduce emissions in India and China.

We evoke the story of Africa and how supportive we are of the poor. If we are supportive of the poor, the people who are most going to be impacted by global warming are the world's poor—the majority of whom live in the tropics and the majority of whom are going to be affected by sea level rises, extreme weather events and extreme droughts. If you want to help the world's poor, you get into it straightaway with compliance mechanisms for severe reductions in greenhouse gases. You do not go to the Federal Court and dispute the existence of global warming and that coalmining results in any sort of greenhouse gas emissions. Energy Australia's ad in today's paper says:

Traditional coal-fired electricity produces large amounts of greenhouse gases, which cost our environment dearly.

This court case is about new mines in Queensland designed to increase the export of coal to overseas for the generation of more greenhouse gases. So it is facilitating India and China and increasing their greenhouse gas emission levels and landing the world up in a more severe situation than otherwise ought to be the case.

I am concerned that Australia is going to, once again, push the world into being a lowest common denominator player. This coal club was not even Australia's idea. The genesis of this idea came straight from the United States, which, with Australia, has at all the

Framework Convention on Climate Change meetings frustrated any attempt for global compliance and enforcement of agreed targets. The United States, under pressure domestically, globally and from progressive business leaders, has come to Australia and said, 'How about getting a coal club together so that we look as if we're doing something.' It is a sleight of hand. This has been exposed in a way that perhaps the government least expected by this Federal Court case in Queensland. The minister and the government owe the Australian community an explanation as to why they dispute the existence of greenhouse and the role of burning coal and mining coal in generating greenhouse gas emissions. That is the point today.

Now they are invoking nationalism and making personal attacks. Next thing the Anzacs and the flag will be used to invoke some sort of idea that mining coal and increasing greenhouse gas emissions is somehow Australian and that arguing for their reduction is un-Australian. Let me tell you: I have a big commitment to Australia and to Australia's leadership role in a global environmental community. I have worked in international fora on many issues. I have worked in global biodiversity forums, in climate change meetings and in international meetings of the International Union for the Conservation of Nature. Australia's reputation has not been one of which I can be proud because of the way it negotiates.

I had hoped for better from the government, and I was pleased when the minister adopted this turnaround in rhetoric. But now I can see that it is just a turnaround in rhetoric; in fact, it is more cruel. It would have been more honest for the government to continue with its line that it did not support any real targets on greenhouse, that it preferred short-term national interest to the global common interest. It would have been a more honest and more decent thing to do, because

the government is giving people the impression it is doing something while doing nothing and in fact making it harder for community groups on the ground who do want to do something and who are trying to test out the Environment Protection and Biodiversity Conservation Act to demonstrate that this environment legislation is inadequate in protecting Australia's and the global environment and our obligations under the Convention on Biodiversity and under the Framework Convention on Climate Change.

So I would ask the next speaker for the government to tell us whether the government disputes that greenhouse gas emissions and global warming is a problem—and a problem we need to address—and, therefore, whether it will withdraw this statement from the Federal Court. Secondly, I ask them to tell us whether or not the government believe coalmining and the emissions from coal-fired power stations contribute to greenhouse gas emissions and, if they do think that is the case, withdraw this statement straightaway from the Federal Court or suffer the consequences of global criticism and global bewilderment about Australia's position.

**Senator CARR** (Victoria) (10.54 am)—The motion before the Senate is a proposition that calls on the Minister for the Environment and Heritage to explain to the chamber why the minister and the Commonwealth government have acted in a certain manner in a Federal Court case in Queensland concerning a couple of coalmines. We have heard today the minister in the chamber give us what he presents as an explanation. The trouble is that there was no explanation. If you listened to the remarks that the minister made concerning his actions with regard to his use of the Environment Protection and Biodiversity Conservation Act you would not have heard him explain to this chamber why he failed to act. The minister spoke here for nearly 20 minutes. He was

the second speaker. We have now had three speakers. We have had an hour of precious Senate time on this matter this morning, and we are yet to hear an explanation from the government as to why the government has acted in this particular manner.

I must say, as an aside, that I am surprised at the extraordinary decline in the government's management standards since Senator Ian Campbell left the post of Manager of Government Business in the Senate. It is truly amazing that on a Thursday the government would give leave to Senator Brown to bring on a motion without notice and provide the opportunity for an hour's discussion on this matter concerning the government's failure. You would have thought, having made the brilliant strategic decision to allow this matter to come on this morning, the government would have been prepared and would have explained to us why it is that, despite the rhetoric we have heard in recent times in this chamber from none other than the minister himself, this government is concerned about the question of greenhouse gases.

Just yesterday the minister told us that this government has now strengthened the Environment Protection and Biodiversity Conservation Act to the point where we have one of the strongest pieces of environmental legislation in the Western world. Given that claim, and given the fact that two weeks ago the minister released a report warning that climate change was inevitable and would have profound consequences for this country, you would have thought that the minister would have been better prepared. Given the importance of the changes to the environment that have been brought on as a result of greenhouse gas emissions, you would have thought that the minister would have been able to explain to us why he failed to act. That is the question here: why did the government not use its powers to allow for an

environmental assessment of these two mines?

As I read it, the use of the environmental assessment act is not a device whereby you stop development; it ought to be seen as a process by which there is a proper environmental assessment of the impact of development. But we will not know that in this case, because the minister himself has chosen, despite his rhetoric, not to use that legislation to assess the development of these two mines. As a consequence, community groups have taken the government to court. I would have thought that if the government were so strong in its convictions, which it has recently discovered, it would have been able to explain to us why it chose not to invoke that legislation.

We have a situation where the minister, however, today goes to some length to explain that the government's position with regard to the Kyoto protocol is justifiable because we have entered into some new partnerships within the Asia-Pacific region. He explains to us and asserts that the rationale the government uses for not signing up to the Kyoto protocol is justified, because of these partnerships—which everyone knows, and the minister himself has understood and said, are nothing more than supplementary to the main principles that are outlined in the Kyoto protocol itself. We have a situation where this government is seeking to promote fear and insecurity with regard to the Kyoto protocol by suggesting that the protocol would undermine our economic capacity and our standard of living. Frankly, nothing could be further from the truth.

The European Union and many other countries and other economic blocs in the world now understand just how important it is that the Kyoto principles are implemented. The truth of the matter is that Kyoto provides Australia with a very, very generous target—

108 per cent—in terms of its capacity to reduce greenhouse gases. That is a very modest target provision. The minister goes on to say, ‘Well, of course Australia is meeting these targets.’ What he neglects to point out is that Australia’s progress on these matters is, to a very large measure, down to the various state governments that he seeks to abuse. It is the actions in Queensland and New South Wales with regard to land clearing, for instance, and the actions in Victoria with regard to renewable energy that are leading to improvements in Australia’s performance on greenhouse gases. They are not the result of the Commonwealth government’s deliberative policy.

The Commonwealth in its white paper on energy last year refused to take up the option of renewable energy targets. It failed with regard to providing effective incentives for improvements in the uses of alternative technology. In fact, it came to the position where it told the renewable energy sector that they really had no effective place in the regime of energy production in this country. It provided \$500 million for investments in green coal. Frankly, I support measures to improve the environmental effectiveness of the uses of fossil fuels, but the government’s position that that in itself is sufficient is a position where the Labor Party would stand aside.

The Labor Party would say that Australia is an economy heavily dependent upon fossil fuels. The fact is, as a person long associated with the defence of the manufacturing industry, I appreciate just how important it is to have reliable clean energy sources. It is critical for this country, given the fact that the manufacturing industry still provides some 12 per cent—nearly 13 per cent—of GDP. It is a little less in terms of the total number of people employed in this country. I note there are some five per cent fewer people employed in manufacturing this year than in previous years. I note, however, that there are some 27,000 people employed in the

coal, gas and oil industries. It is not insignificant that we should take into account the economic consequences of the policy decisions being taken.

Equally, when you talk to people in manufacturing—when you talk to the large manufacturers in the petrochemical industries, for instance—they will tell you that their future sustainability rests with ensuring that there are improvements in terms of energy consumption. They will tell you that they are in the business of ensuring that there are massive improvements in the uses of technology. But they will also say to you that the government’s approach of concentrating on pleasing a few coal companies is not in itself adequate to deal with the needs of this country.

It is widely understood that the carbon-trading regime Kyoto provides is an opportunity that we are missing out on. It is a missed opportunity in terms of our capacity to develop new technologies and provide innovations with regard to the manufacturing industry and it is a missed opportunity in that we are missing the chance to provide alternative employment programs for people in the development of those technologies.

The former Chief Scientist, Dr Robin Batterham, puts the view that the government’s approach is clearly grossly inadequate. He argues that Australia needs to improve its greenhouse gas emission performance by at least doubling it—it needs to actually halve its gas emissions by 2050. He says that we have to take much more strenuous action to allow ourselves to provide the opportunity for our people to maintain their prosperity and living standards. That is the approach that we ought to be taking, not the head in the sand approach that the government is pursuing. He points out that Britain, for example, has committed itself to a 60 per cent

reduction in its emissions by 2050. That is not the approach that this government takes.

The approach this government take is: 'We'll leave it to the states to fix this up. We will provide some very, very modest research grants for our scientists to examine ways of improving our technological performance on emissions.' They say, 'We will place considerable investment in geosequestration of coal'—a technology which is widely understood to be unproven, a technology that has yet to see one coal power station in this country at this time able to use that technology. It is a technology that requires considerable investment in transportation systems and that may well expose the Commonwealth to considerable liabilities with regard to the seepage of noxious gases. These are all untested.

My argument is: of course we should be investing in all forms of research in terms of energy. It is not adequate, however, to attack anybody who comes into this chamber and says that there are further steps that can be taken to improve our performance with regard to existing emissions practices within Australia. I put to you, Minister Campbell, as you have returned to the chamber, a simple proposition that some 61 per cent of our consumption of energy is through households and through cities. We have no serious action by this government to address basic emissions policies through our urban areas.

**Senator Ian Campbell**—We have!

**Senator CARR**—I look forward to a detailed assessment of what they are.

**Senator Ian Campbell**—Go to my web site!

**Senator CARR**—What we need, I suggest to you, Minister, is a much more serious effort with regard to energy conservation within our cities. There are a number of issues here—

*Senator Ian Campbell interjecting—*

**The ACTING DEPUTY PRESIDENT (Senator Marshall)**—Order, Minister!

**Senator CARR**—There are a number of issues here which the government has failed to address. The minister has failed to explain—

*Senator Ian Campbell interjecting—*

**The ACTING DEPUTY PRESIDENT**—Senator Campbell, cease interjecting.

**Senator CARR**—The minister has failed to explain to this chamber why it is that he chose not to use his powers under the Commonwealth legislation to even have a proper environmental assessment of these mines. You failed, when you addressed this matter before, to explain to us why you chose not to use this legislation. You came into this chamber this week and boasted. You put your big, hairy chest out and said: 'I've got the best environmental credentials in the world. We have got this new piece of legislation, which I will not use.' You have failed to explain why that is the case. You have failed to explain to this chamber the report that you brought down two weeks ago that said that there is a major contradiction between what you say in here and what you say in the courts of this country. Minister, frankly you are a fraud. You are now seeking to wrap yourself in the green cloak while you move in other circles—in the courts of this country—and fail to explain why you have not implemented your responsibilities, why you have not pursued—

**Senator Ian Campbell**—Mr Acting Deputy President, on a point of order: Senator Carr referred to me in an unparliamentary way.

**The ACTING DEPUTY PRESIDENT**—Can you explain?

**Senator Ian Campbell**—You heard it, Mr Acting Deputy President. He said that I am a

fraud. That is unparliamentary and I ask him to withdraw it.

**Senator CARR**—I withdraw my unparliamentary words. I say that the position here is clear: the government is acting in a fraudulent manner. This minister is acting in a fraudulent manner. He comes into this chamber, he boasts about his environmental credentials and then he fails—

**Senator Ian Campbell**—Mr Acting Deputy President, on a point of order: he cannot say that a senator, whether it is me or anyone else, is acting in a fraudulent manner. I ask you to ask him to withdraw it.

**Senator CARR**—I withdraw any unparliamentary words that I have uttered. I put the view to you, Mr Acting Deputy President, as I do to this chamber, that this government asserts one thing here in terms of its claimed environmental credentials and it fails to follow that through in terms of the minister's direct responsibility. He fails in terms of the actions he undertakes in the courts of this country. He has been demonstrated yet again to be doing one thing here and not appreciating what he is doing in other circumstances. It is a clear case of incompetence, at very best—or it is a case of him acting in a fraudulent manner.

**Senator Ian Campbell**—Mr Acting Deputy President, on a point of order: I think that he should be asked to withdraw that last comment. You have now asked him on two occasions—and hopefully will on a third—to stop using unparliamentary language and defying the standing orders, and now he has on a third occasion. He is clearly defying your rulings.

**Senator Conroy**—Mr Acting Deputy President, on the point of order: I accept that some of Senator Carr's language may have been a little unparliamentary, and I think he willingly withdrew it previously, but I am not sure what it was he said this time. I am

happy for you to explain it, but I did not actually get the same impression. The word 'fraudulent' is not unparliamentary in every context, so perhaps you could explain why you feel it was in that context.

**Senator Ian Campbell**—I am happy to speak to that point of order. Mr Acting Deputy President, it is not unparliamentary language, in particular; it is actually a reflection on another senator—that is, 'acting in a fraudulent manner'. He called me a fraud once, and you forced him to withdraw that. In fact, he did not; he just said 'any unparliamentary language', so he did not actually uphold your decision. But he cannot say anyone—whether it is me or any other senator—is acting in a fraudulent manner. He has repeated his misdemeanour on three occasions and I ask you to either ask him to withdraw those words and that reflection on me or take action and have him removed from the chamber.

**Senator CARR**—I withdraw whatever remarks are regarded as being unparliamentary. We have a simple proposition before the chamber at the moment. The minister has been required to provide an explanation. He has failed to do so—he has failed dismally to do so.

**The ACTING DEPUTY PRESIDENT**—Senator Carr, I thank you for withdrawing those comments.

**Senator BARTLETT** (Queensland) (11.12 am)—The issue of climate change, as has been said many times before, is the overarching environmental issue of most significance to the country and the entire planet. This is something that the Democrats have said for many years; it is something that many others have said. I have called it the 'uber issue' and Mr Peter Garrett called it the 'supra issue' in his first speech in the other chamber. Many people have acknowledged it as the most pressing, overarching issue. The

big exceptions to that, of course, have been the federal government and the coalition.

In recent times we have at least seen signs of a grudging acceptance that perhaps climate change is real. It is not necessarily an acknowledgment that it is a huge crisis and a major problem that is a serious threat, but at least they are acknowledging that it is real. I do not know if that is universal amongst coalition members, as I have looked at some of the speeches that have been made in the Senate. I recall that one of the newly elected Liberal Party members from Western Australia from the last election—I cannot remember which electorate, off the top of my head, so I had best not make a guess—made a specific point of mentioning in his first speech that he thought the whole thing was a fraud and that climate change was just a con.

**Senator Ian Campbell**—People in the Labor Party think that too.

**Senator BARTLETT**—That may be; I have not noted those speeches, but if you want to draw them to my attention I will happily point to them as well, because I do think we need to move beyond the notion that it is not real. We need to at least get unanimity on that. We will always have varying views about how to address it, but we need to at least move beyond the notion that it is just a con: some sort of conspiracy amongst global scientists or some sort of cunning anticapitalist manoeuvre by the ever-so-clever Fabians—or whatever the theories are that are coming forward. We need to at least move beyond that. Inasmuch as that is now becoming the government's official position, it is a welcome step.

However, I do not think it would be a massive surprise to anybody, frankly, and certainly not to me—and I would have thought not a great surprise to environmentalists in general—that this government is still adopting a practice of saying one thing

in one place and the opposite thing in another. This is a government that speaks with a fork tongue. This is a government, or at least there are some members of it—and I am not specifically reflecting on the current minister in the chamber—with an extraordinary ability, almost an admirable ability, if it was not a negative quality, to convincingly insist that black is white when it suits their purposes to do so. Indeed, they are so good at it that sometimes they can then insist that it is not black or white but blue, red or yellow, depending on the time of the day, or that black is not a real thing at all.

It is a great skill. It is one that I do not have and it is probably not one that we should encourage people to develop. But there is no doubt that some members of this government have that skill to insist that whatever needs to be true at that moment is true and has always been true—until it needs to no longer be true and then it was never true. Their skills would be well suited to the people outlined in George Orwell's *1984*.

To have government members making inconsistent statements in different forums is not an unprecedented action. Nonetheless, it is an action that should always be pointed to with concern—the real facts should come out. In that sense, this motion, which calls for the Minister for the Environment and Heritage to explain his position and explain the details of his statement, is one that the Democrats support. The minister has explained his position. But in his contribution I do not think that he necessarily went into the fine details of what has been reported to have been put forward in the court and, to that extent, I am not sure he has complied with the motion—although I am not sure that it is likely he would further comply, anyway. Nonetheless, it is a motion that we support for those reasons.

It has to be emphasised at every opportunity that global warming is a serious threat. It is a serious economic threat and it is an extremely serious environmental threat. Therefore, by definition, it is also a social threat, a threat to the community and a threat to well-being in many different ways. It is a matter we have to tackle. We have to work together more effectively to tackle those things.

There is no doubt that this government has failed to give this issue the priority it deserves. There is no doubt that this government has failed to give priority to some areas that need priority. We can have different views about how much emphasis should be placed on and what resources should go into research and development and promotion and support of renewable energies, but that sure as hell needs to be a lot more than it is at the moment. I think technology is one topic that is not talked about as much as it should be. It has a lot of potential—not least in my own state of Queensland. And there is potential, at least for some regional communities, in geothermal energy. There are enormous opportunities there. This is operating on a very small scale already—for example, at Birdsville, where there is a geothermal power plant that powers half the town. Very small amounts of money would enable that plant to power the full town. The town has to rely on diesel being trucked in all the time, with all the associated costs and emission consequences. That is one small example, but larger scale development there clearly has potential. When you factor in the cost of climate change, that technology is in my view certainly value for money and is likely to be adopted.

That is the key issue: you have to factor these things in. It is not good enough to simply say, 'Yes, it's real and we'll do something about it.' You have to take concrete measures to factor in the actual cost, or make attempts to do that, if you are in any way

going to effectively measure what the most affordable and appropriate pathways are to go down. And that is not happening.

I know this was before the current minister's time in this portfolio, but I point to the government's whole record in this area, with their Greenhouse Gas Abatement Program. I use this example for the new senators who are here. The new senators in the coalition are talking about negotiating possible grants of money for regional campuses or for Telstra. I just warn you: be very careful what you are doing. I point to a simple example, and there are plenty I could point to: the Greenhouse Gas Abatement Program, for which \$400 million was pledged by the government. A very significant amount of money was pledged to go specifically, as the program suggested, to greenhouse gas abatement. It looked fabulous, and I am sure the same sorts of wonderful and fabulous looking things are being proposed by the government at the moment to Senator Joyce and other senators. They say, 'We'll put money into this; we'll build this program or set up this trust fund,' and all of those things. It is all well and good until the moment has passed and immediately you see that money being withdrawn, being carved out of other budgets and other areas or being spent in ways other than what was originally proposed.

The so-called \$400 million is a sad and sorry indictment of the government and their lack of commitment to this issue, when there was clearly a significant pool of resources that could have been channelled in a very focused and effective way. It was sprayed around in a whole range of mostly ineffective—and sometimes clearly counterproductive—ways. The money was dragged out over a greater number of years and then it just disappeared altogether, at the same time that similar amounts of money were sud-

denly disappearing from other environmental budgets.

That is the way things are done when this government makes agreements and provides pools of money for particular activities as part of reaching agreements. That might explain the scepticism and unwillingness of various other people to work with the government in other areas that Senator Ian Campbell alluded to. Certainly it is one thing to get burnt by that once; it is another thing not to learn those lessons, and I would urge the new senators in this place to learn those lessons with respect to this particular government. The broader issue is that it shows the rhetoric might be one thing—and the rhetoric has not been terribly good either—but, even where it is good, it is not consistently backed up by action. We might be moving that way—dragged, kicking and screaming, one tiny inch at a time. I guess any forward movement should be welcomed, but we do not have the time to be dragging the government, kicking and screaming, one inch a year. This issue is too important, too urgent, to be proceeding at a snail's pace and we need to ensure that the issue is addressed through every possible means.

That goes back to why the specific example pointed to today is important. We have heard references both today and yesterday to the federal Environment Protection and Biodiversity Conservation Act, which the minister has labelled as one of the strongest pieces of environmental legislation in the world. As I said yesterday, it is a very strong piece of environmental legislation. It is very strong because of the work of the Democrats back in 1999. That does not mean that it is perfect, but there is no doubt that it is far stronger than what was there before. There is no doubt that it would not be there at all if it had not been for the Democrats, because at the time the Labor Party and the Greens strongly opposed it and vociferously attacked us for

supporting it. But the fact is that it is a strong piece of legislation.

The fact also undoubtedly is that, while it might be one of the better pieces of legislation, it must be one of the worst administered. I make the point to Senator Campbell that even those environment groups that supported the passage of that legislation at the time expressed extreme disappointment, when giving a report this year, at how inadequately it has been used, how poorly it has been resourced and how slow the movement has been on listing a whole range of threatened communities and key threatened processes. So you have to look not just at those who never accepted it—I think incorrectly—but also at those who supported it at the time. They have also said that they are extremely disappointed not with the act, in broad terms—although they are still keen for improvements—but with the way it has been administered. This is just another example of that.

The fact is that the government and the minister do have the power in a whole range of areas. There would be more areas if we Democrats had our way, including a greenhouse trigger. I might use this opportunity to point to another example. Back in 1999, when the legislation was passed, a commitment was given by the then Minister for the Environment and Heritage, Senator Hill, to consult on including a greenhouse trigger down the track. The process and the consultation were so derisory and so farcical as to clearly have been done purely for appearance sake. There was never any genuine intent to move down that path. Here we are six years later and that has completely disappeared.

I know that there is a review going on at the moment as a requirement of one of the amendments put in the act. Six years down the track there has to be a review of the act and particularly of the triggers under the

matters of national environmental significance. This is clearly the perfect opportunity for the current minister to rectify that failing from six years ago and to insert a trigger into the act specifically going to greenhouse and climate change issues. I think the minister already has broad powers, if he wishes to use them, under the act as it stands. There is no doubt that climate change impacts on some of the existing triggers, like World Heritage, Ramsar wetlands and a range of others.

To make that power more precise, putting in a trigger is clearly the way to go. If the government are genuine about doing that and are genuine about their recognition of the need to have all mechanisms at their disposal to push the state and territory governments and local councils in the right direction then they need to give themselves the power more precisely defined. On behalf of the Democrats I can guarantee that if the government are worried about a backlash from The Nationals on that, given that they are having a bit of trouble with The Nationals on a few things—and certainly some of The Nationals have been whingeing about the EPBC Act even in its current form—the government will get the Democrats' support on that. I would expect the support of other parties on this side, although I cannot speak for them. So the minister does not need to worry about needing The Nationals to put a greenhouse trigger in the EPBC Act because he would get the changes through the Senate. The minister was talking before about the need for cooperation. We offer that cooperation to assist the minister in getting something through this chamber. Where he might have some problems with others, we will support him to put that greenhouse trigger in the EPBC Act and to give him the extra power to act on this key issue that he has said today is important to him and to the government. It could not be more crystal clear that the op-

portunity is there and the ability is there. Frankly, he could do that in this sitting.

They are the things that show the genuineness or not of the government when we get into these areas. It is about not just the rhetoric but what they actually do. They have shown with the EPBC Act, not just with climate change but with a range of other things, that they have not used, and are not interested in using, the powers that they have. They are not even interested in resourcing the part of the department that is supposed to be overseeing the administration of the act. So they cannot properly use the powers even if they want to, because the follow-up is not there. They are not willing at this stage to act to give themselves further powers to enable them to use these powers more effectively.

This matter has ongoing importance. The fact that there are mixed messages, such as have been pointed to in the motion that is before the chamber today, is a reminder of why there is still such a long way to go for this government. It is not just about whether or not we should be going down the path of sequestration or geothermal or renewables or transition energy sources or about what mixture of those is best. It is not just about carbon taxes or carbon trading or any of those sorts of things. They are certainly all appropriate areas for debate. The MRET scheme is an obvious one that can be improved. But the first step is to acknowledge that global warming is a reality—we are almost there with the government. The second step is to acknowledge that it is an urgent and major problem. Frankly, I do not think that we are there yet. The third step is to act—that is actually the one that matters—and act in an effective, consistent and comprehensive way. We are a long way short of that. This is an issue that the Democrats have been pursuing for as long as I can remember, and I have had a connection with the Democrats for about

15 years. It is an issue we will continue to pursue for as long as is necessary.

I will say a couple of words in relation to the process involved with the motion. I have to say that if it is such a pressing, crucial and important issue to Senator Brown and the Greens it would have been nice to have had at least one minute's notice that the motion was going to be moved. We had a number of divisions before this motion was moved, and we were sitting on the same side of the chamber. We could at least have been informed that it was being planned. It is not a complex motion. That notice would have given us at least some opportunity to prepare for the debate. If you think an issue is that important and you want to build support for it then making other people aware of it—at least people who you know will support you—would, I suggest, be a good first step.

It is not possible for the Democrats to run this chamber, even if we wanted to. The government has made great play of how much control they now have of the chamber. They do have to run this chamber. For the benefit again of all coalition senators, particularly the newer ones who might not know procedures here: if you deny leave, it does not lead to the same thing. If you deny leave, you may get a debate, if somebody moves to suspend standing orders. But there is a time limit of 30 minutes in total and five minutes is allowed for each speaker instead of time being open-ended, where everybody can speak to it for 20 minutes each, perhaps all day. That is a very different situation and it is not one that we are going to make judgment calls on. That is for you to do. To any of you who are wondering about this process, I suggest that you might like to have a word to whoever it is that makes these decisions. I do not know if it is your whip or your deputy whip. Senator McGauran is always a power-broker around the place—

**Senator Ian Campbell**—We were given the same notice as you.

**Senator BARTLETT**—I am saying that you still gave leave. I am not going to be put in a position of deciding to deny leave or to not deny leave. I presume that is a matter for the government whips or the Manager of Government Business in the Senate to decide. I am simply saying that the process that you have chosen or have allowed to happen has taken up a lot of time. It is a bit of a problem for me, frankly. I have had to miss a committee meeting at which I wanted to consider a report and I have had to miss another meeting, and a debate on another important matter, the excision of migration zones, which may not be concluded today either. That is actually a matter of concern to me. Whether it is done by your whip or the Manager of Government Business in the Senate, I do not know, but I would suggest that those matters need to be contemplated more and concentrated on more closely.

**Senator BROWN** (Tasmania) (11.32 am)—I will lead on from that. What happened this morning was that the government, in a complete fog, ceded the agenda in the Senate to the Greens. It is as simple as that. That may not be the biggest matter we will ever face, but here we are in week one of government control of the Senate and the government loses control, and that is because it did not know what it was doing. Maybe that is not such a big thing, although I think a little bit of carpeting would be going on behind closed doors. What is important is that the government does not have control of this hugely important issue for Australia and the planet's future.

I suggest to the government that it has given the Greens the floor this morning to bring this issue to the prominence it deserves in the Senate, but it might go a step further and cede the ministry to the Greens, because

then Australians will get a minister for the environment who is dinkum, prepared to go into cabinet and fight for the environment, call a spade a spade, and, in particular, elevate this threat of climate change to the genuine debate in Australian society and to the genuine contribution to policy making in the cabinet room that is required. There is no reason why that cannot be done. We in the Greens are prepared to provide a minister for the environment if the Howard government executive ask for it—someone who will be a genuine minister for the environment, a genuine advocate for the environment and a genuine custodian of the interests of coming generations as climate change grows in importance and impact on the future of this nation.

The motion calls on the Minister for the Environment and Heritage to explain to the Senate his denial in the Federal Court that global warming exists and that the burning of coal contributes to global warming. He did not do that in his 20-minute speech to the Senate. It was his opportunity. The debate could have been concluded and we could be discussing other things, but he steered totally away from that because there is no way that he can answer his duplicity on the matter. There is no way that he can answer the double standards being exhibited as he tries to do the impossible—firstly, address climate change and, secondly, deny it.

Just yesterday in the Senate, in answer to a dorothy dixer on climate change from Senator Adams, the Minister for the Environment and Heritage said:

... climate change is already affecting the climate in Western Australia, with quite significant reductions in rainfall in the south-west affecting farm production. It shows all of us in Australia just how important saving the climate is, just how important addressing climate change is and how important it is not only to mix substantial domestic policies to address this within Australia's bor-

ders but to work steadfastly internationally to ensure that we have policies that work to reduce greenhouse gas emissions ...

I move on to the Federal Court. What is going on in the Federal Court? The Wildlife Preservation Society of Queensland says that the minister ought to have an environmental impact statement on the two mega coalmines that he has given the go-ahead to in Queensland.

In the Federal Court the respondent—that is, Minister Campbell, the Minister for the Environment and Heritage—'disputes the following facts specified in the applicant's notice'—that is, the notice of the Wildlife Preservation Society of Queensland dated 19 July—'(1) that global warming is a complex biophysical process involving a rise over time in the temperature of the earth's atmosphere due to human activities'. The minister denies it in the court and he points it out in the Senate. Who can explain that? He went on to state, '(2) the burning of coal to generate electricity generally results in the emission of greenhouse gases, contributing to global warming.' There is not a primary school class in Australia that would dispute that statement but, when it gets into the court, the national Minister for the Environment and Heritage does.

No. 6 on the list is that 'global warming is likely to have a severe impact on matters protected by part 3 of the Environment Protection and Biodiversity Conservation Act 1999'—the minister's act for protecting the Australian environment. Again, you will not find a primary school class, let alone a Nobel Prize winner, on the planet that is not going to agree with that statement. But this minister does not. What is going on here? Enter the coal and aluminium industries, which have entree to the Prime Minister's office and which are running policy in this country against the interests of the nation, against the

interests of its environment and against the interests of coming generations.

The extraordinary thing about the *Australian* newspaper's page 7 story today, headed 'Canberra in denial over greenhouse', is that right next to it is an advertisement from Energy Australia. It has a little heading up the top, over a picture of a sprig growing out of a power pole, saying, 'Nature-friendly power.' This is one of the nation's biggest energy providers, from the state—the coal state, if you like—of New South Wales. The first two sentences say:

It's time to make the switch. Traditional coal-fired electricity produces large amounts of greenhouse gases, which cost our environment dearly.

How can we have everybody agreeing that that is a fact but the minister going into court and denying it? It is Alice in Wonderland; it is a total absurdity. It would be laughable were it not so serious.

Let us look at what the minister's own department has produced from Allen Consulting, who did a survey of the potential impacts on Australia, which was released less than a month ago. By the way, according to the *Sydney Morning Herald*, on the release of this document Minister Campbell told ABC radio that we should not panic. He said:

It could be painted as alarming—

that is, climate change—

but the reality is that these changes will happen over time.

So the reality is that climate change is coming, and the minister knows it. But the absurdity is that he goes into court and says it is not so. He says to the litigants: 'Prove it. I am a defendant who denies it.' It makes the government look stupid. It makes the government look irresponsible. It makes the government look out of control, as it has been here in the Senate this morning. The *Sydney Morning Herald's* summary of environment minister Senator Ian Campbell's

own report, under the by-line of environment reporter Wendy Frew, states:

Australia is expected to warm by between 1 and 6 degrees by 2070.

Secondly, it says:

More droughts could cut farm output by billions of dollars.

At this moment, the farmers are down the way, outside Parliament House with their tractors, using their democratic rights and calling for truth in labelling so that consumers know what is Australian made and what is a foreign import when they get to the supermarket shelves. Once again, the big players, Woolworths and Coles, have had it over the government in preventing that from coming into being. Not only farmers but also consumers lose out. What is this minister going to say to those farmers about global warming? 'Prove it,' he will say, 'it doesn't exist.' But his own report from Allen Consulting, in summary, says:

More droughts could cut farm output by billions of dollars.

Explain that if you can, Mr Acting Deputy President; the minister for the environment cannot. How can anybody else explain his denial when his own consultants are saying that?

Let me put this in context. The reality is that we are in global warming. The reality is that we have just come through one of the most severe droughts in recorded history. The reality is that it cost billions of dollars to the Australian economy. It impacted on many people—those who have been farming all their lives, family farmers, small businesses and small towns throughout rural Australia, not least those in the Murray-Darling Basin. Scientists have said it was made worse by global warming and that government should do something about global warming because it is only going to get worse. Ditto the bushfires in Canberra. They were worse because

of global warming—because of the burning of fossil fuel. And here we have a government and a minister for the environment who say: ‘Open two more mines. Burn more fossil fuel. We must protect the profit lines of the existing coal corporations. Let the billions of dollars of cost, which our own consultants are saying is being racked up, be paid by the farmers, by the Australian people and in particular by coming generations. We will leave the legacy on the shelf for them.’ That is totally irresponsible.

We have a minister who is playing games with a deadly serious issue. We have a minister who is using political manoeuvre. There is a 180-degree difference between what he says in the parliament and what he says and does in the Federal Court. It is just appalling. It is shameful behaviour. It is irresponsible. It is the failure of a minister who has the trust of this nation and who is depended upon by this nation to defend not only its environmental interests but also its economic well-being into the future.

The minister’s report got into some specifics. I do not know how he is going to answer this when it gets down to it in the Federal Court, trying to get some small, impecunious environment group to do his job for him. But let me go to the executive summary of the Allen Consulting report, which the minister released just a couple of weeks ago. This is summarising—and it is a conservative summary—the impact which the minister denies in the court is going to happen from a process which he denies is occurring. Quoting the third assessment report of the Intergovernmental Panel on Climate Change, the consultant says that CSIRO, the nation’s most prestigious scientific body:

... has identified a number of possible outcomes:

- an increase in annual national average temperatures of between 0.4° and 2.0°C by 2030
- ...

Can you imagine what an average increase, morning, noon and night, of two degrees Centigrade will mean? One of the outcomes of that will be a massive increase in power use to fire airconditioners. The problem becomes a spiral of increasing complexity—and it is a problem the minister denies he has. The report says that the temperature increase could be between one and six degrees by 2070. So a city which has an average maximum temperature of 24 degrees at the moment, up over the last century, will have an average of 30 degrees within the lifetime of kids in Australia today, and the minister says, ‘Prove it.’ The minister says in the court, ‘We don’t accept that this is a reality.’

The CSIRO predicts more heatwaves and fewer frosts consequent upon that temperature increase. I remind the Senate that in the European heatwave two years ago 12,000 people died in France alone. The heatwave that was not expected to come until 2020 came in 2002-03 and 12,000 people died. Another 1,500 people died in India. The on-costs are massive—they are human, social, environmental and, of course, economic. The third point made by the CSIRO, quoted by the report, is:

- possibly more frequent El Nino Southern Oscillation (ENSO) events—resulting in a more pronounced cycle of prolonged drought and heavy rains ...

That feeds into the estimates of the billions of dollars, and worldwide it becomes trillions of dollars, that global warming will cost, yet we have here a minister who will not ratify the Kyoto protocol because he says that China is going to increase its emissions per annum at the rate of Australia’s current emissions. He apparently believes that we should wait until China becomes the exemplar, not us. He believes we should leave it to some other country, a developing country in particular. That is a failure of value and a failure of the responsibility of leadership that we in

the rich Western countries have. The report says that there will be:

... possible reductions in average rainfall and run-off in Southern and much of Eastern Australia with rainfall increases across much of the Tropical North—as much as a further 20 per cent reduction in rainfall in Southwest Australia, and up to a 20 per cent reduction in run-off in the Murray Darling Basin by 2030 ...

Look at the Murray-Darling Basin. Senator Siewert will want me to go back to south-west Western Australia. No doubt, because she is an expert in the area, we will hear quite a deal from Senator Siewert on the plight of south-west Western Australia and the impact of global warming on south-west Western Australia not only in the future but also already. I know that the minister for the environment is very well aware of the fall-off in rainfall and the consequent environmental, social and economic impact that it has already had in south-west Western Australia and is having in my home state of Tasmania. But go to the Federal Court and he says, 'Prove it.'

A 20 per cent reduction in run-off in the Murray-Darling Basin is expected within the next 25 years. Think of that. Look at the drought that that great basin has just been through. Look at the heartache, the disruption and the massive cost and debt that that has accrued to this country, and then add to that a reduction in run-off of up to 20 per cent in the next 25 years. We have a government which says that it will increase by less than 10 per cent the flow into the river so that it might run occasionally at the mouth. Put that against a 20 per cent reduction. It not only eliminates the 500 gegalitres that the government says it is going to return to the flow of the Murray some time soon but also means that we go backwards by a factor of three or four. This is serious stuff. And this is not the Greens—this is the minister's own consultants quoting the CSIRO. But in the

court the minister says, 'Prove it.' As far as he is concerned, it does not exist and, when it comes to more coalmines, why have an environmental impact assessment? The impact of all of this is that the minister cannot face up to the coal industry. He has become an agent of the coal industry. He is going to be somebody who says: 'I'll turn a blind eye to the environment. Let's go coal.' It is totally irresponsible. It cannot be allowed to happen. The minister should be ashamed of himself.

Question put:

That the motion (**Senator Brown's**) be agreed to.

The Senate divided. [11.56 am]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	31
Noes.....	<u>33</u>
Majority.....	2

#### AYES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, B.J.
Campbell, G.	Carr, K.J.
Conroy, S.M.	Crossin, P.M.
Faulkner, J.P.	Forshaw, M.G.
Hogg, J.J.	Hurley, A.
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.
Nettle, K.	Ray, R.F.
Siewert, R.	Stephens, U.
Sterle, G.	Stott Despoja, N.
Webber, R. *	Wong, P.
Wortley, D.	

#### NOES

Abetz, E.	Adams, J.
Barnett, G.	Boswell, R.L.D.
Brandis, G.H.	Calvert, P.H.
Campbell, I.G.	Chapman, H.G.P.
Eggleston, A.	Ellison, C.M.
Ferguson, A.B.	Ferris, J.M.
Fierravanti-Wells, C.	Fifield, M.P.

Heffernan, W.	Humphries, G.
Joyce, B.	Kemp, C.R.
Lightfoot, P.R.	Macdonald, I.
Macdonald, J.A.L.	Mason, B.J.
McGauran, J.J.J. *	Minchin, N.H.
Nash, F.	Parry, S.
Payne, M.A.	Ronaldson, M.
Santoro, S.	Scullion, N.G.
Troeth, J.M.	Trood, R.
Watson, J.O.W.	

## PAIRS

Evans, C.V.	Hill, R.M.
O'Brien, K.W.K.	Johnston, D.
Polley, H.	Patterson, K.C.
Sherry, N.J.	Coonan, H.L.

\* denotes teller

*Senator Vanstone did not vote, to compensate for the vacancy caused by the resignation of Senator Mackay.*

Question negatived.

**Senator Brown**—Mr Acting Deputy President, on a point of order: I do not know whether you saw it or not but that was an obscene gesture from Senator McGauran. I ask you to look at the tape to see whether that is parliamentary behaviour and, if not, to deal with it appropriately.

**The ACTING DEPUTY PRESIDENT (Senator Brandis)**—I will refer the matter to the President.

## COMMITTEES

### Australian Crime Commission Committee Report

**Senator SANTORO** (Queensland) (12.03 pm)—I present a supplementary report of the Parliamentary Joint Committee on the Australian Crime Commission on its inquiry into the trafficking of women for sexual servitude, together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

### Senator SANTORO—I move:

That the Senate take note of the report.

The Parliamentary Joint Committee on the Australian Crime Commission has a statutory responsibility to examine and report on trends and changes in the method and practice of criminal activities. In 2003, the committee conducted an inquiry into the commission's involvement in assessing trafficking in women for the purposes of sexual servitude in Australia. At about the same time as the committee commenced its inquiry, the government announced its national action plan to combat trafficking in women. The plan included a legislative review as well as policy initiatives funded by an allocation of \$20 million to the key agencies involved. These agencies included the Australian Crime Commission, the Australian Federal Police, the Department of Immigration and Multicultural and Indigenous Affairs, the Attorney General's Department, AusAID and a range of state agencies.

The committee's inquiry focused on six major issues:

- the extent of trafficking in women in Australia;
- the effectiveness of the National Action Plan ...
- the need for interdepartmental co-ordination of the response to the National Action Plan;
- the protection and treatment of trafficked women;
- the adequacy of the applicable legislation; and
- the need for ratification of the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children*.

In its report of 24 June 2004, the committee made nine recommendations. Broadly, these included: that Australian Crime Commission investigations should focus on the methods people traffickers use to perpetrate visa

fraud; the formalisation of the interdepartmental committee established to implement the national action plan; the speedy finalisation of the legislative review and assessment of the adequacy of provisions dealing with recruiting, transportation and transfer of trafficked women; that the measures needed to ensure Australia's compliance with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children be assessed and implemented; that the benefits payable to women under the victim support scheme be reassessed urgently; that all trafficked women accepted onto the victim support program or receiving the Criminal Justice Stay Visa be exempt from compulsory return to their country of origin; and that the government review current visa provisions, and consider changes to provide for a ministerial discretion to allow witnesses to return to their country of origin for short periods for contact with their families.

The committee decided to revisit the issue to assess the progress made and evaluate the progress of the implementation of its recommendations. On 23 June 2005, the committee invited officers of key agencies to participate in a roundtable to discuss the progress of initiatives in the national action plan.

The committee found significant progress has been made in creating an effective and equitable response to the trade into Australia of women for the sex industry. Many of the issues over which the committee expressed concern have been addressed by a comprehensive package of legislation passed by the parliament on 21 June 2005 and assented to on 6 July.

However, the committee would like a review of the new legislation to take place a year after its implementation. That review should consider amendments to enable the

provision to the court of victim impact statements specific to these offences similar to those contained in the New South Wales Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2004. This recommendation was made by the committee in its first report and the committee still considers it worth consideration.

The intelligence gathered by the ACC shows that the problem of trafficking in women is significant. The committee is pleased to note that a recent ACC board determination ensures the continued active involvement of the commission in intelligence gathering in this area. This is particularly important given the potential involvement of organised crime in trafficking.

The national action plan represents a significant whole-of-government activity. During the hearings the committee canvassed the possibility of an audit of the plan being undertaken. This was done out of the concern that in any situation such as this, where multiple agencies share responsibility, no-one has either the authority to ensure that actions are taken or clear responsibility for results. Accordingly, the committee has recommended that the ANAO evaluate the national action plan after three years of operation.

The committee was impressed by the commitment shown by the agencies involved to implementing the action plan and their willingness to maintain the momentum of this progress. The committee is confident that the combination of the new legislation, the continuation of the national action plan and the criminal intelligence provided by the ACC lays a firm foundation for combating trafficking in women for sexual servitude. It remains for these measures to be monitored and adjusted where necessary to ensure this foundation is maintained. I thank the participants in the roundtable for their most valuable contributions and assistance.

**Senator LUDWIG** (Queensland) (12.09 pm)—Labor welcomes the report of the Parliamentary Joint Committee on the Australian Crime Commission. It is in effect a supplementary report to the inquiry into the trafficking of women for sexual servitude. Labor was pleased to work with the government recently to improve the legal regime so that federal law enforcement agencies can combat and counter the evil of trafficking for sexual servitude. We gave our support for the measures contained in the recent Criminal Code Amendment (Trafficking In Person Offences) Act. However, the process of public consultation in the production of that bill—and I think this was made plain at the time—was completely inadequate and symptomatic of a government that is out of touch with the community. Had Labor simply passed the bill, as was this government's original desire, we would have been left with a substandard set of protections that would have left Australia unprepared to fight against trafficking in persons.

However, on Labor's insistence, the bill was referred to the Senate Legal and Constitutional Legislation Committee. As a result, a large number of improvements were made to the bill. Labor went on to support those amendments which the government sought to make to its own bill on the recommendations of that committee for the purposes of ensuring that there was a better outcome. In fact, there has been a better outcome as a consequence. In addition, Labor was successful in seeking an amendment to toughen the way the bill applied to instances of deceptive conduct when the language in which the deception occurs is a language other than English.

The committee report we have today makes three important recommendations. The first recommendation is that the ACC continue its involvement in law enforcement strategies against sexual servitude and trafficking in women. Labor supports this rec-

ommendation as experience in Europe and America has shown just how common a scourge this plague can be if it is not detected early and dealt with severely. Secondly, the committee recommended a review of the new legislation a year after its implementation. As part of that review, consideration should be given to amendments to include the provision of victim impact statements specific to those offences similar to those contained in the New South Wales Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2004. I can announce to the parliament today that Labor will not only support this recommendation but also commit itself to delivering upon it. Labor stand strongly for the security of Australians and we support this principle as a means of securing Australian values. Thirdly, the committee recommended that the ANAO consider undertaking an evaluation of the results of the national action plan after three years of operation. Of course, the Auditor-General is independent of the executive, but we support this referral to the Auditor-General for consideration.

In conclusion, I want to thank the chair of the parliamentary joint committee and the work of the secretariat in providing the supplementary report. I was not a member of that committee when the original report was delivered, although I did take it upon myself to read that original report. The supplementary report is another example of the good work of a joint committee that commits itself to the improvement of legislation and the law in general and the work of the ACC. I seek leave to continue my remarks.

Leave granted.

**Senator FERRIS** (South Australia) (12.13 pm)—As a member of the Parliamentary Joint Committee on the Australian Crime Commission and somebody who has had a passionate interest in this issue for

some time, I just want to make a couple of additional remarks. As I think other members of the committee have said in the past and in here today, criminal gangs are involved in the worldwide trafficking process and we know that Australia is not immune. According to estimates from Interpol, trafficking is the second most profitable crime after drugs. A woman brought into Australia can incur a debt of \$35,000 to their trafficker.

Although it is difficult to get accurate statistics on this because of the covert nature of the crime, statistics indicate that there are about 300 women trafficked into Australia every year for work in the sex industry. Although, again, it is difficult to get statistics on the industry, we believe that in Australia there could be up to 1,000 women working as sex slaves in the Australian sex industry. This committee has long had an interest in this issue. In fact, former Democrat Senator Brian Greig played a very strong and decisive role in our very first reference. I would like to acknowledge the work that former Senator Greig did on this committee in relation to this issue.

Earlier this year I undertook a study tour to South-East Asia and met with a number of agencies and NGOs in Cambodia, Vietnam, Thailand and Malaysia which are working with women who have been trafficked and who have returned to their countries and with women who are vulnerable to trafficking. I am sorry to say it is a very active industry in some of those countries. I would like to acknowledge the work of some of the NGOs which are trying to ensure that women are not placed in a vulnerable position in an industry such as this. I am very pleased to be a member of the committee that has carried out references on this issue, and I look forward to keeping a watching brief on it as we go through.

Question agreed to.

## **TAX LAWS AMENDMENT (2005 MEASURES No. 4) BILL 2005**

### **First Reading**

Bill received from the House of Representatives.

**Senator COONAN** (New South Wales—Minister for Communications, Information Technology and the Arts) (12.15 pm)—I move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

### **Second Reading**

**Senator COONAN** (New South Wales—Minister for Communications, Information Technology and the Arts) (12.16 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

This bill amends various taxation laws to implement a range of changes and improvements to Australia's taxation system.

Schedule 1 introduces the child care tax rebate. This initiative will help families by giving them a rebate on their tax of 30 per cent of out of pocket child care expenses. The rebate will cover child care expenses for taxpayers who use approved care and meet the child care benefit work test or one of the equivalent child care benefit limits. The rebate will be payable up to a maximum of \$4,000 per child. Taxpayers will also be able to transfer any unused portion of the rebate to their spouse.

The child care tax rebate will assist families with the cost of approved child care, building on the child care benefit system and family assistance currently provided through initiatives such as family tax benefit.

Secondly, the bill amends the lists of deductible gift recipients in the Income Tax Assessment Act 1997. Deductible gift recipient status will assist the listed organisations to attract public support for their activities.

Schedule 3 expands the parameters for the disclosure of business income tax information between the Commissioner of Taxation and the Australian Statistician, for the purposes of the Census and Statistics Act 1905.

Finally, this bill provides arrangements through which New Zealand wine producers who export their wine to Australia can access the wine producer rebate. This measure demonstrates the close economic relationship shared by Australia and New Zealand.

Full details of the measures in this bill are contained in the explanatory memorandum.

I commend this bill.

Debate (on motion by **Senator Coonan**) adjourned.

**TELECOMMUNICATIONS AND  
OTHER LEGISLATION AMENDMENT  
(PROTECTION OF SUBMARINE  
CABLES AND OTHER MEASURES)  
BILL 2005**

**First Reading**

Bill received from the House of Representatives.

**Senator COONAN** (New South Wales—Minister for Communications, Information Technology and the Arts) (12.17 pm)—I move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

**Second Reading**

**Senator COONAN** (New South Wales—Minister for Communications, Information Technology and the Arts) (12.17 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

The Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Bill 2005 creates a regulatory scheme to enable the Australian Communications Authority (ACA) to establish protection zones over submarine telecommunications cables that link Australia to global networks and that are vital to the national economy.

Nine submarine telecommunications cables carry almost all of Australia's overseas voice and data traffic, and are worth more than A\$5 billion a year to the economy. Three of these cables (two landing in Sydney and one in Perth) are currently of particular significance to the Australian economy because of their high capacity.

These cables are vulnerable to damage by operations such as the anchoring of ships, certain types of fishing, dumping of materials at sea, dredging and other activities that take place on the seabed where these cables are laid.

Submarine cables have been damaged several times in recent years. In July 2001, a trading ship dragged anchor off Sydney, damaging two cables. Sand dredging has cut the cable that lands at Perth several times. Cables off the New South Wales coast have been broken twice in recent years by fishing boats using trawl equipment on the seabed.

Repairing broken or damaged cables is an expensive and time-consuming exercise. Cable damage or breakage impedes information flow, which affects the capacity of Australians (particularly businesses) to conduct international transactions.

The volume of overseas communications (voice and data, business and personal) is increasing and will continue to do so into the future. Thus any disruption of Australia's communications links with the world can cause delays, disruptions and unnecessary costs, not only to the owners of the cables, but to the many people who rely on them.

This initiative puts into effect changes that were identified as necessary by the 1999 National Bandwidth Inquiry into the ability of Australian

telecommunications networks to meet the future demands of the Australian information economy. This Inquiry recommended a stronger planning and protection regime for submarine cables, more explicit authority to install cables, and increased penalties for damaging cables.

The protection scheme has been developed in consultation with a wide range of stakeholders, including Commonwealth, State and Territory Governments, the fishing and petroleum exploration industries, as well as the telecommunications industry.

Under this Bill, the ACA will be authorised to declare protection zones over submarine telecommunications cables of national significance. Within these protection zones, activities particularly dangerous to submarine cables will be prohibited such as fishing where the gear operates near the seabed, anchoring, dredging and mining. Other less dangerous activities will be restricted within protection zones according to conditions applied by the ACA. These include mid-sea fishing, laying electricity cables or gas pipelines, and installing wharves, jetties, boat ramps and navigational aids.

Before declaring a protection zone, the ACA will be required to consult with the Environment Secretary, and with other users of the sea and seabed through an advisory committee, which will include representation from key sectors that will be affected by the declaration. The ACA will be required to develop and publish a protection zone proposal, invite public comment, and take into account any comments received.

The ACA will also be authorised to vary and revoke protection zones, and to issue permits to install submarine cables within protection zones and Commonwealth controlled waters.

Protection zones will run through State-controlled coastal waters, Commonwealth-controlled territorial waters and the Exclusive Economic Zone, typically from the shore to 200 nautical miles out or to the edge of the continental shelf. A protection zone will typically be about two nautical miles wide.

Certain State and Territory laws will not apply within protection zones. These exemptions will be similar to the immunities that now apply to carri-

ers under the *Telecommunications Act 1997* when they are installing underground cables on land.

The Australian Federal Police will be responsible for enforcement of prohibitions and restrictions in protection zones. The ACA will enforce the conditions of permits to install submarine cables.

Heavy criminal penalties will apply within a protection zone for breaking or damaging a submarine cable, and for engaging in prohibited or restricted activity. The level of penalties reflects the importance the Government places on protecting these vital elements of the national telecommunications infrastructure. Any person who suffers a loss because of a broken cable will be able to seek damages from the person who broke the cable. Penalties will also apply for installing a cable without a permit or contrary to a permit condition.

With the establishment of this protection regime, it is possible that actions by carriers may result in a possible claim for the acquisition of property. If this were to occur, it is appropriate that any compensation claimed be paid by the carrier who benefits from the protection provided by this regime, and not the Commonwealth. The Bill therefore provides for this to occur, both under Schedule 3A and also under the existing Schedule 3 to the *Telecommunications Act 1997*. The existing Schedule 3 provides carriers with certain powers and immunities relating to land based activities.

The protection regime for telecommunications submarine cables established by this Bill provides a comprehensive and transparent process for the protection of cables of national significance. It will significantly reduce the risk of damage to the cables through the high penalty provisions. It will provide benefits to the fishing industry and other users of the sea and seabed by clarifying the responsibilities of both carriers and users, and by encouraging co-location of telecommunications facilities.

Debate (on motion by **Senator Coonan**) adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

**MIGRATION AMENDMENT  
REGULATIONS 2005 (No. 6)****Motion for Disallowance**

Debate resumed from 10 August, on motion by **Senator Bartlett**:

That the Migration Amendment Regulations 2005 (No. 6), as contained in Select Legislative Instrument 2005 No. 171 and made under the *Migration Act 1958*, be disallowed.

**Senator BARTLETT** (Queensland) (12.18 pm)—I was interrupted while speaking yesterday on this disallowance motion on the Migration Amendment Regulations 2005. This is an important matter, and it is also an urgent matter. I remind the Senate, for those who are not aware, that the effect of these regulations is already in play. The legal effect occurs from the moment the regulations are gazetted, and for these regulations that occurred last month. As we speak, significant parts of Australia are now excised from the migration zone and, in relation to certain people, are no longer subject to aspects of the Migration Act. That occurs now, as we speak, and it will continue to occur until the moment that the Senate votes on it. If the Senate were to vote in favour of this motion to disallow, the regulations would then cease to have legal effect. So it is an urgent matter because the longer it takes to be resolved the more this iniquitous and unjustifiable situation continues. Unfortunately, because of the action of the Greens this morning in putting forward their issue without consultation with or notice to anyone, we will not get to vote on this today, so it will not be resolved until Tuesday, assuming there are no further unforeseen issues. It will remain standing at least until then.

Having said that, it is rather less likely than previously that this disallowance motion will be successful. This is, I think, the fourth time that the government has attempted by either legislation or regulation to excise large

parts of Australian soil from the migration law, by excising them from the migration zone. Each previous time it has been struck down by the Senate, sometimes on my motion and sometimes by the chamber on the second reading vote on the legislation. Each time it has been clear that it has not been acceptable to the Senate to further expand this notion of exempting parts of Australia from the operation of the Migration Act.

What is different now is that the government has the majority in the Senate. It would require two government senators to take the very short walk across the floor to vote with the other senators—I am being a bit presumptuous but I am assuming that Labor will support this; they have in the past—for it to be successful. A single vote would give a tied vote, assuming that Senator Fielding votes on this side—and, again, I am not in a position to speak on his behalf. It will require at least a couple of government senators, if not three government senators, to vote with the opposition parties to enable this motion to be successful.

Nonetheless, I urge government senators to give the motion serious consideration. I started outlining the reasons yesterday. As we have until Tuesday before we vote on this, I urge all government senators to have a look at those genuine and important reasons. I draw government senators' attention in particular to the *Canberra Times*. There has been a lot of commentary this week about what the world is going to be like under the new government controlled Senate. Will everything the government puts up just be waved through or will there be opportunity for the Senate to continue to operate as a genuine house of review? The *Canberra Times* said:

And if history, including the history of the last time the Coalition dominated the Senate, is any guide, there may well prove to be a group of generally loyal Government senators with a deep

suspicion of handing unlimited power to executive government, likely to submit any proposals giving such power to very close scrutiny and perhaps amendment.

This is one of those times, because this measure gives unlimited power to executive government in a particular aspect of public policy. That is why this is such an important issue. Beyond the specifics of the impact it has on individuals caught up in it, or even the arguments from the other side about the alleged effect it has on deterring people smugglers—I do not believe there is any evidence that it does deter people smugglers, but others I am sure will put forward that case—we have to look at what we are doing in reality in putting forward measures like this even if, for the sake of argument, we say that they do have some effect on deterring unauthorised arrivals.

I might say, as I did yesterday, I support appropriate means of discouraging unauthorised arrivals, including asylum seekers, because it is not in their interests to get on dangerous boats, to go through uncertain processes, to have to pay exorbitant amounts of money to seek safety. They should have other opportunities. This measure does not give them other opportunities; it just denies them an existing opportunity and makes them more likely to be pushed in other directions, theoretically, even if it does have some impact. I do not wish to be accused by others who disagree with this motion that somehow by supporting this motion you support people smugglers. That is nonsense. We do need to ensure that asylum seekers are not in a position where they have to risk their lives. We need to work with other countries to give other viable opportunities. It is only because there is no genuine opportunity to get safety that these people have to go to these extreme measures and put their lives further at risk.

The fact is that the mechanism that is being chosen in this instance—apart from, in

my view, not having any genuine impact, but that is perhaps a matter for debate—operates by giving unlimited power to executive government. We saw tabled in this chamber yesterday the Palmer report, which shows how extraordinarily badly the immigration department is handling the powers that it has under the Migration Act. That is an act that I criticise very heavily, an act that I believe is still being administered very poorly even as it stands in its flawed state.

This measure gives those same people, that same department, that same minister—and there has been a scathing report tabled in this place about the culture of that department and the major problems in its structure, its lines of authority and the way that operates—absolute power, unlimited power, to deal with people who arrive without visas in certain parts of Australia, completely outside any legal framework. That is the way the government likes it. Of course, every government loves to have absolute power. We all know the maxim—it is true, and that is why everybody knows it—that ‘absolute power corrupts absolutely’. That is why we have checks and balances. That is why we have things like courts. That is why we have things like independent mechanisms of appeal. Of course they are inconvenient, of course they take a bit of time, but they are to provide a check and balance, they are to provide a mechanism to attempt to ensure that you do not get the sorts of gross misuses of power that we have seen, that we all know happen now, even under the existing act.

The government says it wants to change the culture, and its first action, as soon as it gets the chance, is to give these people the ability to operate completely outside the act when they are assessing what to do with anybody that arrives without a visa in certain parts of Australia. It is an extraordinary move to suggest on the one hand that you are going to change the culture and make every-

thing fairer, with due process and so on, when on the other hand your first act is to push forward a measure that in particular circumstances will enable these same people to operate without any scrutiny. Many senators would not know this, but I do, because I have been to Nauru, I have seen the people there, I have seen some of their cases, I have seen some of their papers: the people that did the assessment in Nauru were able to do that outside any legal framework at all, as will happen if this regulation goes through for people that arrive in the parts of Australia that are excised.

The assessments that are made for people who arrive in Australia are bad enough, and we know that, but the people making them know that their assessments are capable of being re-examined by an independent—or at least quasi-independent—body in the Refugee Review Tribunal. After that these people know that there is the prospect that their assessment might be examined by a court for lawfulness. At least they know somebody is going to be examining their paperwork independently. The people who did the assessments in Nauru knew that nobody was going to see them. The only other person who was going to see them, if there was an appeal, was someone else in the same section of the department, or someone else in the department again. There is no doubt that there was clearly therefore a much greater willingness to be far more sloppy. There were no legal requirements to meet; it was their own interpretation of the refugee convention.

This regulation, in effect, withdraws the refugee convention from the law of Australia. It does not deratify it, but it takes away its legal enforceability in Australia for these parts of Australia. That, I suggest, is completely the opposite of the way we need to go if we are genuinely trying to provide realistic alternatives to people who are seeking protection from persecution and who want to

avoid the dangers and risks of people smugglers. It is a completely inappropriate move, and I very much urge coalition senators to recognise that it does hand unlimited power to executive government. For that reason alone, it is extremely dangerous in its precedents. It should be opposed by anybody who cares about the rule of law and due process.

**Senator NETTLE** (New South Wales) (12.29 pm)—I rise to indicate that the Greens support the disallowance motion because we do not agree with the government excising parts of Australia from our migration zone. In terms of what is being proposed by the government in this set of regulations, it is almost like the government have drawn a line through the middle of Australia and said, ‘Every island to the north of that is excised from the migration zone of Australia.’ So over in WA they have drawn the line just north of Geraldton and said, ‘Everything north of that is excised.’ On the east side of Australia, they have drawn a line just below Fraser Island and said, ‘Everything above that is excised from the migration zone.’ We do not agree with excising such significant areas of Australian territory from Australia’s migration zone.

This issue has been debated and Senator Brown has spoken much on this issue on previous occasions when the government has sought to excise particular islands from Australia. During one of those contributions in September 2001, Senator Brown highlighted to the chamber a media release which had been put out by the Law Council—a statement that they had made about these proposals to excise parts of Australia. I will remind the Senate of what that statement by the Law Council said. It was referring to a previous bill, but the same thing is being done in the migration amendment regulations. The Law Council said they:

... exclude parts of Australian territory from the operation of Australian law, because—

they—

prevent ... people who have landed in certain parts of Australia from accessing Australian law. Australia is a signatory to the Refugee Convention, and has undertaken to give effect to the obligations contained in the Convention. "It is contrary to the spirit of the Convention, and the operation of our legal system, that the legal rights of refugees are restricted or removed in certain parts of Australia".

It is worth noting where this idea of excising certain parts of Australia from our migration zone came from. It is interesting to note that in the wake of the *Tampa* a proposal was put forward by Pauline Hanson in which she said, 'Let's convert Christmas Island into an island outside of Australia's law.' And do you know what happened? A week later the Prime Minister, Mr Howard, did that, taking up that suggestion from One Nation about excising parts of Australia from our migration zone. One other statement I would like to remind the Senate of was made on 5 November 2003 by the Regional Representative of the United Nations High Commissioner for Refugees, the UNHCR. The regional representative said:

For us, a country's a country within all its territory and any excision has absolutely no bearing on the obligation of the country to abide by its international obligations.

... ..

The denial to allow asylum seekers to apply for asylum in a country that has signed a convention would be a fundamental breach of international law, both under the Universal Declaration of Human Rights and the Refugee Convention.

The Australian Greens do not support this 'fundamental breach of international law'—in the words of the UNHCR—that the government is proposing in these regulations. We therefore support this disallowance motion and commend it to the Senate.

**Senator SCULLION** (Northern Territory) (12.33 pm)—I rise to speak in support of the

migration amendment regulations. I would also like to make a contribution as to what the government's views are of this attempt at disallowance. As this place would be well aware, this is not something that is particularly new. These regulations were properly tabled and introduced into this place. I understand they appeared on the DIMIA web site on 26 July. This has been quite a long process. These regulations are not a stand-alone issue. Border protection is a very sophisticated challenge and it needs very sophisticated answers.

In the fabric of the net of our border protection there are many planks and platforms that make up the whole. This particular aspect of regulation is part of that net. We have to continue to check the fibre of that net and we have to continue to upgrade it. We know that, apart from the partnerships, the Navy and Customs and their airborne assets, we need very strong regulation to act as a deterrent.

Principally, these regulations very clearly impact on only one group of people: they act as a deterrent to those people who choose to traffic in human misery. They are the people we are targeting. We are making sure that when they see Australia as a potential place to traffic in human misery, in human lives, they will look at these regulations and say: 'It is simply too difficult. The Australian government have put everything in our way so we can no longer carry out this terrible practice.' That is why the maintenance of these regulations is so absolutely important to our border protection and as a deterrent in these matters.

The other side have criticised us. They have said: 'The Pacific solution has worked. Why would we possibly need these regulations?' Relatively recently, before Christmas, we had a vessel turn up off the Tiwi Islands. We have had the issue of Gibson Farmer, an

Indigenous person from the Tiwi Islands, who saw a boat arrive and acted in an appropriate manner as part of the partnerships aspect of this thread of border control we have in place. That once again demonstrated the very great need for this.

This government is a government who does consult widely in this matter. The parliament actually has a committee. The committee travelled around the islands of the north of Australia and we spoke to the people to whom it matters: the people from the land, the Indigenous people from those islands. Very interestingly, the response from those people was not a response that has been reflected by those on the other side and those who are seeking to support a disallowance on this matter. This is a critical matter. We have the evidence from those people living in those places who said, 'We want this; we think this is important.'

I would like to quote Richard Gandhuwuy, who is a traditional owner on Elcho Island at Galiwinku. He is a principal member of an organisation called Mungbingagaruliapa. They look after the sea around that country. They have in their own traditional sense a very strong affiliation with border control and a very strong understanding of the consequences of not having good regulations and laws to protect the future of their country. This is what Richard had to say:

I would like to strongly support the new proposal—

he is referring to these particular regulations—

that the committee is looking into now that is going to be a part of the legislation to control the coast, especially in Arnhem Land, Northern Territory. I would like to strongly support that legislation to go ahead and be approved by parliament and become a law, an act.

During those processes it became evident that the entire community was very, very

supportive, principally because we have to have laws that deter people from coming to those places. Interestingly, another friend of mine, Terry Yumbulul, asked: 'What about that cheeky maprill?'—maprill is an oyster and 'cheeky' means dangerous. He was referring to *mytilopsis sallei*, a very noxious, invasive marine pest. We know the awful cost of that around the world. It is not only those people who arrive and the misery that is traded. In terms of an environmental outcome, the very worst environment tragedies may come to this country on the hulls of those boats. Interestingly, I noticed that the senator supporting this disallowance motion, Senator Bartlett, was concerned about 'the massive and uncontrolled degradation of our marine environment' in question time yesterday. I think it is absolutely critical that we have a set of regulations that are not only going to protect our national interest but also going to protect the fundamentals of our environment.

The Indigenous people who own that land—the first Australians—have a say, and they have said: 'I want the parliament to support these regulations. It is good for Australia and it is good for us. Will you please go down there and protect our country and put these regulations into place?' Not only do we consult but we listen. I have been listening, and it seems that those on the other side who propose this disallowance have not been listening to the first Australians and obviously do not really care about their hypocrisy in looking like they are caring for the environment.

This is an essential piece of legislation to ensure not only that our environment is protected but also that our national sovereignty is protected and our borders are not seen by others to be the sorts of borders where you can casually wander in and out of the country. These are not porous borders. If you attempt to traffic human lives to Australia, you

will be caught and you will be punished. In April this year, people said, 'Our laws aren't tough enough.' You should tell that to the five people smugglers who have been convicted for, I think, nine years. That is the sort of message we need to send. It is all about messages. It is about sending the message that we are not open for business and we are not going to go soft on border protection, because that is the message that will stop people putting families, women and children onto boats and putting them in harm's way—in the way of very awful sorts of harm. We have heard stories about vessels that did not make it here and those awful tragedies at sea. What a horrible way to die. These regulations are to ensure that these people do not leave the shore. Of course, because it is a sophisticated challenge—and we are a sophisticated government—we have put other plans in place to ensure that they do not leave.

There is another clear message: you do not have to leave. We have funded the International Organisation for Migration, IOM, to work with the UNHCR in Indonesia and in other countries to ensure that you do not have to make the trip to make an application as a refugee. We encourage you to do it there. There were some comments from a senator opposite that indicated, for some reason or another, that we are somehow in contravention of the convention on refugees. Nothing could be further from the truth. We have never refouled a refugee in the history of this government. We are very proud of that history, and I am very proud to stand here in this place and say that these regulations are an absolutely essential part. The last time that we actually had someone arrive near the shores of the Tiwi Islands we had to rush regulations back in because those on the other side were not listening to the Indigenous people and were not genuinely caring about protecting our borders and ensuring

people did not leave to come to this place. We as a government continue not only to fulfil our obligations under the UN convention but also to ensure that people are cared for and have every opportunity to make the applications before they come to Australia.

This regulation only excises Australian islands, as Senator Nettle pointed out, pretty much from Mackay in the east to Exmouth in the west, because they are the places that have been identified as being most at risk. It is interesting to be reminded by the Democrats senator that this is the place of the states—that we should be very careful about how we conduct ourselves in this place, and not usurp power. I as a Territorian can tell you—and I am sure I share these views with the people from north-west Australia to North Queensland—that you are saying that very comfortably if you come from and represent other places in Australia, because it is okay down in Brisbane and Sydney. You are not facing the environmental nightmares that might break out. But that is not the case in the Northern Territory. If you cared about what this place is about—and it is about protecting the rights of all states and territories—you would care a bit about those states and territories that lie in the north of this country.

If these regulations are disallowed, it will clearly lead to people saying, 'Australia is open for business.' I am telling you right here and now that this government is sending a clear message: we are not open for business. The only people who are impacted by these regulations are the people who traffic in human misery. By default, anyone on the other side who tries to prevent that is supporting them. I think that is absolutely despicable. There is an opportunity now for the Labor Party to stand up and change their ridiculous stances of the past that have ignored Indigenous Australians. They have ignored the environment imperatives, they have ig-

nored national sovereignty issues and they have ignored the national benefits that are going to come from this. I think this is absolutely essential. It is not too late to change your minds and support government on this very, very important regulation.

**Senator KIRK** (South Australia) (12.44 pm)—I rise to speak on the disallowance motion in the short time available to me. As speakers have said, these regulations that were enacted on 21 July 2005—that is, shortly after the government assumed control of the Senate—are regulations that we have seen before in the Senate in the form of both regulation and legislation. Labor oppose the decision by the government to excise the islands from the Australian migration zone. Unfortunately, in the time available to me, I will not be able to set out at length the reasons why we do so.

Debate interrupted.

**ARTS LEGISLATION AMENDMENT  
(MARITIME MUSEUM AND FILM,  
TELEVISION AND RADIO SCHOOL)  
BILL 2005**

**Second Reading**

Debate resumed from 23 June, on motion by **Senator Patterson**:

That this bill be now read a second time.

**Senator COONAN** (New South Wales—Minister for Communications, Information Technology and the Arts) (12.45 pm)—It is now my pleasure to sum up on behalf of the government in respect of this bill. The Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) Bill 2005 provides flexibility for certain functions of the Australian National Maritime Museum and the Australian Film, Television and Radio School. The amendments to the Australian Film, Television and Radio School Act 1973 will provide more autonomy and flexibility for the school to make

decisions on which degrees, diplomas and certificates will be awarded. The amendments to the Australian National Maritime Museum Act 1990 will provide greater flexibility in how museum entry charges can be fixed and will also clarify the museum's power to fix charges for entry to special exhibitions and events. I thank Senate colleagues for their support for this bill and commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

Bill passed through its remaining stages without amendment or debate.

**TELECOMMUNICATIONS AND  
OTHER LEGISLATION AMENDMENT  
(PROTECTION OF SUBMARINE  
CABLES AND OTHER MEASURES)  
BILL 2005**

**Second Reading**

Debate resumed.

**Senator COONAN** (New South Wales—Minister for Communications, Information Technology and the Arts) (12.46 pm)—I now sum up on behalf of the government in respect of the Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Bill 2005. It creates a regulatory scheme to enable the Australian Communications and Media Authority to establish protection zones over submarine telecommunication cables that link Australia to global networks that are vital to the national economy. Nine submarine cables carry almost all of Australia's overseas voice and data traffic and are worth more than \$5 billion a year to the economy.

Submarine cables have been damaged several times in recent years and repairing broken or damaged cables is an expensive and time-consuming exercise. Furthermore,

damaging Australia's communication links with the rest of the world causes delays and unnecessary costs to everyone who relies on them. Within the protection zones, activities particularly dangerous to submarine cables will be prohibited. Other, less dangerous activities will be restricted. Once again, I thank senators for their support for the bill and commend it to the Senate.

Question agreed to.

Bill read a second time.

### Third Reading

Bill passed through its remaining stages without amendment or debate.

## BUSINESS

### Rearrangement

**Senator ELLISON** (Western Australia—Manager of Government Business in the Senate) (12.48 pm)—I move:

That consideration of government business orders of the day No. 1 (Skillings Australia's Workforce Bill 2005 and a related bill) and No. 2 (Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005 and a related bill) be called on to enable second reading speeches to be made till not later than 2 pm.

I seek leave to make a short statement on the motion.

Leave granted.

**Senator ELLISON**—I am compelled to make these comments as a result of what Senator Brown said in the chamber earlier today when he said that the government, by granting him leave to move his motion on global warming, had effectively ceded control to the Greens in relation to the running of the Senate. I say at the outset that that displays an arrogance of which Senator Brown has been accusing the government in recent times. It is an arrogance which is quite outrageous when you consider the fact that we gave that leave to the Greens in good faith. We gave that leave so that the global warm-

ing issue could be debated, and that debate was, in any event, listed for later in the day, with a ministerial statement to be made by the Minister for the Environment and Heritage, Senator Ian Campbell.

That resulted in a full debate being brought forward and an important issue such as global warming being debated in the Senate. If Senator Brown thinks that, by allowing that to be done, it is in some way ceding control to the Greens then he is sadly mistaken. But it does display an arrogance on his part, an arrogance and a disregard for the good faith which was extended to him by the government and also other parties in the Senate, because they did not deny him leave either. Anyone could have denied him leave. It is a lack of graciousness on his part, to say the least, in assuming such an arrogant approach. He was allowed the opportunity to debate the issue and then he criticised those people who gave him leave to do so. Here is a person who, when he cannot say something, will demand to have that right but, when he is given it, he criticises the very people who gave him that opportunity. That is hypocritical in the extreme. I want to place that on the record.

As far as these bills are concerned, I thank senators for the ability to deal with the speeches in the second reading debate. It means that valuable Senate time will be used to progress legislation and that we are on track in relation to our legislative program.

**Senator Carr**—You wasted this morning. It was your failure this morning, where you wasted all that time—two hours.

**Senator ELLISON**—Senator Carr did not hear what I said earlier and I think he should have.

**Senator Carr**—I heard it all right.

**Senator ELLISON**—Senator Carr should reflect on that, because I do not think he would want to associate himself with the

comments made by Senator Brown. I do not think he would say that global warming was not an important issue and I do not think he could contradict the fact that the debate was set for later in the day anyway and would have been much shorter, due to the arrangements.

**Senator Carr**—Why did you give him leave, then?

**Senator ELLISON**—I might say that all parties in this chamber gave Senator Brown leave. No-one objected to it when he sought it. It was done in good faith. But if Senator Carr wants us to do away with the good faith we have exercised in this chamber for many years in the granting of leave we could well accommodate him whenever he seeks that in the future. I am sure he is not saying that, because his colleagues certainly abide by that good faith, and we will continue to do so. But if Senator Carr is intent on that then the record will show that.

There has been an important debate today, and I think that the Minister for the Environment and Heritage, Senator Ian Campbell, placed very squarely on the record the government's position in relation to the issue and prevented any misconceptions from arising in the community as to where the government stood on this and where the proper arguments lay. To that extent, I think it was an invaluable debate and one where reason prevailed and the motion was defeated. We will now move on to second reading debates. It is understood that there will be no divisions called in the following period.

Question agreed to.

**SKILLING AUSTRALIA'S  
WORKFORCE BILL 2005**  
**SKILLING AUSTRALIA'S  
WORKFORCE (REPEAL AND  
TRANSITIONAL PROVISIONS) BILL  
2005**

**Second Reading**

Debate resumed from 10 August, on motion by **Senator Ian Campbell**:

That these bills be now read a second time.

upon which **Senator Nettle** had moved by way of an amendment:

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

- (a) condemns the Government for introducing legislation that would undermine the quality of public provision of vocational education and training by:
  - (i) failing to recognise and reward the good will of Australia's Technical and Further Education (TAFE) teachers and support staff and their commitment to the best interests of their students and the community,
  - (ii) attempting to introduce a climate of fear and greed into TAFE colleges, based on both punitive industrial relations arrangements and the entirely impractical requirement for performance-based pay,
  - (iii) compromising the ability of TAFE teachers to work collaboratively by attempting to set them in competition with each other,
  - (iv) using TAFE as a beachhead in their assault on Australia's union movement,
  - (v) using TAFE as a pawn in their attempt to centralise decision making in Canberra and undermine the balance of power between the states and the Commonwealth,
  - (vi) substituting financial blackmail of the states for proper negotiation with all interested parties and consensus building,
  - (vii) playing out an agenda of revenge against the Australian Education Union

and the New South Wales Teachers Federation for their well-founded criticisms of the Howard Government's failure to adequately fund public provision of vocational education and training, and

- (viii) further progressing their vision of a privatised vocational education and training sector, despite the massive failure of existing funding of private providers to effectively contribute to quality outcomes; and
- (b) calls on the Government to withdraw this bill because it is fundamentally flawed and will fail to address Australia's growing skills shortage, and instead to:
  - (i) develop arrangements for negotiation between the states, the Commonwealth and TAFE teachers and their union on funding of vocational education and training and on the coordination of policy setting in this sector,
  - (ii) recognise the current and potential future role that TAFE colleges and TAFE teachers and support staff play in wealth creation and in building Australia's cultural, social and democratic institutions,
  - (iii) recognise that the Commonwealth Government should play a key role in the funding of public provision of vocational education and training by restoring its per student funding of TAFE to 1996 levels in real terms and providing funding increases to match the growth in demand for vocational education and training over that period and for the next planning period, and
  - (iv) end the funding of private providers that compete with TAFE".

**Senator WEBBER** (Western Australia) (12.54 pm)—When I commenced my remarks on the Skilling Australia's Workforce Bill 2005 and the Skilling Australia's Workforce (Repeal and Transitional Provisions) Bill 2005 yesterday, I said that the government brings to this debate three basic princi-

ples which it says show the need for this legislation. The first is that industry and business needs should drive training. The second is that better training outcomes will be achieved through more flexible and accelerated pathways. The third is that processes should be simplified and streamlined. Today I want to commence by turning my attention to the second principle, as I have already outlined my views on the first.

The second principle is that better training outcomes would be achieved if there were more flexible and accelerated pathways. It may assist us to decode that government statement a bit. What the government are really saying is that, faced with a skills crisis of their very own making, through taking their eye off the main game by reducing funding, they now want to overcome this by cutting back on the amount of training a person receives. As I pointed out to some constituents recently, the free trade agreement with the United States seems to have delivered little except US style industrial relations. Are we now going to see what a free trade agreement with China is about delivering—perhaps Chinese style occupational health and safety? That should be of real concern to all.

At the heart of the changes that the government is proposing in this legislation there is an attempt to throw away the rule book that has covered trades training in this country for over 100 years. Make no mistake about it: flexible training and accelerated pathways mean a reduction in the duration of apprenticeships, wholly and solely. What employer wants a tradesperson with an abbreviated training and work program, I wonder? Do those opposite really assert that the way to make vocational training more effective is to reduce the amount of time that it takes to teach? Instead of having properly trained and accredited tradespeople, do they want to inflict underprepared and under-

trained workers onto the Australian economy? Where is the benefit in that?

This principle, like the first one, smacks of short-term solutions to the long-term problems facing the Australian economy. You do not address a skills shortage after it arrives by curtailing training. To do so risks not only our economic position but the lives of Australians at work, due to inadequately trained workers. If this proposal is as sound as the government pretends, if this principle is so effective, where is the legislation that extends this principle to occupations other than the trades? Where are the flexible and accelerated pathways for, say, lawyers—a profession those opposite are most familiar with—doctors, accountants or even engineers? They do not exist for the simple reason that this is not about more effective training leading to a more flexible work force. This legislation is about churning out inadequately trained tradespeople to overcome skills shortages.

The final principle that those opposite cite is that the changes are needed to streamline and simplify the process. What they are really saying about the new streamlined and simplified process is this: 'If you do not do what we want, we will not sign an agreement, and without an agreement there will be no funding.' That is pretty streamlined and simplified, isn't it? It is pretty simple when you put it in those terms. There is no consultation with stakeholders and no interest in working in partnership. The attitude is: 'Do what we tell you to or no money.' This is about a grab for power by the minister and some of the bureaucrats in Canberra to curtail the states' management of vocational education. There is no argument that, where inefficiencies exist in the development of a skilled labour force, the Commonwealth should be taking the lead. That is a proposition we all agree with. ANTA and the funding arrangements previously in place did not

work against overcoming those inefficiencies. That is something those opposite do not seem to understand.

What we now find is that the Commonwealth has decided unilaterally that the states are no longer to have any power in the relationship. Although the states provide more than 70 per cent of the funding, the Commonwealth is setting itself up to be able to veto any funding unless there is an agreement between the states concerned and the Commonwealth. What this will mean is that public servants in Canberra, remote from the state—whichever state—and the actual conditions in the local labour market, are going to have more say in what will and will not be offered as vocational education than the relevant state bodies. Whilst I have a great deal of admiration for the professionalism of the bureaucracy in Canberra, I am not convinced that they have the expertise necessary to come up with a suitable way of addressing the unique needs of the labour market and the skills shortages in the north-west of Western Australia. We saw only yesterday that it snows in Canberra, for a start! It is very removed from the north-west of my home state.

To argue that the states should be effectively shut out of determining their own vocational training needs at the risk of having the Commonwealth government refuse funding is an attack on our very Federation. The fact that states have different vocational training needs should come as no surprise to any Australian. In Western Australia, for example, the requirements for skilled labour are very different from elsewhere. For example, there is no motor vehicle construction industry in Western Australia; therefore—and this should come as no surprise—there is no vocational training offered. With our resources sector booming, the requirement for skilled workers in Western Australia is completely different to that of states such as Vic-

toria or Tasmania. I say to those opposite: it is time that we reject this blatant grab for power—a grab for power that will withhold funding unless the states agree with the Commonwealth as to what constitutes vocational education priorities. The Commonwealth needs to prove that they are aware of the varying needs of the states before they go about setting uniform priorities.

The basis of our Federation is a sharing of power between the states and the Commonwealth. What this legislation does is shift the balance of power to the Commonwealth at the expense of the states. That it does so at a time of national skills shortages illustrates the short-sighted outlook of this government, a government that is prepared to make these radical changes to an agreement reached between the states and itself—an agreement that, now the government has the numbers in this place, it does not find suitable. That now offers the states no consultation. There will be no consultation in this, just a ‘take it or leave it’ approach that places more power in the hands of the minister.

**Senator McGAURAN** (Victoria) (1.02 pm)—I join my colleagues on the government side in debating the Skilling Australia’s Workforce Bill 2005 and its associated bill, the Skilling Australia’s Workforce (Repeal and Transitional Provisions) Bill 2005. These bills will establish the new national training system. The government believes these bills are very necessary, for—despite the best efforts of the industry and the government itself over the past nine years, going on 10—there have been too many key issues that have not been addressed by the states and territories because of their different qualifications and regulations in the area of training.

I note the remarks of the speakers on the other side of the house, particularly Senator Webber. She dubbed this ‘a grab for power’.

Far from being a grab for power, it is fixing a system that is broken. She and others opposite highly exaggerate the states’ resistance to this reform. In fact, the states quite understand and have signed up to it. They are not nearly as resistant as the Labor Party would have us believe. They have signed up to the uniform training system because they know that in the end that is what is really needed to meet the future challenges. It is accepted by this government, all industries and those on the other side of the house that there is a shortage of skills. We have to meet that challenge with reform, with a uniform training system.

Although those on the other side object to the principle of this reform, they are in fact going to end up voting for it anyway. Nevertheless, in all their speeches in debates in this house they give evidence that the Labor Party have reform fatigue. That is quite an achievement in opposition. They are a party that have reform fatigue in opposition. The Labor Party object to any and every reform that is necessary—even those that the states have signed up to. There is no reform that the federal Labor Party will support.

From the very first days when we came into government in 1996, we recognised that there was a skills shortage, particularly but not exclusively in the area of the trades. It was a product of several factors—some short term and some long term. When we first came into government it was quite obvious that the then apprenticeships scheme had been allowed to run down, that the incentives for employers to take up apprentices and for that matter for apprentices to take on a four-year apprenticeship had been allowed to run down and they simply were not there anymore. Take-up had become very unattractive for both sides.

To this end, the government immediately introduced the New Apprenticeships scheme,

stimulating the incentive for both the employer and the newly signed on apprentice. On the apprenticeship side we have several new and enhanced incentives for the apprentice to sign up, none less than extending the youth allowance and Austudy to new apprentices. There is also the tool kit allowance which we announced at the last election, which is no small amount—it is some \$800. Also, the Commonwealth Trade Learning Scholarship was introduced and an additional 5,000 places in the New Apprenticeships scheme were funded by this government.

On the employer side, the government enhanced the payments for the employer on the signing up of the apprentice and on graduation, so there has been a beefing up of the apprenticeships scheme, and it has been successful to that end. Also, the effect on the skills shortage was felt very much during the Labor Party's period in government in the early nineties, when there was a collapse. It was not just the apprenticeships scheme which they totally ignored; it was also the economy, which probably had the major effect on the skills shortage that we are suffering from today.

During the years of the recession, from 1991 to 1993, there was a collapse in the take-up of apprenticeships. That is no surprise; that is a product of the economy. In 1992, there were some 143,000 apprentices. That number dropped to 122,000 within one year. By 1994, the number was 107,000. You can see the effect of an economy that is not growing at a reasonable rate—that is, employers who have lost confidence in the economy and lost contracts will not take up apprentices. It is commonsense. It is obvious that governments, Labor or coalition, have a responsibility to soundly manage the economy so that people, including new entrants into the work force and apprentices, can get a job.

The 'recession we had to have' was a manufactured recession that threw people, including apprentices, onto the unemployment heap. Had we not had that irresponsible management of the economy, we may have less pressure on trades and skills today, because those people who would have been in training would now be in the trades. We would have had a greater number. You cannot deny that the management of the economy has a major effect on skills take-up. As I have proven, and as the figures show, when we got a turnaround in the economy from about 1996 to now—we have had nine years of sustained growth—the number of apprenticeships, because of market demand, immediately increased.

The skills shortage we have today does not relate just to the legacy of the previous government and the previous state of the economy. In fact, on the other side of the coin, we are in many ways a victim of our own success. Today, unemployment is at a record low—the lowest level in some 30 years. We have an unemployment rate of five per cent and we seek to better that. As a victim of our own success, naturally, we have a supply and demand problem. Now employers are out there looking for those skilled tradesmen and, of course, they are not there. To that end, the government have reacted. As I said, first of all, we enhanced the incentives offered by and the attractiveness of the New Apprenticeships scheme. We have further increased our skilled migration places by more than 20,000 this year—around 95,000 skilled migrants are eligible to apply. That will take pressure off the problem we have, but it is only a short-term solution, and the government seeks to put in place a long-term solution.

**Senator Crossin**—What is the long-term solution?

**Senator McGAURAN**—I will give you the long-term solution, Senator Crossin, and it is one I would like to hear you support because, at this stage, the Labor Party are all over the shop on what I think is one of the best policies this government have sought to introduce—that is, the introduction of 24 technical schools to begin with. We are still not quite sure whether the Labor Party support us or not.

One of the long-term effects of today's skills shortage goes right back to the early eighties with the abolition of the tech schools. The effect of this decision is felt today. Because of some mad reasoning then, it was believed that people in the trades should not have their own establishment and should not be in a stand-alone school. I have to admit that it seems in retrospect that there was a cultural cringe attached to this by the states. I believe that all states made this decision.

**Senator Carr**—That is just not true!

**Senator McGAURAN**—So many have missed out because of that cultural cringe. This government believe that we ought to reverse that disastrous decision and reintroduce the tech schools.

**Senator Carr**—Did you go to school? Maybe that is the problem. You didn't go to school!

**Senator McGAURAN**—Senator Carr is interjecting. Neither he nor any other speaker opposite has mentioned the policy of technical schools. It can only lead you to believe they do not support it. They do not support the reintroduction of technical schools to tackle this country's skills shortage in the long term. We are going to reverse that cultural cringe.

**Senator Crossin**—Not until 2011!

**Senator McGAURAN**—You had 13 years. If you saw any benefit in it, why

didn't you do something about it then? If you support technical schools, why don't you support the legislation?

**The ACTING DEPUTY PRESIDENT (Senator Marshall)**—Senator McGauran, ignore the interjections and address your remarks through the chair. I request that senators on my left cease interjecting.

**Senator McGAURAN**—As the Minister for Education, Science and Training has said in the other chamber on numerous occasions, not everyone is destined to study for a university degree. With the establishment of these technical schools, those that may have felt that they should have gone to university and done some Mickey Mouse course which they were not suited to now have an opportunity and a choice—and those on the other side cringe when it comes to any sort of choice.

The other solution to meet the skills shortage in this country is the market itself. The market will play a role in meeting this country's skills shortage. The government seeks to underpin it in the ways that I have addressed, but supply and demand will also sort out the skills shortages over the long run. It will simply become very attractive to become a plumber, a carpenter and the like. It will simply become attractive by way of pay. Let us not leave the market solution out of this problem.

I want to return briefly to the question of technical schools, because that is what seems to really burn those on the other side. The government seeks to introduce 24 technical schools for years 11 and 12—

**Senator Crossin**—It will be six years before you get a graduate. Six years!

**Senator McGAURAN**—Well, they are well and truly in place. The minister handling this, Gary Hardgrave, has been to every chosen site. He has accelerated this policy. And rest assured, Senator Crossin, if you

think there is any doubt this is not going to happen, or you wish it would not happen, that it will—and it will meet the timetable that the minister has put out. Some 7,200 students taking up years 11 and 12 will go to these colleges. And I note that one will be set up in Bendigo in Victoria, Senator Carr—do you have any objection to that? I suspect you have.

**Senator Carr**—Where is one in the northern suburbs of Melbourne?

**Senator McGAURAN**—Most of these colleges—

**Senator Carr**—Where is one in the northern suburbs?

**The ACTING DEPUTY PRESIDENT**—Order!

**Senator Carr**—You wouldn't know where the northern suburbs were!

**The ACTING DEPUTY PRESIDENT**—Order! Senators, please cease interjecting. Senator McGauran, if you direct your comments through the chair and not to the senators on the other side of the chamber, we may have more order in the chamber.

**Senator Carr**—How rude!

**Senator McGAURAN**—How rude? I think I was a little ruder before when I gave you the wave. These colleges will be located in many different regions, some metropolitan and some rural and regional. As I said, Bendigo will be one of those chosen places. In conclusion, I recommend that people read this booklet. I would have liked to refer to it in the time available to me but, given the interjections from the other side and the excitable state that Senator Carr is in at the moment, I would recommend that he get hold of this booklet. In fact, I would be more than happy to table the booklet. Senator Carr should read it, instead of interjecting and trying to stifle debate on what is non-controversial legislation involving the gov-

ernment's reform of technical colleges. As I said, this is a party that has reform fatigue in opposition. That is unheard of. It is quite an achievement. I congratulate you! What is your policy for meeting the skills shortages? I invite the next speaker from the Labor Party to address that question.

**Senator GEORGE CAMPBELL** (New South Wales) (1.17 pm)—I will not take up the time of the Senate by trying to respond to that ramble—that rage—that we heard for the past 15 minutes. I want to speak about these two bills, the Skilling Australia's Workforce Bill 2005 and the Skilling Australia's Workforce (Repeal and Transitional Provisions) Bill 2005. Sadly, these bills are a clear demonstration of how out of touch this government is with the needs of industry in this country. For nine long years it has ignored the skills issues and the skills needs of the nation. It is not that this is something new; it is not that it is something that came up yesterday that the government suddenly had to respond to; this issue has been consistently raised in this parliament, by people on this side of the chamber, for the past nine years. We have consistently pointed out what was occurring with skilled tradespeople in this country. The NCVET has consistently put out reports pointing out the decline in the number of skilled tradespeople in this country and this government has simply ignored it.

This government has tried for nine years to look at quick fixes. It has introduced new systems, new apprenticeships and traineeships—all tricked up for no other reason than to boost the numbers, to create the illusion out there amongst the general public that it was dealing with the skills shortage and the skills crisis. It has done nothing whatsoever. It has not even put a dent in the skills needs of this country. And now, after trying every shoddy trick in the book to look good, it has suddenly found it has to try and do some-

thing serious about addressing this issue. And what has it done? It has introduced these bills, which represent an intrusion into the autonomous operation of the VET system. It is going to force TAFE institutions in our country—that have been there for a very long time, that have met the training needs of our skilled work force in this country over a very long time—to adopt the Howard government's agenda of forcing AWAs out into the work force as a condition of funding. It is threatening to cut funding to TAFE institutions if they are insufficiently entrepreneurial.

Here we see again a government that is so obsessed with its industrial relations reform agenda that, since it has not been able to get it taken up voluntarily amongst the work force, is now using funding arrangements—ones that go to the heart of training our kids in how to be skilled tradespeople in the community and make a contribution to the economy—to force an ideological agenda onto the states, for another purpose entirely. It is doing it in training. It has done it in the building industry, by insisting that its ideological agenda is picked up in the building industry for any contracts that the Commonwealth introduces. It is simply a form of blackmail of various sections of the community to force them into driving the Howard government's ideological agenda.

Labor will oppose these bills in their current form and will propose amendments to deal with the more contentious elements of the legislation. But I want to say up-front that I am concerned, because back in June the Senate referred these bills to the Employment, Workplace Relations and Education Legislation Committee for inquiry—a legitimate thing to do. The committee was due to meet to consider evidence and hear witnesses last Monday, 1 August, but that meeting was cancelled. It was cancelled because we were deliberately denied a quorum

so that we could not proceed with the hearing. We could not proceed with the hearing despite the fact that the committee had made a decision to hear witnesses in respect of this issue.

We still believe the Senate needs to take a good, hard look at these bills. We still believe that people should have the right to come and present evidence to that committee on the implications of these bills for them, particularly in light of the linking of the industrial relations agenda to funding to the states for TAFE colleges. But we were denied the right to do that. The witnesses were denied the right to come along and speak to their submissions to the inquiry, denied the right to come along and put their point of view. The report on this bill that was presented in this chamber was simply written having regard to the submissions that were received by the secretariat—not good enough. It is not good enough at all having regard to a bill that is so far reaching in its implications as this bill is. It is treating the Senate with contempt to deny its committees the right to hear witnesses put their evidence on these sorts of bills and to deny committees the opportunity to question witnesses on the evidence that they have presented before them.

These skilling Australia's work force bills that are before us are named for a reason: Australia is facing a skills crisis. The national skills shortage list has 26 trades listed. From metal fabricators to furniture upholsterers and from carpenters to chefs, we have a shortage of workers to do jobs that are vital to our economy. And this is starting to bite. As an example, the Housing Industry Association trade contractor price index has found that over the last 12 months the cost of hiring bricklayers has risen by 22.6 per cent and the cost of hiring plumbers has risen by 17.3 per cent; roofing contractors, up 9.5 per cent; site preparation, up 15.2 per cent; painters, up 7.2

per cent; and general builders, up 3.8 per cent. What is that going to do? At the end of the day, it will drive up the price of housing in our community and make it again more unaffordable for young people trying to get a start in life, get a roof over their heads and start a family.

We all know that when skilled tradespeople are scarce the cost of hiring goes up and that cost is passed on, ultimately, to consumers. This has been caused simply by the neglect of the Howard government. They have turned away something like 270,000 people from the TAFE system since John Howard and Peter Costello came to power. In the same time, however, they have imported 178,000 skilled migrants. That tells you something about the long-term planning this government put into dealing with policy issues. It is the quick fix: they allow the crisis to occur and then simply try to apply the quick fix as a solution.

The other day I heard an interview, I think on Radio National, with the editor of *Computerworld*, who indicated that, among these 178,000 skilled migrants who have been allowed into the country, there are something like 5,000 computer technicians now operating in the city of Sydney. He went on to say they are being paid low wages—way below what is being paid to computer programmers or computer technicians who are living in this country. They are out of India, by the way, in the main. They are being forced into overcrowded accommodation and their families are being paid subsistence allowances of \$100 a month back in India. We are seeing people being imported as cheap labour to compete with Australians under the guise of skill shortages. The skill shortage is being used in a number of areas to simply exploit workers by bringing them into this country and using them as cheap labour—not unsurprising. It is not unsurprising when you look at this government's industrial relations

agenda, because they actually want to force all Australians into the position of being cheap labour under their new industrial relations reform agenda.

My further evidence of the government's harebrained approach to VET lies in the comically bad New Apprenticeships scheme. Back in June, survey results were finally released—after a very long time badgering the minister to do so; they got them in February—that revealed that the Howard government's New Apprenticeships scheme is not meeting the needs of apprentices during a time of national skill shortages. What were some of the survey's findings? Only 35 per cent of people who completed an apprenticeship were looking for work in the same industry or area after that apprenticeship. Twenty-one per cent of apprentices surveyed said that the skills they learned in the apprenticeship were not useful or not very useful. One-third of people who completed an apprenticeship but were not working in that industry area said that the apprenticeship was of little or no use. Nearly 30 per cent of existing workers who completed a new apprenticeship said that the apprenticeship did not improve their job security. Forty per cent of apprentices do not even complete their apprenticeships.

This is a damning indictment of the training performance of the Howard-Costello government. Yet, with this further contributor to the skills crisis staring them in the face, this government cannot do the sensible thing and adopt Labor's \$2,000 trade completion bonus to ensure our apprentices get their qualifications and go on to work.

The Howard government, as I have already said, has declared war on the education staff unions like the TAFE teachers federation and the Public Service Association. The government is setting out to force TAFEs to adopt AWAs and performance based pay.

This will create conflicts between the government's demands and the responsibilities of TAFEs under their enterprise agreements. Peter Costello has told us he wants to see the AWA as the primary mode of engagement of labour. What he did not tell us, however, was that he is willing to force it down the throat of every worker in this country.

On that side of the chamber, they consistently talk about choice. They talk about choice in terms of voluntary student unionism. They talk about choice in terms of superannuation. But when it comes to the form of contract under which you will work for your employer, choice goes out the window. What they are clearly saying to the TAFE colleges, what they are clearly saying to business and what the secretary of the Department of Employment and Workplace Relations has been saying to his own staff is that you will have no choice about the form of industrial contract that you are engaged under; that you will sign up to an AWA and you will take the AWA or you will not get the job.

That is the new form of industrial relations in this country proposed under the Andrews bill—it is as simple as that. Of course, it is difficult for them to do it in the context of people who are currently in the work force. But we all know that, over time, the work force will roll over and gradually that disease will creep into the system like a cancer and become the norm across most workplaces, at least for a period of time anyway. That is the agenda that is being driven here and that is why we are consistently seeing the use of funding arrangements for education, building contracts or what have you being clearly connected to the implementation of the government's industrial relations agenda. They are using funding as a form of coercion.

To avoid funding cuts, TAFEs will have to increase their user choice to improve flexibility and competition. TAFE directors will have increased institutional authority that will force them to take on the recruitment and remuneration of staff, try to generate and retain alternative sources of revenue and develop commercial business plans to allow government funding to be reduced. This is simply forcing the devolution of responsibility. TAFEs will have to adopt programs of competency based training. The Australian Chamber of Commerce and Industry supports competency based training but, otherwise, opinions are divided within the vocational education and training sector.

These bills also abolish the Australian National Training Authority, the body that was responsible for the oversight, approval and coordination of training packages and programs and for putting a national structure on our training regime. ANTA has been part of a national training program and has been very successful in responding to the needs of industry because it had industry players involved, including representatives of workers. ANTA did not get the axe because it was in some way deficient or dysfunctional; it has been given the axe because of the Howard government's attitude to funding VET. The first ANTA agreement provided a partnership between the states and the Commonwealth where the states maintained their levels of funding while the Commonwealth added growth funds to build the sector. The change of government in 1996 brought a change of attitude, abolishing growth funding and implementing successive funding cuts. Growth funding was re-established in the 2001-03 agreement, but the gap has created an \$833 million funding gap. The Commonwealth is nearly a billion dollars behind where they should have been in the normal course of events. ANTA is being axed because of the Commonwealth's refusal to come to a sensi-

ble position on growth funding for the 2004-06 agreement.

When you consider the skills crisis that was well and truly known about during that period, the states are right to say that there was a need for a considerably increased investment in vocational education and training. They are right to say to the government that it needs to do something serious about skills and invest in the system that we already have. The Commonwealth is refusing to make a substantial investment in our national training system.

I now comment briefly on the Australian technical colleges. Instead of committing funds to a system that already works, the government is committed to setting up a completely new and completely redundant vocational education and training system under the guise of Australian technical colleges. Labor will comment further about these in later debates. I will say this: not one single fully qualified tradesperson will pass from the doors of an Australian technical college until at least 2008. Not one metalworker, not one builder, not one chef, not one hairdresser—all areas that currently have pressing skills crises—will come out of an Australian technical college for at least the next three years. That is not the way I suggest we should deal with the skills crisis in the short term or the longer term. Does anyone seriously suggest that having technical colleges that are going to deal with year 11 and 12 students—and there are to be 24 of them, yet nowhere near that number have been established—is the way to handle the skills crisis that confronts this country? They will not even put a dent in the crisis that currently exists.

There was an opportunity for this government to build on a number of skills centres situated around the country. If Minister Hardgrave had really been interested, he

could have driven 10 minutes from his office in his own electorate, gone to the building industry skills centre and seen the sort of structure necessary to train 3½ thousand apprentices a week for the building industry. It can not only do that but also can provide training for staff working for individual contractors in the building industry. That was the model that, if it had been followed, would have provided a substantial boost to the number of apprentices in training in this country. Instead, we have a system that will not even deliver a dent to the problem.

**Senator CROSSIN** (Northern Territory) (1.37 pm)—I am glad that Senator McGauran is still in the chamber and stayed there for your speech, Senator Campbell. He might have learnt something about Australia's vocational education and training system—something which his speech demonstrated that he knows absolutely nothing about.

The Skilling Australia's Workforce Bill 2005 and Skilling Australia's Workforce (Repeal and Transitional Provisions) Bill 2005 together repeal the ANTA Act that was put in place in 1992 and the Vocational Education and Training Funding Act of the same year. This effects the abolition of ANTA and of the current funding arrangements, inadequate as they are, for the Commonwealth grants to states and territories for vocational education and training. These bills provide for transitional arrangements for the transfer of the ANTA functions to DEST and for a new funding framework for grants for the triennium 2005-08. Commonwealth grants make up about a third of public funding of VET in Australia, funding through the states and territories to support them as providers and administrators of VET. The Skilling Australia's Workforce Bill establishes a new funding framework and, unfortunately, takes the place of the Australian National Training Authority.

Shortly after winning the 2004 election, less than 12 months ago, the Prime Minister unilaterally announced that ANTA was to be abolished and previous responsibilities held by that training body would be taken over by the Department of Education, Science and Training. These bills put that decision in place. It is interesting to note that that decision was never announced during the federal election campaign; it was not something that was made public then. It is another classic example of how what this government says—or does not say—during an election campaign can be revealed in the way in which it seeks to change the landscapes of certain industries in this country, one being the education industry, just a few days after the federal election. It was not an announcement that people in this country knew about or were able to make a decision about in the lead-up to 9 October last year.

ANTA has been responsible for distributing Commonwealth grants and steering the national direction of vocational education and training in this country. It played a central role in what was supposedly a collaborative framework for the VET system—collaborative in that it was between the three partners involved in vocational education and training: the employers, the employees and the trade union movement, and the governments. There were definite signs that this collaborative framework was under stress with the breakdown of negotiations for the ANTA agreement in previous years, particularly in 2003 and 2004, and the Commonwealth decision to use some funds to fund providers directly. However, the decision to abolish ANTA was unexpected and was not taken in consultation with the states and territories. This was not altogether surprising, however, as this government had long taken to grandstanding and pointscoreing against the states and territories. This is a government that cares more for power and control than it

does for collaboration, national training or the skills shortage this country now faces.

Having cut funds to TAFE in its first two budgets after coming to power, it refused any growth funds from then on. I think it would be fair to say that the states and territories, at the ministerial meetings, had come to loggerheads year after year because of the refusal by this government to recognise that there was a need to build growth funds into the states and territories funding agreement for vocational education and training and to meet the unmet demand in this industry. Without growth funds, the states and territories were not going to sign up to a funding agreement that pegged them at a level of funding that was years old. The recognition that there was no need to include growth funding in the agreement and a lack of recognition by this government in saying it was not prepared to fund the unmet demand was enough for the states and territories to say, 'Forget it. We are not going to sign on the dotted line of this agreement.'

The skills shortage was on the way, manufactured by this mean, penny-pinching government. So Australia now faces a chronic skills crisis, a crisis which has been the subject of a report produced by the Senate Employment, Workplace Relations and Education Legislation Committee and a crisis that has come about because of the complete failure of this government's policy. These bills continue the government surge towards further centralised control of education and training by taking the role of the former ANTA out of the way in which it was established and placing it into the hands of the Department of Education, Science and Training. The new funding arrangements propose an unprecedented level of Commonwealth legislative prescription over VET in the government's ongoing attempt to force its agenda onto the states and territories. These are some of the conditions under which La-

bor cannot support the proposals in this legislation.

The main item is the proposal to force TAFE colleges to offer Australian workplace agreements. Neither ideological workplace relations philosophy nor the government's IR crusade has any place in legislation that funds education and training—not in the vocational education and training sector and not in higher education. Labor will not support the bill with this requirement included in it. It was put to me yesterday when I spoke to some TAFE teachers I know, having been involved with the Australian Education Union's national TAFE teachers executive for many years, that this is a government that now wants to use students to drive a wedge between its ideological agenda in funding vocational education and training and implementing its industrial relations reform.

The requirement to fund TAFE colleges only if they offer Australian workplace agreements to their staff does not have the interests of students at heart, and it does not have the interests of this country's skill shortage at heart. This government has no place dictating to TAFE colleges or to TAFE employers the manner and nature of industrial relations conditions which they offer to their staff. This is a government that will repeat, day after day—they are key lines now, driven down their throats by the Prime Minister and his campaign team—'choice' and 'flexibility'. 'Freedom of choice' they champion. 'Flexibility' they champion. In fact, they would say that one of the main reasons for their new IR changes is that they want total flexibility in the work force. There is no total flexibility and there is no choice inherent in these bills if TAFE colleges and TAFE providers cannot access funds unless they offer their employees Australian workplace agreements. What if a TAFE college does not want to do that? What if a TAFE college like Holmesglen in Victoria has an

enterprise agreement in place that is working well. What does it mean for that TAFE college?

This is a government that is hypocritical, to the very last word, in the way it implements its policy. On the one hand it champions choice and on the other hand it produces legislation that says, 'You can only get this funding if you offer your staff Australian workplace agreements.' Who suffers as a result of this? Students will suffer. They are being used as the wedge. This is what we have instead of a vocational education and training system that is visionary, that has a long-term plan, that puts students front and centre of the outcomes—and, with them, industry—and that government supports. But we do not have that under this government. We believe that a successful national training program needs the tripartite involvement of government, industry and workers with students. With the abolition of ANTA, we believe that such a tripartite system is gone. What is proposed by this government does not, by any stretch of the imagination, honour these principles.

I am quite disturbed about the abolition of the Australian National Training Authority. Let us look back at why the Australian National Training Authority was put in place. As the report of the Senate Employment, Workplace Relations and Education Legislation Committee on this bill states, in 1990 the Deveson committee made recommendations to allow market forces some influence on the training agenda. That was followed a year later by the now very infamous Finn and Mayer committee reports that recommended the convergence of general and vocational training and the development of six key competencies areas. Where did this come from? It came from a group of people who went over to Germany, you may well remember, and out of that came the visionary document *Australia reconstructed*. That

document said basically that Australian skill and wage levels were very low and that we needed to restructure awards, provide people in this country with a career base, improve their salary level and combine that with training. So the way you moved up your career path was to get some training.

There was an enormous amount of work done in that decade to restructure awards. I know that Senator George Campbell and people involved in the blue-collar industries put an enormous amount of time and effort into restructuring the categories of classifications in the awards and aligning them with competency standards, encouraging the training system to get on board, getting industry involved, and writing competency standards and the module framework so that there would be a total package to improve the work force and the wages in this country.

I have recently come back from a two-week trip to China. I went to Shanghai and Beijing, and I spent a week in Chongqing. In Chongqing we have a group of Australians who are implementing the current way—not the proposals under these bills but the current way in which vocational education and training in this country works. The Chinese government have long looked to Germany for influence for their vocational education and training system. It was one of the best in the world. We went to Germany back in the 1990s and had a look at what was happening. Now China has turned to Australia. People said to me when I met with them—professors and principals of TAFE colleges in Chongqing—‘We are turning to Australia because you do it the best now. You have taken what Germany does, and you developed it further. We are impressed with your module based curriculum, your competency based standards, the way you get industry on board with ITABS, and the way you have unions and employees involved.’

We have got a \$20 million AusAID project in Chongqing. We have Australian TAFE teachers going over there and teaching Chinese vocational education and training colleges about our VET system. In fact, the Minister for Vocational and Technical Education, Gary Hardgrave, was there on 5 and 6 August and put out a press release chanting about the work that is being done by Australians. That will not exist under these bills. If we are so proud to export that as an education, training and development industry overseas—so proud that we can even send our minister to a South-East Asian vocational education and training conference in Chongqing to champion it—why do we want to so radically change it by the abolition of ANTA and the forced introduction of Australian workplace agreements in TAFE colleges that will now be dependent on that for funding? What has brought about the need for this dramatic change? When I ask myself that question, I can only say that it is the backward-looking philosophical outlook of this government that wants to drive up skills shortages in this country, drive down training, drive down any initiatives that our TAFE teachers have developed after 15 years of this system.

The shadow minister in the other place gave an account of the history of ANTA, and I have just given some as well. Some of the people that I know who worked at ANTA were the best not only in this country but in the world—as I discovered when I went to China. Bruce McKenzie from Holmesglen TAFE has been there. Paul Byrne is about to go up there. Moira Scollay, who was in charge of ANTA; Peter Nolan and Julius Rowe—all of those people who have been involved in the establishment and the drive behind ANTA—were people with vision. They were people who actually took our vocational training and education sector for-

ward to sit beside higher education in this country and become an equal partner.

It is a shame that this government is now hell-bent on undoing the good work that was done during that 15 years. Those days will be gone; gone will be the collaboration, cooperation and negotiations. Through the control of funds, the Howard government, wherever and whenever it can, will bully the states and territories into accepting central control and unwanted workplace conditions and will do whatever else it takes to put in place its ideological philosophy.

ANTA was set up following a period of open negotiation with stakeholders, as I said, and it will be abolished without a word. When ANTA was initially established by the Labor government, the funding for VET included \$720 million in additional funds over the 1993-95 triennium. If this government were to allow for similar growth, there would be an additional \$925 million in today's dollars for the next three years. Instead, the vocational education and training system gets virtually nothing new. There is just a reallocation of existing funds. There is still no growth funding being offered.

It is absolutely no wonder that under this government tens of thousands of young Australians have missed out due to the lack of TAFE places and we now have a massive national skills shortage. In 1998 there was an unmet demand for 44,400 TAFE places. In 2003 that rose to 45,900. In the nine years of this government—nine years too many, as far as I am concerned—it has done nothing to drive down the unmet demand, create new TAFE places and address the fact that each year hundreds of young Australians who want to do a vocational education and training course cannot because the places do not exist.

If I had another 20 minutes I could talk about the Australian technical colleges, but I

think that will be subject to a bill next week. They are not the answer. In the Northern Territory we will be lucky if we can get 150 people into what is going to be the Australian technical college in Darwin. That technical college is going to coexist with secondary colleges. You have to ask why they did not just expand the vocational education and training program in secondary schools, if that is to be the case. A new, discrete building of bricks and mortar is not going to be built in the Northern Territory. There is no demand for that.

That is the problem—this government has not undertaken any skills analysis. I know the Chamber of Commerce did an analysis some years ago, but it must be out of date, and I do not think it goes to looking at a national picture. Where do we need the skills in this country? Which regions need certain occupations and young kids to pick up skills as fitter and turners, mechanics or chefs? We do not know; we are guessing. We are going to plonk 24 technical colleges in the most marginal Liberal seats in this country and hope to God we win the election. But we are not going to do anything about addressing the skills shortages region by region.

A lot of very skilled tradespeople go to the Burrup Peninsula in Western Australia and operate that facility. When the next job comes up, they all move to it like bumblebees. The last one would have been Bechtel in the Northern Territory. We do not ensure that when the jobs are finished the skills remain in that community. We do not have a strategic plan under this government to build up a comprehensive skills base region by region so that they are there for years to come.

Not that this government really care. They believe that it is not their fault and still want to blame the Labor Party. The Labor Party is not to blame. We had one of the most imagi-

native and innovative vocational education and training systems in the world, which is now being recognised by places like China. They would say it is the fault of the states and territories. That is the catchcry of this government—it is everybody else's fault but theirs. They would say it is the fault of another government or another agency. It is common for them to blame the unions or the workers; the real blame lies with anyone but the Howard government.

I have some really good friends in the Australian Education Union—TAFE workers who give more than their day's work to ensure that students in this country complete those outcomes and that we have a module based curriculum and competency based training. They will walk away from this. They will not tolerate being forced onto AWAs, because that has nothing to do with the good quality work that they now offer. This government knew a skills shortage was coming, but they have done nothing to address it. They simply want to abolish ANTA, take total control of the vocational education and training system in this country and, in doing so, force draconian conditions on workers. *(Time expired)*

**Senator STEPHENS** (New South Wales) (1.58 pm)—I too rise to make a contribution to this debate on the Skilling Australia's Workforce Bill 2005 and the Skilling Australia's Workforce (Repeal and Transitional Provisions) Bill 2005, because they are two of the most important bills that we will be debating in this place. They reflect the real concerns that we have about the government's total control of the Senate and the outcomes that they intend to bring as a result of that control. These bills bring to a head two great debates on our country's future: first, the future of the Federation; and, second, whether our national vocational education and training system has any future at all. These bills are another manifestation of what

is being described in public policy terms as the new centralism of the Howard government.

Senator Crossin just spoke very passionately about the hard and collaborative work, the cooperative federalism, that brought the Australian National Training Authority into existence. This great national project, ANTA, was established in 1992 to pull together a national approach to vocational education and training, reflecting the good research and the industry restructuring that took place in the eighties and acknowledging that we had to build and commit to our resource and skills base to underpin Australia's economy. Good work has been done in the interests of Australia's future and it is all about to be undone in these very destructive pieces of legislation.

Debate interrupted.

#### QUESTIONS WITHOUT NOTICE

##### Telstra

**Senator CONROY** (2.00 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the Minister to Telstra's announcement today of an annual profit of \$4.45 billion, the largest in Australian corporate history. Can the minister confirm that Telstra's line rental revenue increased by \$125 million last year as a result of the massive cost increases that the government has permitted under its weak price control regime? Can the minister also confirm that Telstra's broadband revenues increased by 73 per cent, or \$307 million, and that this reflects the fact that the prices paid by Australian consumers for internet access are among the highest in OECD countries? In the light of these results, does the minister accept that Telstra's profits have been driven by the excessively high prices that Telstra has been charging Australian consumers for its services? When will the government stop focus-

ing on fattening up Telstra for sale and take action to strengthen the competition regime to deliver lower prices for consumers of telecommunications services?

**The PRESIDENT**—Order! Before I call Senator Coonan, I remind senators that some questions tend to be a bit long. That one was rather elongated.

**Senator COONAN**—I thank Senator Conroy for the question. What I think Senator Conroy has failed to understand in his question is that the price control regime does not apply to non-regulated services; it applies only to services that are actually covered under the universal service obligation. Obviously broadband does not come under the price control regime, but the price control regime has in fact continued to deliver services and untimed local calls for Australians and will continue to do so. As the Senate may be aware, I recently rolled over the existing price control regime until December so that further price controls can be announced as part of a number of matters under consideration going forward.

As to the matter of competition, I am glad that Senator Conroy mentioned that, because competition is obviously a fundamental plank of what this government regards as essential to telecommunications. Since we have come into government we have found that a robust telecommunication regime has meant that the telecommunications industry has gone from the cosy duopoly of Telstra and Optus, under Labor, to over 100 telecommunications providers. The economy is about \$10 billion larger than it would have been had the government not proceeded down this track. It has provided about another \$2 billion for small business and about 30,000 employees.

Competition in this country is a very big success story, but of course it is uneven. In a country as broad as Australia and with the

other geographical and population centre issues that Australia has, obviously competition does not roll out evenly. That is why, apart from having some specific guarantees for basic services, this government has spent in the order of over a billion dollars to ensure that people in underserved areas, where competition is not yet developed, will get services—indeed, the services that they want at the moment: broadband and faster internet access. Competition is something that this government says is very much a work in progress and is trending precisely in the right direction.

It is amusing to hear Senator Conroy talk about competition on the one hand and owning Telstra on the other hand. A fundamental plank—in fact, it is probably the only plank—of Labor's approach to telecommunications, as far as I understand it, is that the government should continue to retain its majority ownership in Telstra. It is a very interesting question. If Senator Conroy is so interested in competition, how can the government continue to own the dominant carrier and at the same time provide sufficient competition to provide all the services that are needed in rural and regional Australia? It is an absolute nonsense that this government has recognised. We know that with targeted investment you can assist in getting people the services they need in rural and regional Australia.

It is very interesting when you think back on Labor's record on privatisation. I am just reminded about Qantas, the Commonwealth Bank, CSL and Australian Airlines. What is it about Telstra that so frightens the Labor Party? They were prepared to privatise one out of two national airlines and one out of four major banks, yet they cringe at and are scared of privatising one out of 100 telecommunications companies.

**Senator CONROY**—Mr President, I ask a supplementary question. Does the minister agree with Mr Trujillo's reported comments yesterday, when he told Telstra's board that Australia's communications platform was lagging well behind those of other developed countries and that Australia lagged behind its international peers in terms of investment, the take-up of broadband services, pricing and capacity? He said that the nation was in the bottom quartile of developed countries. Does the minister accept that the level of profit revealed today reflects Telstra's excessive market power? Will the minister now commit to accepting the ACCC's recommendations on Telstra's future price control arrangements and strengthen regulation to prevent consumers from being gouged by Telstra's monopolistic prices?

**Senator COONAN**—What this government will impose is an appropriate amount of regulation not only on Telstra but also on all telecommunications providers. But certain questions still remain for the Labor Party to answer. If you need to own Telstra to regulate it, how are you going to regulate Optus? How are you going to regulate AAPT? How are you going to regulate Vodafone? The ALP needs to get its concepts straight and stop trying to hang on to—

*Opposition senators interjecting—*

**The PRESIDENT**—Order! How can anybody answer a question with that racket on my left going on?

**Senator COONAN**—The Labor Party should stop trying to hang on to outmoded concepts of what is needed to deliver telecommunications in this country. Mr Trujillo's comments in relation to Australia's position on the league table related to broadband, as I understand it. That was precisely what they related to. Of course, the latest OECD broadband figures confirm that Aus-

tralia is now one of the top countries in terms of taking up broadband—(*time expired*)

### Taxation

**Senator CHAPMAN** (2.08 pm)—I direct my question to the Minister for Finance and Administration as the representative of the Treasurer. Is the minister aware of any indicators of the benefits flowing from the 2005 federal income tax cuts? Will the minister inform the Senate of how the tax cuts will enhance opportunity and reward in the workplace? Has the government considered any alternative policies?

**Senator MINCHIN**—I thank Senator Chapman for that very good question. As is well known, yesterday was an historic day for this chamber. With the new Senate having been sworn in, it was entirely fitting that the first piece of legislation to be dealt with in this chamber gave effect to the personal income tax cuts announced in the May budget. Those tax cuts, opposed by the Labor Party for the last three months, were only passed into law because of the coalition's new Senate majority.

It is important for all Australians to understand this very point: families are now receiving the benefits of \$21.7 billion in tax cuts over the next four years because of the new coalition majority in this chamber and for no other reason. It is important also for Australians to understand another aspect of these important tax cuts: they are not only good for individual workers and their families but also very good for the nation as a whole. By reducing the bottom tax rate from 17 per cent to 15 per cent and by increasing the thresholds at which the top two rates cut in we are encouraging more people into the work force and giving them extra incentive to work longer hours, without them losing half of their extra income in tax. As the Treasurer and I have consistently stated, in managing this economy we have to increase

work force participation and workplace productivity if we are to increase living standards and provide for our future generations.

Today's *Sydney Morning Herald* provided further evidence of the benefits of the government's tax cuts for the broader economy. It reports a study by three ANU economists estimating the increases in work force participation that will flow from these tax cuts. That ANU study estimated that the tax cuts in the May budget alone would increase work force participation by around one percentage point, which equates to an increase in the labour force of up to 80,000 people. The total number of hours worked were estimated to rise by 1.7 per cent, simply as a result of the tax cuts. The study also found that, once you take account of the additional hours worked through the incentives provided, average family income will increase by approximately \$60 a week.

We on this side recognise that ongoing reductions in the tax burden are an economic imperative for this country. If we are to increase work force participation and maintain our international competitiveness we have to have a tax system that encourages and rewards effort. We need a welfare system that discourages idleness and gets people back into work. That is something that, unfortunately, those opposite simply do not understand.

We have already been very successful in increasing work force participation. Today's labour force statistics from the ABS show that in July 2005 the participation rate remained at a record level in this country—64.7 per cent. During July, unemployment rose again by 12,700 and the unemployment rate remains at just five per cent, its lowest rate since 1978. That means, once again, that unemployment was never as low as it now is in all the 13 years of the Hawke and Keating Labor governments. Our government have

consistently sought to encourage more people to seek work and to have a larger percentage of job seekers finding work, as these unemployment statistics show.

The budget tax cuts now thankfully passed by this Senate, our welfare reforms and our new workplace relations reforms, are all about a long-term strategy to lift participation, create jobs, improve productivity and increase living standards.

**Senator CHAPMAN**—Mr President, I ask a supplementary question. I had also asked the minister whether or not the government had considered any alternative policies. Could he respond to that part of my question?

**Senator MINCHIN**—The only alternative given, of course, from those opposite was to block these tax cuts—to deny the Australian people a tax cut. If this coalition had not succeeded in getting the support of the Australian people to return a majority of coalition senators to this chamber, there would not have been any tax cuts on 1 July. The Labor policies on tax would not have come into effect until years down the track. There would not have been these work force participation consequences, highlighted by the ANU economic study. The country would have been much worse off. So we are grateful to the Australian people for giving us their confidence and returning our majority to this chamber to introduce these fundamentally important tax cuts.

#### **Telstra**

**Senator HURLEY** (2.13 pm)—My question is directed to the Minister for Communications, Information Technology and the Arts. Is the minister aware of comments made today by the President of the National Farmers Federation, Peter Corish, that 'the government's own information shows that rural telecommunications services are not improving' and that 'in the area of basic

landline phones, services are in fact declining'?

Is the minister also aware that in a recent poll of its members, the New South Wales Farmers Association reported an 80 per cent opposition to the government's plan to sell off Telstra, that 29 per cent of respondents said their landline was unreliable, 63 per cent said their mobile was not reliable and 60 per cent were dissatisfied with their internet speed? Does the minister now accept that telecommunications services in rural and regional Australia are nowhere near parity with metropolitan Australia?

**Senator COONAN**—I acknowledge and congratulate Senator Hurley on her first question, although I have to say that I do not think that she is off to a very good start on that basis. It is very shaky indeed, Senator Hurley, to be hitching your wagon to the committee that is going to be talking about telecommunications, because unfortunately the premise of your question is wrong. The survey that was carried out by the NFF was, on my understanding, several weeks ago, which is a fair time ago, and it certainly was based on a very small sample—and you can get almost any answer you want depending on how you frame a question.

The situation is that the benchmark for services in rural and regional Australia, as Senator Hurley will no doubt learn if she is not already aware, has been for some considerable time the Estens inquiry, which is the third inquiry that this government instigated so that, in an independent way, it could gauge the adequacy of services in rural and regional Australia. Thirty-nine recommendations were made by the Estens committee, and the government has accepted all of them. They have all been implemented except some final ones that relate to future-proofing recommendations, and some of them are the subject of legislation. For instance, last week

I rolled out the rural presence plan requirement on Telstra, which was a critical part of the future-proofing arrangements that were recommended by Estens.

If you look at the Estens recommendations, I certainly do not accept that services are anything other than adequate. That is not to say that there are not still areas that need to be addressed. As I said, with competition being somewhat uneven, as you would expect in the roll-out of services, the government have clearly recognised that there needs to be targeted assistance. So, very importantly, we have three pillars. We have competition, and that usually works fine where there are a lot of people and providers. Then we have basic services provided under the consumer arrangements and the universal service obligation. On top of that we recognise that the market can also work if there are targeted subsidies in areas of unmet need, which is why the government have now invested in the order of \$230 million to make sure that people can get access to broadband.

As Senator Hurley will appreciate, these are matters where technology changes rapidly, and the government responds to ensure that people can have opportunities to have access to decent services. Unfortunately, Senator Hurley, you have joined the federal party that has ranked Telstra as less than a priority. We know from the recent broadband presentation that was outed by Michelle Grattan in the *Age* that the Labor Party did not even think Telstra was important enough to put it as a top priority. I think that if you are in rural or regional Australia what would really make you quake in your boots is whether Labor ever got back.

**Senator HURLEY** (2.18 pm)—Mr President, I ask a supplementary question. If the minister is willing to dismiss so easily the New South Wales Farmers Association survey, is she aware that another nationwide

poll published last week showed that 23 per cent of those surveyed felt that Telstra services were not up to scratch in their area and that 71 per cent of people were opposed to the sale? Is the minister also aware that opposition to the sale is highest in Queensland, where 79 per cent of the population oppose the sell-out? Why is the government determined to arrogantly force through the sale of Telstra in defiance of the wishes of the Australian people?

**Senator COONAN**—I notice that Senator Hurley was unable to attribute the survey to any particular group. For all I know it could have been done by the ALP. That is the sort of stunt the ALP would probably do. Senator Hurley ought to remember that the Labor Party privatised everything that was not nailed down, spent the money and certainly did not invest in regional services. We know that when Senator Hurley's current leader corporatised Telstra back in 1991 the ALP simply abandoned the bush. Not one cent was put aside for unmet need or to deliver services for the bush. The people of Australia do not forget that or that the ALP do not regard Telstra highly and have never in a policy position put forward any proposal to deliver services in unmet areas.

#### Community Services

**Senator FIERRAVANTI-WELLS** (2.20 pm)—My question is to the Minister for Family and Community Services and Minister Assisting the Prime Minister for Women's Issues, Senator Patterson. Given the Howard government's commitment to working with states and territories to deliver vital services to Australians—services in the critical areas of homelessness, carers and child care—will the minister inform the Senate of recent agreements that have been reached?

**Senator PATTERSON**—I thank the senator for her question. My answer will obviously be of great interest to her, as she is a

new and very good New South Wales senator. The Howard government are determined to get on with the job of delivering services to Australians, but we recognise that much of that needs to involve cooperation between the states and territories. They need to work together to achieve outcomes in delivering services. I am pleased to report the signing of several new agreements and some good cooperation in a number of areas.

Nearly all the states and territories have agreed to sign a new Supported Accommodation Assistance Program agreement. This is the program that provides throughout Australia supported accommodation for people who are homeless. We have seen some significant changes in cooperation, not just in delivering crisis accommodation services but in looking at transition and reducing the likelihood of people returning. As a result of that agreement and, I have to say, some compromise on my part and not much on the part of the states, \$300 million more will be available to the sector over the life of the agreement. Only one state has not yet signed up, and I am sure the honourable senator will not be surprised which state it is: New South Wales. It is lagging behind the other states. One state in an election year was up-front and signed off much earlier on.

The other project, which is a very important one within my portfolio, is the Australian Early Development Index. This index has been adapted from Canada to measure across five areas of development of young children when they first arrive in school—across cognitive development, social development, health, physical development et cetera—and to look at how the children in a community, not individual children, are doing. If children are down in a particular area, it will look at what can be done in that community to improve, for example, learning and reading readiness or physical ability.

Some states have grabbed this with both hands and want it rolled out across all of their schools but, even though the Commonwealth is funding these trials in 39 communities across Australia, guess which state has not signed up. Even though we are prepared to pay for it, New South Wales does not want to participate in these trials. New South Wales does not care about the development of their children. Western Australia was out there rolling it out and other states want to take it across the whole of their state to look at how they are doing in early childhood and the early childhood agenda, but New South Wales still has not signed up.

In the budget before last, I was delighted that I was able to get \$72½ million additional funding to take up the slack due to the failure of the states to deliver respite care for older carers with adult sons and daughters with a disability. One of the requirements was that this funding was to be matched. But what do we see? We see that one state signed up in January this year. That money is still sitting there on offer to New South Wales—and what do we have? We have older carers, who have cared for their sons and daughters for 20, 30, 40 or 50 years, still waiting for New South Wales to sign up.

When Mr Iemma was appointed Premier he said, 'I'll make disability one of my priorities.' Let me say to honourable senators on the other side: go and tell Mr Iemma that his first test on disabilities is to sign up and give older carers the respite that they deserve after 30, 40 or 50 years of caring for sons and daughters. That is the first test for Mr Iemma. New South Wales have lagged behind in this and many other areas. When we were vaccinating children against meningococcal disease, some states had finished vaccinating their children when New South Wales had not even started. New South Wales lags behind in every endeavour that involves a relationship between the states

and the territories. It needs to get its act together. Mr Iemma has a real challenge ahead of him. I thank the honourable senator for her question.

#### **Communications: Television Sports Broadcasts**

**Senator STERLE** (2.24 pm)—My question is directed to Senator Coonan, the Minister for Communications, Information Technology and the Arts. I refer the minister to recent reports indicating that the government plans to amend the antisiphoning laws which are designed to ensure that major sporting events are available to all Australians on free-to-air television. Can the minister confirm reports that the government will reduce the number of events on the list? Can the minister advise the Senate which of the following sports will no longer be available on free-to-air TV after this purge: the Ashes, the AFL, the NRL, the Bledisloe Cup, the netball or the Soccer World Cup? Does the government plan to engage in any process of consultation with the community before events like these are axed from the list?

**Senator COONAN**—I have the honour of also having Senator Sterle's question, and I congratulate him. As a little word of advice to you, Senator Sterle, I suggest that you not take questions from Senator Conroy because you will get a very wrong steer. You seem to have read some report about antisiphoning. All I can say is: do not believe everything you read, Senator Sterle. This government will be retaining all of the icon events that are on the antisiphoning list. Currently there are over 2,000 events on the antisiphoning list. There are many that are not bought or not watched and are denied to people who otherwise might enjoy watching them. I have said publicly that, in relation to the monitoring of the list, those items that are not purchased or bought might otherwise be looked at.

As you would know, Senator Sterle, if you have been following this particular part of my portfolio, this government does not let people down. Indeed, the Ashes are being shown very successfully on SBS. I assume that most of you who have an interest in the Ashes would be watching it. You have been given a completely wrong steer by Senator Conroy on this question. The icon events will all be retained and any that come off the list will be as a result of not having been used or purchased and as part of a monitoring process.

**Senator STERLE**—Mr President, I ask a supplementary question. Does the minister stand by her comments on the ABC's *Media Report* program where she described the antisiphoning regime as arcane? Why does the minister think that it is difficult to explain or understand that all Australians should be able to watch important sporting events like the netball, the Australian Open tennis, AFL and NRL matches and the Melbourne Cup without having to subscribe to pay TV? Can the minister advise the Senate whether the Prime Minister shares her extreme views which are out of touch with those of the majority of Australians?

**Senator COONAN**—Thank you, Senator Conroy—I am sorry, Senator Sterle. It is almost interchangeable. They are all Senator Conroy today.

**Senator Chris Evans**—You've got to get over this thing you have with Senator Conroy.

**Senator COONAN**—I love it. As I have said—and if I can just gently repeat it—the icon events will all remain on the antisiphoning list.

#### Telecommunications

**Senator RONALDSON** (2.28 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Helen Coonan. Will the minister

advise the Senate how the Howard government is delivering 21st century phone services to rural and regional Australia? Will the minister also advise the Senate whether the government's successful telecommunications policies in rural and regional Australia can be extended into metropolitan areas?

**Senator COONAN**—I congratulate Senator Ronaldson on his first question—and I can tell that this question has not come from Senator Conroy. In fact, it has no flavour of Senator Conroy about it at all. One of the 21st century telecommunications services of most interest to the public at the moment is of course broadband internet, as I have been outlining, which is why the government has been working hard to provide accessible and affordable broadband to all Australians irrespective of where they live. We know that good telecommunications makes all the difference to the way people live, work, run their businesses and stay in touch in regional and rural areas.

There are now more than 1.8 million broadband subscribers in Australia. One reason for this enthusiastic take-up of broadband is the Howard government's Higher Bandwidth Incentive Scheme, HiBIS, which provides a subsidy to any registered provider who signs up a broadband customer under the scheme. So you get the great advantage of both competition and targeted investment. More than 650 communities have already been connected to broadband as a result of HiBIS, which means that in excess of half a million people in rural and regional Australia now have the ability to access terrestrial broadband services thanks to HiBIS. Just one year ago, these communities—more than 600,000 people—would not have had access to terrestrial broadband. This is an extraordinary achievement.

*Opposition senators interjecting—*

**Senator COONAN**—If the Labor Party would only stop talking they would hear about this extraordinary achievement. HiBIS has been so successful that last year the government committed a further \$50 million in funding, taking the total allocation to \$158.8 million. We continue to look at innovative ways of delivering communication services and the health, education, business and cultural advantages they bring. We will do this in a way that addresses market failure while encouraging competition. We have now also assisted people in metropolitan areas. We announced in the 2005-06 budget that we would provide a further \$50 million over three years to overcome broadband black spots. The program will build on the very successful approach of HiBIS and should be up and running by 2006.

Sadly, this is in stark contrast to Labor's vision for internet access. Just last year Senator Lundy was on a committee where Labor senators were recommending \$5 billion—where does that \$5 billion keep coming from? Labor recommended \$5 billion from the taxpayer to provide obsolete dial-up internet access. Despite the success of HiBIS, Senator Conroy opposes subsidised satellite broadband for Australians in remote areas. As far as Labor is concerned, if the copper wire does not reach your home then bad luck. Labor will leave you stranded. The 9,000 Australians in rural and regional areas who enjoy satellite broadband will be simply abandoned by the Labor Party if they have their way. Rural, regional and remote Australians can be confident that this government will not be deserting them or our commitment to giving them reliable and affordable communication services irrespective of where they live.

#### **Australian Made Products**

**Senator FIELDING** (2.32 pm)—My question is to the Special Minister of State,

Senator Abetz. I draw the minister's attention to the fact that in the six months from January this year, in accordance with the government's procurement guidelines, the Department of the Senate alone used recycled paper to the value of \$32,000 and the bulk of this paper was imported from the United Kingdom. I ask the minister: what does he say to the timber workers whose jobs are at risk if everybody follows the government's lead? What does he say to the fruit and vegetable growers, who rallied at Parliament House today, about the government's real commitment to encouraging Australians to buy Australian produce and products?

**Senator ABETZ**—I thank Senator Fielding for choosing me for his first question as opposed to Senator Coonan. I feel very honoured.

**Senator Carr**—Talk about ego!

*Senator Sherry interjecting—*

**The PRESIDENT**—Order! Senator Sherry and Senator Carr, please come to order. Senator Carr, you were very noisy yesterday and have been so today and I ask you to tone it down.

**Senator ABETZ**—Senator Fielding may be interested to know that just this morning at Aussies cafe I had a cup of coffee with two representatives of TasPEAC—the Tasmanian Paper Employees Action Committee. They and I get on very well ensuring that, as much as possible, Australian governments buy Tasmanian and, indeed, Australian made paper. Those constituents in Tasmania that have the benefit of receiving letters from me from time to time have printed on the bottom of that letter 'paper made in Tasmania'. Also the newsletter the Tasmanian Liberal Senate team sends out to the people of Tasmania—you are among those, Mr President—is printed on paper that is made in Tasmania. Personally, I am absolutely committed to what Senator Fielding is talking about. In

relation to the government itself—as a result of representations from TasPEAC, might I add—it was suggested to me that representations ought to be made about the upcoming census. It will take 800 tonnes of paper—a fairly sizeable contract. The excellent Parliamentary Secretary to the Treasurer, the member for Aston, indicated to me that Australian paper had been sourced for the purposes of the upcoming census. Across government we are committed to those matters that Senator Fielding is talking about.

I have tried to give as good an answer as I can given the fact that government procurement does not fall within my bailiwick, but within that of my good colleague Senator Nick Minchin. Nevertheless, I am happy to indicate to Senator Fielding my support, and the government's support, for procuring Australian made products where we possibly can in the circumstances.

In relation to the vegetable growers, I saw you at the rally outside Parliament House, Senator Fielding, and I think we share a similar view in relation to that. I was most impressed at that rally by the presentation of Peter McGauran and the new Liberal member for Braddon, who was the chairman and master of ceremonies of the proceedings, and in particular two Tasmanian parliamentarians, Premier Paul Lennon—you will not often hear me say this about him, but for once he was not being political—and Rene Hidding, the alternate premier from Tasmania, provided speeches that were not political, unlike those of Mr Beazley and Doug Cameron who quite kindly gave me a personal plug. I do not know why. Nevertheless, I indicate to Senator Fielding a very strong view on this side of the Senate in support of Australian industry, Australian primary production and its downstream processing and usage of those products within Australia.

**Senator FIELDING**—I ask a supplementary question, Mr President. The last question was directed to Senator Abetz because it was the Department of the Senate that purchased \$32,000 of imported paper from the United Kingdom. Minister, what message does it send to Australians if even their own government buys imported paper for the parliament when equally good quality Australian products are available?

**Senator ABETZ**—Mr President, I just wish I could get your salary for answering this question. The Department of the Senate, of course, is under the jurisdiction of the President of the Senate and not under my jurisdiction as Special Minister of State. Mr President, I will talk to you after question time about reallocating our salaries. The recycling of paper is important. I think we would all agree with that. In relation to its sourcing, I am not sure of the details as to why the Department of the Senate has done that. But I am sure that the President, if he is agreeable, would be willing to provide an answer as to what the Department of the Senate does in relation to procurement.

**The PRESIDENT**—My understanding is that the Senate follows government procurement guidelines.

#### **Carer Payment**

**Senator McLUCAS** (2.38 pm)—My question is to Senator Patterson, the Minister for Family and Community Services. Is the minister aware that the government's restrictive criteria for carer payment have excluded Sydney single mother Karen Schuler from access to that payment even though her 10-year-old son, Alex, has the rare and debilitating chromosomal disorder Edwards syndrome, which requires her to provide constant vigilance and care to her son? Is the minister aware that single parents like Karen instead receive parenting payment and will now face compulsory work search require-

ments under the government's extreme welfare changes? Will the minister now guarantee that Karen and the tens of thousands of parents like her who have children requiring constant care due to their disabilities will be exempt from work search requirements so that these parents can continue to care for their children without being forced to work?

**Senator PATTERSON**—This question comes from a senator who, when she was clearly told in estimates about some reforms and a review that was taking place with regard to in-home care for parents of disabled children, went out and misrepresented the information that was in the Senate, scaring people with children with disabilities. This question has come from a senator who was prepared to do that.

**Senator McLucas**—Mr President, I rise on a point of order. The point of order is on two counts. The first is on relevance. This is nothing to do with the question that I asked. Secondly, the minister is misleading the Senate.

**Senator Chris Evans**—Mr President, on the point of order: I would like to express my concern to you that a number of ministers, Senator Patterson foremost amongst them, make no attempt to answer the question. They make it clear that they are not going to. They introduce answers by saying, 'Can I say,' and then go on to a tirade about the questioner. I would ask you to review Senate question time, have a look at the approach taken by ministers and ask them to bring themselves to answer the question. I know that you cannot direct them how to answer, but when they make no attempt at all to respond to the question it really does make a farce of the whole process.

**The PRESIDENT**—Senator Evans, we have had this discussion before. Quite rightly, you make the point that I cannot direct a senator how to answer a question. But

it seems to be the practice on both sides of the chamber that those asking questions and those answering questions do sometimes have a preamble. The minister still has 3½ minutes left for her question. I remind her of the question.

**Senator PATTERSON**—Thank you, Mr President, for reminding me of the question. I am putting it in the context of the questioner. The senator who asked the question was prepared to go out and scare people with children with disabilities who are receiving in-home care. I just wanted to put it in context. Before we came into government there was no carer payment for any parents of children under 16 with a disability. There was no classification at all. Then Senator the Hon. Jocelyn Newman brought in a measure to assist parents who had profoundly disabled children with certain conditions by giving them carer payment. It was not available to any parents before we changed the rules. Parents with children under 16 did not receive carer payment.

Parents who have a child with a disability are eligible for carer allowance. Before Senator McLucas runs out and puts out another press release, scaring parents of children with disabilities, I will tell her that the Prime Minister, the Minister for Employment and Workplace Relations and I have already said—and I think I said it here—that, where parents have a child with a disability and are on parenting payment, that will be taken into account when assessing whether they are able to undertake 15 hours of employment. That will be taken into account. If the Labor Party go out and scare people with disabilities, it will just confirm that their tactic is to do that and not to actually engage in sensible discussion about a policy which will improve the lot of Australians by increasing participation in the work force and getting the number of children we have in Australia in jobless families into families that have a job.

**Senator McLUCAS**—I ask a supplementary question, Mr President. I note that that was no guarantee in terms of people having to participate in work search requirements. Is the minister also aware that, in the future under the government's extreme welfare changes, parents like Karen will be worse off by around \$11,500 while they care for children with disabilities between the ages of six and 16? Can the minister explain how this level of financial hardship and making a parent look for work which they will not be able to take because of their caring responsibilities is good for families or for these children? Will the minister now guarantee that parents—

*Senator Chris Evans interjecting—*

**Senator Ian Campbell**—Take a point of order, Chris!

**The PRESIDENT**—Order! Conversations across the chamber are disorderly. I would ask both Senator Ian Campbell and Senator Evans to desist. I ask the shadow minister to resume her question.

**Senator McLUCAS**—Will the minister now guarantee that parents of children with a disability receiving parenting payment will be exempted from the government's proposed income cuts when the child turns six and will not be forced onto the dole?

**Senator PATTERSON**—I did not hear the last part of Senator McLucas's question. I would like her to repeat the last part of it. She said something about parents receiving something, but I did not hear what she said. I know that she will go out and misrepresent me, if I cannot answer her question because I have not heard what she said.

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

**The PRESIDENT**—There is no point of order, Senator McLucas. I ask honourable senators to keep quiet so you can repeat the

question you asked. For Senator Patterson's benefit, could you repeat that part of the question that she did not hear?

**Senator McLUCAS**—Certainly. Will the minister now guarantee that parents with children with a disability receiving the parenting payment will be exempted from the government's proposed income cuts when the child turns six and not be forced on to the dole?

**Senator PATTERSON**—Whatever I say, Senator McLucas will run out and scare people with children with a disability. But there are levels of disability. For example, some children who have diabetes are managing their diabetes. Some children have mild asthma, which some people claim is a disability. The measures will take into account a person's caring responsibilities. Senator McLucas has not mentioned people caring for older people, and we have indicated before that that will be taken into account. But I do not care; whatever I say, Senator McLucas will go out and misrepresent what I say. *(Time expired)*

#### Trade

**Senator BOSWELL** (2.46 pm)—My question is directed to the Minister for Fisheries, Forestry and Conservation, Senator Ian Macdonald, the Minister representing the Minister for Agriculture, Fisheries and Forestry. Minister, are you aware that farmers in the European Union receive around 33 per cent of their income from trade-distorting government subsidies, last reported to the World Trade Organisation to total \$664 billion per year? Given that the EU's transport and labour costs are comparable to those in Australia—and many containers of fruit and vegetables are coming into Australia—will the minister agree to investigate the levels of subsidies on these products and any possible government response? Will the minister also outline what the Australian government is

doing to improve the competitiveness of Australian horticultural industries?

**Senator IAN MACDONALD**—I thank Senator Boswell, the Leader of the National Party in the Senate, for a question that I know he has a very great interest in. It relates to imports, and it relates very much to the vegetable industry. I was delighted to see so many government senators down at the Fair Dinkum Food campaign in front of Parliament House earlier on. I congratulate Mark Baker and Richard Colbeck for getting together with the farmers from Tasmania in arranging that campaign. We would have been there supporting them a lot longer if we had not had to rush back to the Senate to deal with a vote on a pious motion that Senator Brown moved—just another stunt. We had to come back and vote on that. We did not have to come back, though, before Senator Milne showed up; she has had a bad start here. She was railing against the government for sending the vegetable industry overseas, when all of her political life has been about sending overseas the fourth largest manufacturing industry in Australia, and that is the forest and wood products industry. What hypocrisy from a new senator!

Senator Boswell, you asked me about the level of subsidy in the European Union, and certainly the government is very acutely aware of that. ABARE is working on a study examining the competitiveness of the Australian vegetable industry, which includes the effects of international competition, including EU subsidies on domestic vegetable production. Industry and other stakeholders are being consulted. The government is working very closely with the vegetable industry to develop strategies to improve its international competitiveness through the Industry Partnership Program. Senator Boswell will well know that that is a \$200,000 program of the Howard government. I am delighted today to repeat a commitment that Mr McGau-

ran made to the Tasmanian farmers just before question time—that is, the government is going to provide an additional \$3 million to help industry implement the outcomes of this industry partnership. I congratulate Senator Boswell and all of my Tasmanian Liberal colleagues for the campaign they have conducted to ensure that the government did make that commitment. The government has also committed \$4 million to support the Australian HomeGrown campaign, which will build recognition for the generic logo to help consumers identify and purchase products that are produced in Australia.

As the Senate is aware, the government's highest trade priority is the successful completion of the WTO Doha Round. It is only through the WTO that we can comprehensively address the problem of subsidies to farmers in other countries and level the playing field for Australian agricultural producers. It is only a strong and ambitious campaign and an outcome on agriculture in the WTO negotiations that will guarantee the successful completion of that round. As leader of the Cairns Group, the government has been to the forefront of efforts to secure reform of international trade. I congratulate the Minister for Trade and the Leader of the National Party, Mr Vaile, for his work on that.

A lot of things are happening under the government, but all in all we do support people like the Tasmanian vegetable growers in their campaign. I wish we could have had more time to demonstrate our support. I apologise to them that many of us had to leave to vote on that pious motion by Senator Brown and the Greens.

**Ms Vivian Alvarez Solon**

**Senator NETTLE** (2.51 pm)—My question is to the Minister for Family and Community Services. Does the minister recall

Senator Vanstone's comments on 12 May this year when she said:

I'd like to see Ms Alvarez get what she wants ... she'll be entitled to Australian benefits

But she'll need more than simply money ... And we'll be making it very clear that that is not so much on offer, that is her entitlement.

I understand from DIMIA officials, following this week's committee meeting, that Senator Patterson is now the minister responsible for Vivian's care. Why is Vivian Solon still in the Philippines, separated from her children, 87 days after she was discovered and 1,477 days since she was unlawfully deported? Can the minister explain why the government is offering accommodation for only six months for Vivian Solon? Does the minister think that accommodation for six months is adequate and that then Vivian Solon, who has been so badly wronged by this government, should live on a disability support pension of about \$230 a week?

**Senator PATTERSON**—This question most probably would be much better directed to Ms Solon's lawyers. The Australian government's overwhelming priority in this matter is Ms Solon's health and wellbeing and safe return to Australia. Offering a safe and supportive environment are key government priorities to assist Ms Solon to re-establish relationships with her children and integrate back into the community. During her stay in Manila, we have been providing Ms Solon with free accommodation, a living allowance, her caring and support needs, transport and medical and dental treatment at the government's expense. Ms Solon has been offered a generous re-establishment assistance package that includes her return airfare and return airfare for an accompanying relative—you would not know about any of this from what Senator Nettle said—and/or nurse or carer, accommodation and out-of-pocket expenses, assistance with finding and settling into longer-term accommodation and the

provision of a case manager to ensure her needs are met. Ms Solon will also have access to all necessary health and rehabilitation services, including a carer for up to 24 hours a day if required—a lot more than Senator Nettle implied in her question. Let me say clearly that this package is initially for six months and will be reviewed at that time to meet Ms Solon's needs. I am unable to comment further on the details of this package, as they are subject to ongoing legal discussions.

The Department of Family and Community Services and Centrelink are working together to assist Ms Solon. A Centrelink liaison officer has been working with her in Manila to ensure her needs are met and, once she decides to return, to make arrangements for her return to Australia. Family liaison officers provide case managing, including facilitating access to services and whatever assistance is required. The Department of Family and Community Services and Centrelink will assess Ms Solon's ongoing needs after she returns, including re-establishing relationships with her children and family, and will review the assistance she requires. Centrelink will provide practical assistance to Ms Solon to meet her needs, as I said, through a family liaison officer. She is free to return to Australia at any time. The Australian government will do everything possible to support and assist her return. Practical details will be put in place as soon as Ms Solon responds to the government's offer of assistance and, in particular, indicates when she would like to return home. As I said, the question of why she has not returned would be most probably better directed to her lawyers.

**Senator NETTLE**—Mr President, I ask a supplementary question. I thank the minister for her answer. Is it true that the government is refusing to allow an independent arbitrator to settle the matter once and for all? Why is

the government refusing to accept arbitration? Will the government now agree to an independent umpire so that Vivian Solon can come home and be with her children?

**Senator PATTERSON**—The government is focused on the wellbeing and safe return of Ms Solon. This is quite separate from any other matters that Ms Solon may wish to raise, whether it is about compensation or whatever. This package is about ensuring Ms Solon's safe return—ensuring that she is cared for before she returns and to make arrangements on her return and when she is here. It is a very generous package to assist her. Any other issues can be discussed when she returns. My advice is that she wishes to return, and I would encourage her lawyers to bring her back, to assist her with that and to take up the Commonwealth's offer from my portfolio for her return and care when she returns to Australia.

#### **Military Justice**

**Senator MARK BISHOP** (2.56 pm)—My question is to the Minister for Defence, Senator Hill. Does the minister recall reports indicating on 17 June that he had given the Department of Defence six weeks to prepare a response to the unanimous recommendations of the Senate Foreign Affairs, Defence And Trade References Committee report on the effectiveness of the military justice system? Given that eight weeks have elapsed since the minister made that commitment, can the minister indicate whether he has received that response, and when a formal government response is expected? In other words, what hope can the minister give the grieving parents of suicide victims and others whose lives have been destroyed by the current system that their pain and loss will not be shared by others in the future?

**Senator HILL**—A Senate committee did bring down a report on military justice. I said that I would seek considered advice from my

department within a period of six weeks. My department met that requirement and provided me with a comprehensive response within that timetable. I have considered that response carefully and have now responded to my department in terms of my views on their advice. They are now considering my contribution, and we will be holding a meeting next week to resolve any outstanding differences. After that, a cabinet submission will be prepared. On adoption of the submission by government, a report will be made to the Senate. I am confident that the response will be within the period of three months, the period within which the government undertakes to respond. If I can do that, it will almost create a record. In saying that, I am taking into account the response period of the former government, I might say, which was atrocious. It is now so long ago that some have forgotten, particularly those on the other side of this chamber. These are serious issues, and they are being taken very seriously by the government.

**Senator MARK BISHOP**—Mr President, I ask a supplementary question. In light of that detailed response by the minister, I ask: would the minister be able to give a commitment now, at this stage, to give Air Chief Marshal Houston every support as he moves to implement the committee's recommendations?

**Senator HILL**—Even more than that: the government will require its determination to be implemented.

#### **Unfair Dismissal Laws**

**Senator HUMPHRIES** (2.59 pm)—My question is to the Special Minister of State, Senator Abetz, the Minister representing the Minister for Employment and Workplace Relations. Will the minister advise the Senate of the need for reform of the grossly unfair unfair dismissal laws? Is the minister aware of any alternative policies?

**Senator ABETZ**—I thank Senator Humphries for the question and for his long-standing interest in this area. I know that those on the other side hate to admit this, but the facts are that the current unfair dismissal laws are a disincentive to job creation. It is a system which rewards frivolous and vexatious claims, a system which rewards individuals seeking to make unfair claims against their employers and against their fellow workers. Let me put one fact on the record here: the unfair dismissal laws are not some inalienable human right. They have not existed since time immemorial. In fact, it was a social experiment by the Keating government, implemented in 1994—an experiment which has failed dismally. Indeed, as one Australian recently said:

The problem that they—  
employers—

confront, is when you get a bloke, or a person who is an employee, who's a con artist, a rorter, who knows that if you can get the small businessman to shut his shop for a couple of days, drag him down to the IRC, put him through the mill it'll be worth ten grand for him to send you away.

I give you one guess who said that.

**Senator Hutchins**—Hugh Morgan?

**Senator ABETZ**—Senator Hutchins says, 'Hugh Morgan.' It was his own leader, Mr Kim Beazley, on South Australian ABC radio. What this highlights is that Mr Beazley knows the problem. Mr Beazley knows what needs to be done, but he does not have the backbone to do it, because he is beholden to the trade union movement, the likes of which are represented on the other side of the chamber. It goes to show that Labor know what the problem is. They acknowledge it, but they do not have the guts to deal with it.

There are problems such as the employer forced to pay \$5,000 to an employee he had dismissed for serious misconduct including

falsifying time sheets, stealing company property, bullying other employees and abusing the proprietor's wife. Unfair dismissal laws required him to be paid \$5,000 to get rid of the action. Or how about the farmer forced to reinstate an employee he dismissed for assaulting his daughter? The list goes on.

The government will move to support our nation's small businesses and our nation's unemployed by exempting all small businesses as defined by the Australian Bureau of Statistics—those with fewer than 100 employees. People who have legitimate unlawful dismissal claims will of course continue to be protected by our laws, but people who bring frivolous, vexatious and fraudulent claims will not be protected. Clearly the system needs fixing. What is more, Mr Beazley acknowledges it needs fixing but he just does not have the ticker to bring himself and the Labor Party to acknowledge it.

#### **Military Justice**

**Senator HUTCHINS** (3.03 pm)—My question is to the Minister for Defence, Senator Hill. Is the minister aware that the legal branch of his department has sought an injunction in the Federal Court to stop Mrs Susan Campbell's claim in the Anti-Discrimination Tribunal of Tasmania for redress following the suicide of her daughter, Air Cadet Eleanore Tibble? Isn't it true that Mrs Campbell has already been twice vindicated and received an apology from Defence? Isn't this action simply another attempt by Defence to deny its personnel and their families access to a public tribunal available to all other Australians? Can the minister now indicate why his department has taken such extreme action against Mrs Campbell? Will he now instruct the legal branch to withdraw its application?

**Senator HILL**—Mrs Campbell has the same right as any other Australian to pursue matters of her interest through the courts.

The department officers have an equal right to defend their position if they believe, either on good legal advice or on the facts, that they have a defence. My recollection of this matter is that they sought appropriate legal advice through the Attorney-General's Department and on that basis they are defending this action in Tasmania. To suggest that, no matter what the circumstances, they should be precluded from that right I would argue is quite inappropriate. I will take further advice. If I think I need to add anything to the answer that I have just given, I will do so.

**Senator HUTCHINS**—Mr President, I ask a supplementary question. Minister, can you confirm that Defence's litigation costs will be funded from its \$51 million legal budget? This is in contrast to Mrs Campbell, who without pro bono support will be forced to sell her house to defend her daughter's legal rights. Is this an indication that Defence will continue to take a hard line on military justice, denying ADF personnel and their families access to natural justice both inside and outside the military justice system?

**Senator HILL**—Again, Mrs Campbell has the same rights and opportunities as any other Australian to seek support for her legal costs in the action that she has taken. Mr President, I ask that further questions be placed on the *Notice Paper*.

#### PARLIAMENTARY BEHAVIOUR

**The PRESIDENT** (3.06 pm)—Earlier today the Acting Deputy President, Senator Brandis, referred a matter to me. Senator Brown had suggested that a senator may have made an unparliamentary gesture at the end of a division, when senators were returning to their seats in the chamber. I have had the opportunity prior to question time to view the tape. In my judgment, the gesture was not obscene, as was alleged, but I believe that the gesture was certainly unseemly. I remind the Senate that I require all senators

to behave with decorum and courtesy in the chamber. That is what the Australian people expect. As Senator McGauran is not here to hear this statement, I will take the matter up with him personally.

**Senator CONROY** (Victoria) (3.07 pm)—by leave—I move:

That the Senate take note of the statement.

First, I welcome Acting Deputy President Brandis referring this matter to you, Mr President. It was quite an extraordinary incident. I am somewhat surprised that you believe that the actions of Senator McGauran in front of a public gallery that consisted of children were not obscene. I think that if that were done in public on the street, in front of children, there would certainly be more serious action than you are suggesting, particularly as Senator McGauran has fled the chamber rather than stand up and apologise. I think it is quite appropriate that you do much more than speak to him in private. I think he should be required to come in here, apologise to the Australian public and particularly apologise to those people in the gallery and the children in the gallery who witnessed his unseemly and obscene behaviour. I am not from Tasmania, and perhaps there is a cultural divide across the ocean, but I am somewhat surprised that you do not describe such a gesture as obscene. I believe that you should ask Senator McGauran to come back into the chamber and apologise for his behaviour, or the matter should be taken further.

**Senator BROWN** (Tasmania) (3.08 pm)—Mr President, what should have happened here is that you should have ruled that an offence against standing orders had been committed in the Senate. You have indicated that you do not believe that it was an obscene gesture, but it was unseemly in the Senate. Whichever way you like to characterise it, it was a gross affront to this Senate, to the pub-

lic in the gallery and to the people of Australia. The senator, who left at the end of question time, should be in his seat. You should have ruled that an offence had occurred and he should have been given an opportunity to apologise or be suspended. That is what the standing orders say.

In effect, what is happening here is that you are protecting a senator who has committed a gross affront to this Senate because he is on the government bench and not over there on the Labor bench or with the Greens and the Democrats on the crossbenches. You have failed in your duty to uphold the standing orders of this Senate. You have made a judgment that says, 'The government before the Senate.' You have made a judgment that says, 'The government control of this Senate will come before orderly behaviour in this Senate.' We have a Prime Minister who has said, 'There will be no arrogance from this new government majority,' but what we are seeing here is extraordinary arrogance towards the Senate, this parliament and the people of Australia.

If Senator McGauran can get away with an obscene gesture in front of all the people of Australia in proper proceedings on the floor of this Senate, then what behaviour does the Prime Minister not permit in this place? At what level of arrogance does the Prime Minister think the line is to be drawn? There is no line. Anything goes. The government is to be protected from anything it does. That behaviour today was appalling. That was disgusting behaviour by the National Party Whip in this place. It was deplorable. It was an affront to these rules. It was an offence against this Senate. And what do you say, sir? You say nothing is going to happen. What do you say, sir? I will tell you what is in parentheses: the numbers are over there on the bench and the Prime Minister's office has said that any behaviour by the

government is okay in the Senate in which Prime Minister Howard has the majority.

This is a 'holier than thou' attitude from the far Right, who say, 'We can behave as we want to, but if anybody else uses a bad word'—what was it this morning: 'fraud'?—'it has to be withdrawn. But an obscene gesture from a government whip is fine.' What a duplicitous double standard in this place; what an affront to this Senate; what an affront to our democratic system. Where is it coming from? The Prime Minister's office. Prime Minister Howard says, 'I am for values.' Prime Minister Howard says, 'I am for democracy.' Prime Minister Howard says, 'I won't be arrogant.' How arrogant is this? How arrogant and disgusting is this?

This is a black day for parliamentary procedure. There is a long history of people defending this Senate, but the real test is when the government has the numbers. I will tell you what grace and probity require: that the government discipline, according to the rules of this Senate, its own members when they commit an egregious affront and when they break the standing orders, as Senator McGauran did today. But the Prime Minister is too arrogant and the hubris is too great. He is in control; the rules can go out the window. Let us make no mistake about it: this is Prime Minister Howard saying, 'Obscene gestures in the Senate are okay.' That is what we are seeing here today.

*Government senators interjecting—*

**Senator BROWN**—The government do not like it, because they think they are the arbiters of what is right and wrong. They think they can rip up the rules. I tell you what: the people of Australia think differently. The people of Australia who really respect family values do not appreciate a senior and experienced government member behaving in that disgusting fashion on the floor of this Senate before the galleries and

before all the people of Australia. What a tawdry way for the Howard government to behave.

I will be delivering to you, Mr President, very shortly—it is on my desk—a request that a motion be moved proposing that this matter be raised with the Privileges Committee, and you will be tested again, Mr President. I believe that, if you do not refer this matter and if the Privileges Committee does not treat this matter honestly and honourably, then we have Rafferty's rules—anything goes in here, with this conservative government, which is prepared to tear up the rule book simply to defend arrogant, egregious and insulting misbehaviour on the floor of this Senate on day 3, in the first week that it gets a majority. Members opposite ought to hang their heads in shame.

Mr President, you were going to be even-handed—'fair', you said, in your seat just there two days ago. Your ruling implies: 'Everybody, forget the rules, treat the Senate with disdain, treat the Senate with no respect, because that is how the Howard government says it will be.' What we will see is duplicitous standards. Somebody used the word—

**Senator Hill**—Mr President, I raise a point of order. I have sat patiently listening to this attack upon you, Mr President, by Senator Brown, which is totally out of order. I heard you make a finding that certain behaviour was unseemly and that it was important for honourable senators to remember the need to behave appropriately and courteously in this place. I think honourable senators heard your message, and I hope that they will heed it and not only comply with the standing orders but also behave in a way that respects the high standing and importance of this institution in Australian public life. I heard that message, I would hope the Labor Party heard that message, I would hope that Senator Brown heard that message, and if he

did then there is no need for him to reflect on you in this way. In doing so, he is now out of order.

**Senator BROWN**—'High standing', says the Leader of the Government in the Senate. He wants high standing in this Senate, but his colleague the National Party Whip comes in here and gives a one-finger gesture to the Senate, and effectively to the people of Australia who think better of this place, and he calls that high standing—'Let it go by, because he's one of us.' We are in for a descent by the Senate to standards perhaps not seen before in its history if this is the way the government hold the Senate in contempt in week 1. If they defend one member who has been contemptuous of the Senate then the government become contemptuous of the Senate, and so does the parliament itself.

What a failure by the government to uphold high standards—to use the words of the Leader of the Government in the Senate—in this place today. I have never seen anything like it in my 20 years of parliamentary experience. I have never seen anything like what occurred today. It throws up a very great concern regarding how we will see the Senate treated in the weeks and months ahead. But the Australian people will take note of the failure by you, Mr President, to act properly in these circumstances and the failure to bring this aberrant senator to book in the interests of the orderly behaviour of the Senate and in the interests of the dignity of the Senate, which has been let down today.

**Senator STOTT DESPOJA** (South Australia) (3.19 pm)—Mr President, on behalf of the Democrats I wish to record that we did see Senator McGauran's actions and we do consider his actions offensive. Can I humbly suggest, Mr President, that, if you are to review your ruling, perhaps you can explain to us why Senator McGauran is not in contra-

vention of the standing orders either generally or specifically—standing order 203, I think, in particular. Again, perhaps the Senate needs some guidance on the consideration of unparliamentary behaviour or gestures in the same way that that standing order provides for unparliamentary language. Indeed, I think that standing order also refers to disorderly conduct. Certainly, in the opinion of our party, we do consider his conduct to be disorderly for many of the reasons that have been outlined today, but I think my leader may take up a further procedural point.

**Senator FAULKNER** (New South Wales) (3.20 pm)—I do not want to be precious—and I will not be—in what I say, because I have been called to order at times, as have many senators in this place. I acknowledge that. I have acted in a disorderly fashion at times and I have acknowledged that. But I also think that you would acknowledge, Mr President, that when that has occurred—if it has been so ruled by whoever is presiding—I have always withdrawn any comment.

In this case, I actually feel the responsibility falls not on you, Mr President, but on Senator McGauran. If you followed, and I am sure you did, your normal procedure of informing affected parties of a statement that you were to make—and when I was Leader of the Opposition you made that a practice; you informed me, the Leader of the Government in the Senate and other parties and any affected senator of any statement—I believe Senator McGauran should have been present in this chamber when you made that statement. I believe that Senator McGauran should have made an explanation, if he was to defend that behaviour—and I notice Senator Ferguson is nodding in agreement with what I am saying, and I thank him for that. If Senator McGauran believed that he had not acted properly—and I suspect, given the comments and the views expressed publicly

and privately by senators around this chamber, no other conclusion could be come to—then Senator McGauran should have had the intestinal fortitude to apologise to the chamber, and if he had done so that would have been the end of the story. But he has not done so, and I think that is very weak indeed. I really do believe—and I say this to the Leader of the National Party, through you, Mr President—that the National Party has to give consideration in this chamber to the responsibilities it is providing to its own Senate membership.

Senator McGauran has never been a good whip. He cannot count past 10. In the division that caused the concern here, two, two-and-a-half or three times Senator McGauran tried to count government senators sitting, on that occasion, on this side of the chamber and did not appear to be capable of doing so. That caused some frustration. It has been suggested to me by one or two of my colleagues that he made the gesture as a result of being suckered because of the frustration that was being expressed around the chamber. I would have to plead guilty. I made a couple of interjections—and you would have heard them, Mr President—indicating that he ought to be able to count. He should get his shoes and socks off if he cannot count to 10. He should do something about it. But this is the responsibility of Senator Boswell. Put a whip in who is capable of counting a division in this place. Senator McGauran is not capable of doing that.

What ought to happen here is that Senator McGauran should come into this chamber and apologise for what he did. He should admit he made a mistake, admit he got it wrong. The pressure here should not go on you, Mr President. The responsibility is for Senator McGauran and the government to act. Senator Hill and Senator Boswell should frogmarch their colleague in here, he should apologise and we should get on with the

business of the Senate. I am willing to accept your ruling, Mr President. You say that you consider this matter to be unseemly. I am willing to accept your judgment in this case, if that is your considered opinion. You, as the person who has been given the responsibility of presiding over this chamber, have looked at the tape of the incident. You have determined that the gesture is unseemly, not obscene. You have also said, effectively, that you do not think it is appropriate.

Let Senator McGauran come in here, let him apologise for it and let us get on with the business of the Senate, which is what we all ought to be about. That is the way of doing this. Senator McGauran has no courage in these matters. The responsibility here falls on the government leadership to act. If something like this happened when I was leader of the opposition in this place—and you know this, Mr President—we would insist, as would my predecessors and my successor, that a senator act in a proper way. Senator Hill and Senator Boswell have to act here because Senator McGauran does not have the guts to do the right thing.

**Senator BOSWELL** (Queensland—Leader of The Nationals in the Senate) (3.25 pm)—Mr President, you made the ruling, quite correctly, that you thought the actions of Senator McGauran were unseemly. I accept that that is your ruling. I will pass that on to Senator McGauran. A lot of hypocritical statements have been made today, particularly by Senator Brown. You would think this was the end of the world. One of the most gross acts of disregard for both houses of parliament occurred when Senator Brown insulted the leader of the United States—the most powerful country—and then had to be kept out of the parliament—

**Senator Brown**—Illegally.

**Senator BOSWELL**—I was there when you insulted the President of the United States, who was in Australia as our guest.

**Senator Brown**—I spoke up for Australia.

**Senator BOSWELL**—On behalf of every Australian, I say that you let the team down so badly that day. But even more hypocritically, you have offended just about every law in Tasmania. You have been locked up dozens of times. For you to come in here and proclaim that you are Mr Goody-Two-Shoes and that you have never offended anyone is the greatest act of hypocrisy I have ever seen in my life. If the message had been delivered by someone else in the Greens, I would have been more prepared to accept it. But for you to do it when you have offended every law in Australia—you have been locked up, you have insulted the President of the United States and you were barred from the parliament in case you offended the Chinese President.

**Senator Bartlett**—Mr President, I rise on a point of order. I can understand what Senator Boswell's point is, but I think that reflecting on another senator and saying that he has offended every single law in Australia is probably going a little bit over the top.

**Senator BOSWELL**—In Tasmania.

**Senator Bartlett**—And probably every law in Tasmania as well. I think the debate should be pulled back to something a bit more measured.

**The PRESIDENT**—I hear your point of order. I was distracted, I admit, by other things that were happening. I remind Senator Boswell to not reflect on other senators.

**Senator BOSWELL**—I will certainly try to observe your direction. Mr President, you have ruled on this. A number of senators accept your ruling. I certainly accept it, and I

will pass the ruling on to Senator McGauran. I think we had better get on with the game.

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (3.29 pm)—I wish to move that the Senate dissent from the President's ruling—

**The PRESIDENT**—We have to dispose of the other motion first. The question is that the Senate take note of my statement.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (3.29 pm)—I want to make a couple of short comments in speaking to the motion. I was not in the chamber at the time, but the matter has been brought to my attention by a number of senators who were most concerned at what they thought was an obscene gesture. Mr President, while I do not necessarily concur with your ruling, I would have thought that if the National Party and Senator McGauran had any dignity and any respect for the Senate and the Australian people they would have been in this chamber apologising.

Mr President, it has now been half an hour since you made your statement. I think it shows a total lack of respect for you, the Senate and the Australian public that someone would think that such behaviour is acceptable. This is not a test of you, Mr President; this is a test of the Prime Minister, the government and the National Party as to whether or not they are going to act in a way which shows respect for the parliament and respect for the children who were in the gallery at the time. This is a test of the government, Senator McGauran and the National Party. The pressure should not be on you, Mr President; the pressure is on the government to say that this behaviour is not acceptable.

If Senator McGauran does not have the courage to come in here and apologise—we all make mistakes—then it will be to his everlasting shame. It is also a shame on the

government and the National Party. The Prime Minister, in the end, will have to answer for this behaviour, because if the government does not take action against Senator McGauran then it will be seen by the Prime Minister of this country as acceptable behaviour. So the test is not for you, Mr President; the test is for John Howard and the government to disown Senator McGauran if he does not have the courage to come in and apologise immediately.

Question agreed to.

**Senator Hill**—Mr President—

**Senator Brown**—Mr President, I rise on a point of order: Senator Allison had already indicated that she had a motion relating to the chair, and you, sir, indicated that it had to await the outcome of that determination. It is proper that Senator Allison be given the call.

**The PRESIDENT**—The Leader of the Government in the Senate was on his feet and I presumed he had something to say in addition to the current matter. Perhaps we could solve this problem. I understand that Senator McGauran might wish to say something.

**Senator McGAURAN** (Victoria) (3.31 pm)—by leave—Mr President, I wish to speak to your ruling ever so briefly. I accept your ruling as it stands. For the sake of getting on with the business of the Senate and also for the fact that my actions have caused deep grief for some, I say to the Senate that I regret my actions.

**Senator Brown**—Mr President—

**Senator Hill**—I will defer to Senator Allison for the reason that was mentioned a moment ago, but I will not defer to Senator Brown, from whom we have heard a great deal already today. I would prefer to get on with some more business.

**Senator Brown**—Mr President, I rise on a point of order. That was not an unqualified

apology that is in any way commensurate with what the senator has done, nor does it, as you know, sir, in any way remediate your failure to take action on this matter.

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

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (3.33 pm)—I move:

That the ruling of the President (that the conduct of Senator McGauran in making a gesture following a division on 11 August 2005 was unseemly but not unparliamentary) be dissented from.

Debate adjourned.

#### VICTORY IN THE PACIFIC DAY

**Senator HILL** (South Australia—Leader of the Government in the Senate) (3.33 pm)—by leave—I move:

That the Senate—

- (a) notes that 15 August 2005 (VP Day) marks 60 years since the Japanese surrender which ended World War II;
- (b) recalls with profound gratitude the heroic achievements and sacrifices of those Australians who served in the defence forces during the war, as well as those who contributed on the civilian front;
- (c) particularly remembers the thousands of Australians who lost their lives or were wounded in the conflict, and especially recalls the suffering of so many Australians taken as prisoners of war;
- (d) whilst never forgetting those who suffered during World War II, acknowledges the strength and importance of the post World War II relationship between Australia and Japan; and
- (e) resolves that Australia's efforts should always be directed to ensuring that a conflict of that magnitude never occurs again.

'Fellow citizens, the war is over.' With these six simple but momentous words, Prime

Minister Ben Chifley announced on 15 August 1945 that the most titanic struggle in human history had ended. Almost one million Australians served in World War II. About 40,000 of them died and many thousands more were wounded or injured in the course of their military service. The great majority of those deaths occurred in the Pacific theatre, including some 8,000 Australians who died whilst prisoners of war.

Next Monday, Australians will commemorate the 60th anniversary of the end of the war in the Pacific. That war had many epic battles, and names such as Kokoda, Milne Bay, Midway and the Coral Sea joined Gallipoli and Flanders in the pantheon of Australian military history. For the first time ever, war came also to Australian shores. After the air attack on Darwin on 19 February 1942, the threat of invasion was recognised. The full reality of the war was brought home to Australians when Japanese midget submarines attacked Sydney Harbour in May 1942.

Two weeks after the attack on Darwin, Broome suffered Australia's second-worst air raid when 70 people were killed and 24 aircraft, including 16 flying boats, were destroyed. Broome, Derby, Horn Island, Townsville and Cairns were attacked at various times over the next five months until the final raid on 30 July 1942. From 1942 onwards, the tide began to turn. Australian, American and other Allied forces inflicted a series of defeats on the Japanese, from Bougainville to Borneo. Nevertheless, war continued for three more long years, during which time many Australian servicemen were subjected to unspeakable cruelty at the hands of their captors.

Finally, in 1945, came the momentous decision by President Truman which saw nuclear weapons used against Hiroshima and Nagasaki. Although at enormous cost of life, the atomic bombs hastened the end of the

war and culminated in the radio broadcast by Japanese Emperor Hirohito on 15 August announcing the unconditional surrender of Japan. Following the announcement that the war was over Australians poured onto the streets, many dancing and waving flags, others simply grateful that lives were no longer in danger, and all thinking of those who would never return and of so many lives changed irrevocably.

As we enjoy the freedom for which so many of our countrymen and countrywomen paid so high a price, we reflect on the debt we owe to them. We thank them for their sacrifice, we honour them for their courage and we remember them as we go forward to use the legacy that that mighty generation has bequeathed to us. May we do so wisely. I commend the motion to the Senate.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (3.37 pm)—I rise to support the motion and support Senator Hill's comments. In December 1941 war came to the Pacific on a day, as US President Franklin D Roosevelt said at the time, that will live in infamy. The attack on Pearl Harbour marked not only the beginning of the war in the Pacific but also the expansion of the war in Europe and North Africa into a truly global conflict. It is hard to imagine that any Australians were untouched by the conflict. In all, more than 900,000 Australians from a total population of around only seven million enlisted in the armed forces between 1939 and 1945. Thousands more served with organisations such as the Women's Land Army, the Red Cross and the Red Shield.

Sixty years on, we owe the freedom we enjoy to those who fell, were wounded and injured or endured the horrors of captivity. In the Pacific theatre 9,470 Australians were killed in action or died of wounds, 8,031 died as prisoners of war and 14,081 were

wounded in action. There is some uncertainty about the total number of Australian prisoners of war. However, the Australian War Memorial records that more than 22,000 were captive to the Japanese in South-East Asia. The disease, starvation, torture, forced labour and execution that were endured by prisoners of war in the Pacific are unfathomable to many of us today, but theirs is a sacrifice that we should never forget.

In addition, more than 1,500 people died in non-battlefield situations, there were more than 24,000 non-battlefield injuries and more than 430,000 people suffered from illness and diseases such as malaria. The scale of suffering and sacrifice was immense. The figures I have referred to include only Australians. They are, of course, only part of a much wider story of global conflict, death, casualty and destruction on a scale unseen before or since.

The war in the Pacific was the first and only time that war has touched our Australian shores. Certain events in the Pacific war occupy a particular place in Australian history. On 19 February 1942, Australia was for the first time attacked by a foreign enemy, with two Japanese aircraft bombing raids on Darwin that day. In May 1942, the Battle of the Coral Sea saw the Japanese Port Moresby invasion force turned back, an event that was of huge importance in the struggle to secure Australia. That month also saw the Japanese submarine attack on Sydney Harbour and the loss of 21 lives with the sinking of the converted submarine, the *Kuttabul*.

The fighting on the Kokoda Trail in late 1942 and early 1943, which Senator McEwen referred to in her first speech yesterday, saw many more Australian deaths than any other campaign in the war, and was the closest the Japanese ground forces came to the Australian mainland during any campaign. Success in Papua New Guinea ensured the

integrity of Australian bases in Northern Australia, from where the counteroffensive would be launched. In other battles in other places Australian and allied forces distinguished themselves and made terrible sacrifices that we remember today.

The war in the Pacific was also a turning point in the relationship between Australia and the United States. With many US service personnel stationed in Australia and General MacArthur basing himself here, we established a relationship that to this day remains our most important strategic alliance. We have also been reminded this week that the Pacific war represented the birth of the nuclear age, with the use of the atomic bombs in Hiroshima and Nagasaki. This set the scene for the Cold War nuclear stand-off that would dominate international relations for nearly half a century.

On 15 August 1945, the Emperor of Japan announced the surrender of the Japanese empire and the end of the march of totalitarianism launched by the Axis powers. It is a sad fact that John Curtin, the then Labor Prime minister who led Australia during this period of greatest threat to our nation, our freedom and our way of life, did not live to see the final victory. It fell to his successor, Ben Chifley, to lead Australia in those final weeks and days.

Sixty years on, the Pacific rim is emerging as a key theatre in international relations. Our relationship with Japan today is marked by cooperation and friendship. We hope that our children and their children never have to endure the sacrifices that were made by the generation who fought and won the Pacific war. So it is fitting that today the parliament remembers them, that on Monday all Australians celebrate Victory in the Pacific Day, and that we all take a moment to mark the occasion and to remember that we should never forget the sacrifices that were made 60

years ago to safeguard our freedom and our way of life.

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (3.42 pm)—The Democrats add our words of support to this commemorative motion, a motion that marks the end of the war in the Pacific, which was of course so important for Australia. Its end was also hastened by Hiroshima and Nagasaki.

Eleven thousand Australian lives were lost in our defence forces in that war, but today I want to remember in particular the prisoners of war who were held in camps in Japan, Thailand and Singapore and to make mention of the appallingly cruel treatment that those prisoners of war endured as they were held captive. Eight thousand of them died. Most of them came back looking more like skeletons than people. They were diseased, they were injured, and most went on to suffer for the rest of their lives the results of the treatment they endured in captivity, as did their families. There are remarkable stories of the survival of the men and women in those camps—stories that I remember reading as a very young woman and being inspired by the leadership, the mateship and the inventiveness of our service people who were held in those appalling conditions.

It is also salutary to think about the Geneva convention, which we signed as a country partly, I would argue, because of the treatment of our prisoners of war and the fact that we never wanted to see either our citizens or others subjected to that kind of treatment ever again. I think it is a reminder of the depths to which humanity can reach in terms of the way in which we can treat other people when human rights are not protected. I also think it is timely for us to remember why reports from Abu Ghraib and Guantanamo Bay are so offensive—because we are reminded that our prisoners of war were

treated extremely badly in similar circumstances and that there are no protections once countries step outside the Geneva convention. So I make the point that life is precious and that the treatment of prisoners who are taken in war, whether it is in Iraq or Afghanistan, needs to be protected by rights, otherwise we are all damaged by the damage which is wrought on those people. Finally, I reiterate that it is a time to remember our troops and those people who lived in the Pacific region.

**Senator BROWN** (Tasmania) (3.46 pm)—I support the motion on behalf of the Australian Greens. It charges us all with the need to reflect on the most noble things done for the true values this country has held up—and Senator Milne was talking about those values yesterday—to the point where thousands of Australians lost their lives and thousands more were injured, maimed, treated cruelly and went through experiences that marked their lives right through to now, if indeed they still survive. It is an enormous responsibility on all of us as legislators that we reflect on the agony, horror and ongoing damage of war—because wars do not end with a signal of surrender by one side—down the years following.

On behalf of the Greens, I honour the thousands of Australians who took part in defending this country and its ethos during the dark days of the late 1930s and early 1940s when the nation was in such peril. The war in the Pacific began in the thirties when the Japanese created such horrible circumstances for the people of Manchuria and the Asian mainland in the events leading up to the attack on Pearl Harbour. We observe the sacrifice not just by those who did not return or who did return scarred, marked or disabled for life but by their loved ones.

It is also an opportunity to reflect on our obligation directly to them materially. We

know that for many years many ex-service people have had to go through tribunals and an enormous amount of heart-rending effort, and often litigation, to simply be able to get a return from their nation for the sacrifice they made. Today is an opportunity to think about those veterans—those who are still with us—and their loved ones, and the government might remove some of the barriers to them having their just claims met. Today also reminds us of those who have fought in the wars since victory in the Pacific was announced 60 years ago and their ongoing effort to get justice, as they see it, for the continuing load they bear because they represented their country. Let us all commit ourselves to doing all we can to move to a world in which disputes are settled in forums like this and not in forums where guns or, worse still in this age, nuclear weapons are an ultimate remedy and inevitable catastrophe which threaten not just nations but life on the planet.

Question agreed to.

#### **TEMPORARY CHAIR OF COMMITTEES**

**The DEPUTY PRESIDENT**—Pursuant to standing order 12, I lay on the table a warrant revoking the warrant nominating Senator Sandy Macdonald as a Temporary Chair of Committees and appointing Senator Barnett as an additional Temporary Chair of Committees.

#### **MATTERS OF PUBLIC IMPORTANCE**

##### **Telstra**

**The DEPUTY PRESIDENT**—The President has received a letter from Senator Conroy proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

The overwhelming opposition of the Australian public to the full sale of Telstra as evidenced by:

- (a) recent survey undertaken by the New South Wales Farmers Association which found that 80 per cent of their members were opposed to the privatisation of Telstra;
- (b) recent nationwide poll published in *The Canberra Times* which found that 71 per cent of Australians are opposed to the sale of Telstra, and that 79 per cent of Queenslanders oppose the sale; and
- (c) the Queensland National Party's election commitment to oppose the sale, and despite this overwhelming opposition, the federal government is continuing to pursue its extreme agenda for the full sale of Telstra.

I call upon those senators who approve of the proposed discussion to rise in their places.

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

**The DEPUTY PRESIDENT**—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today's debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

**Senator CONROY** (Victoria) (3.52 pm)—This is my first opportunity to congratulate you, Mr Deputy President, on your re-election. I look forward to many more happy evenings in your courtyard.

This week marks the first sitting that the Howard government can claim total control of the Senate. It is a week of great change for this chamber. However, senators should be aware that, despite the recent changes in the composition of this chamber, there are some things that have not changed since the last time that the chamber sat. For one, Australians remain implacably opposed to the sale of Telstra. A recent poll conducted by the New South Wales Farmers Association found that 80 per cent of its members are opposed to the government's plan to privatise Telstra.

A recent nationwide poll published by the *Canberra Times* found that 71 per cent of Australians are opposed to the sale.

Something else that has not changed is the deplorable state of telecommunications services in rural and regional Australia. The New South Wales Farmers Association survey also found that 29 per cent of respondents said that their landline was unreliable, 63 per cent said that their mobile was not reliable and 60 per cent were dissatisfied with their internet speed. The *Canberra Times* poll I mentioned earlier found that 23 per cent of those surveyed, including many metropolitan respondents, felt that Telstra's services were not up to scratch in their area. The government has still failed to live up to its commitment to fully implement the recommendations of the Estens inquiry, with the National Farmers Federation recently reiterating:

NFF believes substantial work needs to be done to bring telecommunications services in rural Australia up to an acceptable standard, as identified in the 2003 Rural Telecommunications Inquiry.

That is, the Estens inquiry. On top of this, telecommunications like broadband internet access, which are essential for 21st century life, remain unattainable for many in rural and regional Australia. Just today we have had the single most powerful advocate of telco services in this country publicly admit:

... Australia's communications platform was lagging well behind those of other developed countries.

Australia lagged behind its international peers in terms of investment, the take-up of broadband services, pricing and capacity ... and the nation was in the bottom quartile for developed countries.

And who said that? It was none other than Mr Trujillo, the new Telstra CEO. He has been in the job only six weeks and he has worked out what most Australians already

know: Telstra have been delivering a second-grade service to most Australians, particularly those in the regional and rural areas of Australia. That is what Mr Trujillo is saying. He has acknowledged it. And do you know what? He has totally exposed this government for its continual parroting of the line that Australia has world-class services. That is the government's line—they are up to scratch; they are world-class services—but the CEO of Telstra has rung the bell. He has exposed this government as nothing more than ideologically driven and determined to sell Telstra at any cost.

Unfortunately, despite the continuing opposition to the sale in the Australian community and the continuing lack of progress in improving the state of regional telecommunications services, recent developments indicate that the privatisation of Telstra is more likely than ever. The signs are already ominous for what coalition control of the Senate will mean for Australian democracy and the Australian public. For a brief period, it appeared that the National Party might actually use their recently acquired balance of power status in the Senate to represent the people who elected them. For instance, for a while we had Senator Barnaby Joyce telling us:

I've got to look after the people who elected me. I've got to look after the people of Queensland.

Senator Joyce said he that was more than a rubber stamp for the government's legislation and that he would exercise his vote in the interests of the people of Queensland. In the face of the Howard government's obsession with driving through the privatisation of Telstra, many people would have taken comfort from Senator Joyce's commitment to represent the people of Queensland. After all, Senator Joyce told the people of Queensland on 7 September last year, in the lead-up to the last election:

I agree with John Howard on most things, but I won't be endorsing the sale of Telstra.

Those are not my words; they are the words of Senator Barnaby Joyce—'I won't be endorsing the sale of Telstra'—when he was chasing votes in the federal election. No doubt Senator Joyce took this position because he knew that the vast majority of his constituency opposed the sale of Telstra. No doubt Senator Joyce told voters that he opposed the sale because he knew that if it were sold Telstra would leave the bush quicker than the banks as it chased profits in the big end of town. No doubt Senator Joyce opposed the privatisation of Telstra because he knew that the best way to ensure new telecommunications services like broadband were rolled out to regional areas was to keep Telstra in government ownership.

Surely many people voted for Senator Joyce at the last election because opposing the sale of Telstra is good policy. In fact, the policy is so good that the Labor party has opposed the Howard government's attempts to privatise Telstra on each and every occasion that the government has introduced the legislation to the Senate. So, while the coalition might have had control of the Senate, people might have thought that, between the opposition and Senator Joyce, Telstra was safe. After all, the then President of the Queensland National Party, Terry Bolger, on 15 March this year said:

We won a senate place in our own right, saying we would oppose the sale of Telstra. It was not with the coalition.

Unfortunately, since the election, Senator Joyce's position has collapsed. Since the election Senator Joyce has entered into negotiations with the government over the sell-out of his constituency, and the results have not been pretty. Senator Joyce started backtracking from his opposition to the sale of Telstra upon the release of the Page Research Centre report titled *Future-proofing tele-*

*communications in non-metropolitan Australia* in March 2005, a report which Senator Joyce played a key role in preparing. The report recognised that:

Allowing the final sale of Telstra without ensuring the protection of non-metropolitan communities through sound future proofing would be tantamount to completely abandoning those communities.

It went on to say:

The Page Research Centre does not reject the privatisation of Telstra providing two elements are put in place:

- 1) It leads to the achievement and maintenance of parity between metropolitan and non-metropolitan communities and that parity is guaranteed through a blend of regulation and competition; and
- 2) Measures are introduced to create greater competition in the telecommunications sector through regulation designed to address the monopolistic characteristics of Telstra's market position.

The primary way that these requirements were to be met would be through the roll-out of a fibre optic network to regional Australia at the cost of \$7 billion and funded through the proceeds of the sale of Telstra. Senator Joyce accepted these recommendations in March and opened the door to the privatisation of Telstra. Now that Senator Joyce's support for the sale was up for grabs, the negotiation over the price could begin.

Senator Joyce's opening offer on 13 May was that he would support the sale of Telstra as a quid pro quo for funding of the \$7 billion fibre optic network floated by the Page report. On top of this, Senator Joyce wanted an additional \$5 billion in funding for regional development programs identified by the Queensland National Party—projects like a second road crossing for the Toowoomba Range.

So Senator Joyce's opening offer for his support for the sale of Telstra was a \$12 billion capital investment in rural and regional

Australia to be funded from the proceeds of the sale of Telstra. That is when Deputy Prime Minister Mark Vaile got involved. In his first act as leader of the National Party, Mr Vaile determined to undercut Senator Joyce's offer by \$10 billion, suggesting on 29 July that the earnings from a trust fund worth \$2 billion would be enough to convince The Nationals to sell out their constituents.

The Deputy Prime Minister's message was clear: asking for \$12 billion in exchange for his integrity was being greedy and Senator Joyce needed to make a better offer. Therefore the day after Mr Vaile named his price, Senator Joyce made his second offer—a \$5 billion trust fund for regional telecommunications services. However, this still was not good enough. Liberal Party heavyweights started to heavy Senator Joyce to try to convince him to make a better offer. The Prime Minister told him that he would not sell Telstra at any cost and that if Senator Joyce asked for too much they would all pack up and go home.

You are seeing that the screws have been out. You have heard about the unseemly conduct in the coalition party room. You have seen the photographs of the confrontation between Senator Heffernan and Senator Joyce. The Treasurer, though, was not finished. The Treasurer intervened, saying that allocating too much of the sale proceeds to improve regional telecommunications services would apply upward pressure on interest rates. Barnaby's \$5 billion offer was obviously still too high.

Now Senator Joyce has backed off his \$5 billion offer. In recent days Senator Joyce has said that he could support Mr Vaile's idea of a trust fund so long as the interest earned from the fund is more than \$100 million a year. So in the course of 10 sorry months Senator Joyce has moved from opposing the

sale of Telstra outright, to refusing to support it without a \$12 billion capital investment in regional Australia, to refusing to negotiate without a \$5 billion capital investment in regional Australia, to being willing to consider it for something more than \$100 million a year. And the negotiations continue. Senator Joyce's recent capitulation is a disastrous turn of events for rural and regional Australia.

**Senator Abetz**—You like Senator Joyce, don't you? You spend a lot of time on him.

**Senator CONROY**—I have not met him yet actually, Senator Abetz. The fact that Senator Joyce has been unable to honour his election commitment, stand up to the government and oppose the sale of Telstra is a tragedy for those who voted for him and for the 79 per cent of Queenslanders who oppose the sale. This is a key test here. Senator Barnaby Joyce has turned up. He has embarrassed Senator McGauran. He has embarrassed Senator Boswell. He has embarrassed his leader and Deputy Prime Minister, Mark Vaile, because he has come with the message: 'I'm going to fight for my constituents'—the message being that they have not been. 'I'm the good guy. All the rest of those Nationals, once they get up on the hill in Canberra, just fold away, roll over and have their tummies tickled by the Prime Minister, Senator Abetz and others.' But them's fighting words.

Unfortunately, Senator Joyce has talked a good fight but, when push comes to shove, the Queensland's newest National Party senator has become 'Backdown Barnaby'. Has Senator Joyce already become as out of touch with mainstream Australia as the Howard government? In the future, when a privatised Telstra lets regional services fall even further behind the cities, the voters of Queensland should know who to thank: the Queensland National Party, led by 'Back-

down Barnaby Joyce' and, of course, 'Roll-over Ron Boswell'.

Unlike Senator Joyce, the Labor Party remains opposed to the Howard government's plans to arrogantly force through the sale of Telstra against the wishes of the majority of the Australian public. Unlike Senator Joyce, the Labor Party will honour the commitment it made to the Australian public at the last election and oppose any move to privatise Telstra. Labor still firmly believes that the best way to guarantee telecommunications service standards for rural and regional Australia is to keep Telstra in majority public ownership.

Labor also recognises that the vast majority of the Australian population remain opposed to the sale of Telstra. Australians are opposed to the sale because they know that a privatised Telstra will leave town quicker than the banks. They know that a privatised Telstra will neglect ordinary consumers and chase the big end of town. We are committed to opposing the Howard government's attempt to sell out the bush by selling Telstra. We call on senators in this chamber and the government to listen to the people of Australia and keep Telstra in majority public ownership.

I see a little cabal of National Party senators down in the corner—hopefully, they are all going to speak. I want to again point out to you that, notwithstanding anything the Prime Minister or the minister for communications have said about how good the services of Telstra are in the bush, Mr Trujillo, the CEO of Telstra, has blown the whistle today. He has said, 'We are not doing a good enough job and we have delivered a second-class service.' That is what he said. He has admitted it. He has had a look and said, 'Why has Telstra not been rolling out better services and investing in the bush?' He has admitted it today. The government have been

trying to pretend. They have been trying to have you on. They have you out there parroting their line. The CEO of Telstra has gone around the back and exposed you. (*Time expired*)

**Senator McGAURAN** (Victoria) (4.07 pm)—I will get back onto the horse. A matter of public importance was held to be a serious debate at one stage when I first came into this parliament. It was a matter to do some study on, if you were given the task. Whatever importance or gravity was placed on it was utterly reduced to trivialisms by Senator Conroy, who led for the Labor Party in the debate on this matter, no less. This has been the most debated subject in this parliament. I think it outranks native title for time debated. And here is the Labor Party getting up again. I might have misread the MPI. Was it a Barnaby Joyce matter of public importance? Senator Conroy spent some 10-plus minutes of his 15-minute speech on Barnaby Joyce, in some feeble attempt to distract or to divide the National Party or the coalition. What a desperate attempt, if that is all you have.

What you could have done in any one of the debates until now, much less this MPI, is come in here and lay down your own policy. You finished with about 30 seconds of generalities. We are still unclear, Senator Conroy, what you would do, if you happened by good fortune to get into government, with the current safeguards that are in place, what you would do with the current expenditure that is in place. Every time we have sought to increase expenditure in the rural and regional areas—such as Networking the Nation, that fine fund—he has thrown his head back in disgust. That is how you treated it. You would not even support that. You come in here and feign support for the bush and their telecommunications concerns when, given the chance to vote in this chamber for extra funds in the first and second sales of Telstra, you would not support it. You have

missed a golden opportunity—you have passed it up—to come in here and lay down your policy. It is a feeble attempt, in some pathetic way, to divide the coalition if not the National Party themselves.

This comes from a man who, in his own state, is the most divisive politician yet to be elected. Who can forget—certainly, very few Victorians—the unseemly prime time TV dispute he had with Senator Carr at his own Labor Party conference? This is the great could-have-been who, from day one, has been divisive in his own state. And it is about to explode.

*Senator Abetz interjecting—*

**Senator McGAURAN**—Senator Abetz, you would like to know that in October this year, just a month or two away, a whole set of preselections is to occur in Victoria—state and federal, I might add. And here is Senator Conroy, party to a bloodbath, as quoted by the Left, as quoted by Senator Carr, of his own party. And he has the gall to come in here and attempt to cause division!

**Senator Conroy**—Mr Acting Deputy President, I rise on a point of order relating to relevance. I was wondering if the Acting Deputy President shares my view that the matter before the chamber is actually about the sale of Telstra and that perhaps Senator McGauran has strayed from the matter at hand. I wondered whether you would like to invite him to return to the matter, although I know that will leave him with nothing to say.

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Senator Conroy, I listened to your contribution to the debate, which was heard in relative silence by your colleagues in the chamber. It was a wide-ranging debate on the proposed sale of Telstra.

*Senator Conroy interjecting—*

**The ACTING DEPUTY PRESIDENT**—Senator Conroy, you will listen to me, thank you. It has been wide ranging, and I think the parameters in which Senator McGauran has been speaking on the subject are still confined, in that broad sense, to the MPI before the chair.

**Senator McGAURAN**—I notice that Senator Lundy is the next speaker on the list. I notice her sitting next to Senator Conroy, who led this debate. There is a bit of *deja vu*, to say the least, because I have debated both Senator Conroy and Senator Lundy on this matter before. It triggers my memory that last time Senator Lundy spoke here—representing the Left, of course—she mounted one of the best cases yet for 100 per cent government ownership of Telstra. So there is a difference in policy over there. You talk about divisions of policy and opinion. I invite Senator Lundy, when she gets up to speak, to give us the facts of what the Labor Party policy really is. I invite anyone to go to the *Hansard* of her last address on this matter. It was one of the best-mounted cases yet for longing for the old days of Telecom when the government owned the monopoly, but more so when the union utterly held that company to ransom.

**Senator Conroy**—You have cleared the gallery. It is official.

**The ACTING DEPUTY PRESIDENT**—Senator Conroy, you were heard in relative silence. I ask you to extend the same courtesy to other speakers in the chamber.

**Senator McGAURAN**—It is quite clear, with the two of them running this debate, that they do have separate policies on this matter. What is more, the credibility of the Labor Party in this debate has been tested on many occasions, no more so than in the four elections when we have gone to the people of Australia with the policy of the sale of Telstra. Let us look at their record in gov-

ernment. How could the Australian people trust them—and they do not—let alone the rural and regional sector? Both of you are absolutely dreaming if you think the rural and regional sector believe that you would give them any support should you be lucky enough to get into government, especially when you have the record. The record is that you voted against every item of funding this government has directed and targeted towards rural and regional Australia.

What is more, you are the great privatisers. Do not come in here trying to sell an ideological belief that you want to keep Telstra in government hands. When you were in government, you were the great privatisers. I will just pluck out the most infamous example, and that is the sale of the Commonwealth Bank. What happened there? Going to an election, you committed not to sell any part of the Commonwealth Bank. By then you had already sold something like a third of the bank, so it was all part privatised and part government owned already. You had done a Telstra, so to speak. Then you went to the election, having committed to the Australian people that you would not sell the Commonwealth Bank. That was supported and underpinned by the then Treasurer, who wrote to every existing private shareholder in the Commonwealth Bank saying that the Commonwealth Bank would not be sold. On the other side of the election, desperate to fill your black hole deficit, you sold the Commonwealth Bank.

You did not look at the polls then. In fact, you did not even enter into debate within your own party, if I remember. It was just pushed through by the then Prime Minister and Treasurer. So do not come in here quoting polls. You went to the ultimate poll and lied to the Australian people. We have been to four polls, the ultimate test—the only poll that really matters—with this policy on Telstra, and the Australian people have sup-

ported this government. No matter how often you tried to whip it up, no matter how many times we saw Mr Beazley and Mr Latham attempt to whip up the issue of Telstra, it completely fell flat.

Of course, there are concerns within rural and regional Australia. The National Party know that better than anyone. The coalition know that. We know that there are concerns to be met. That is why we implemented the benchmarking inquiry of the Besley report, which brought down recommendations which the government undertook, followed by the Estens inquiry, which made 39 recommendations. The government accepted each one of them. So we understand that there are concerns in rural and regional Australia to this day.

But we have attempted to meet each one, with funding—to this date, over a billion dollars—for projects like Networking the Nation. We have underpinned customer guarantees and universal service obligations. We have directed money into rural transaction centres and the local government funds. We have put price caps on local standard calls and, of course, we have introduced telecommunications for remote areas. There is now something like over 90 per cent mobile phone coverage in Australia. That is a reaction to the reports and the concerns that each individual parliamentarian receives from rural and regional areas.

Our policy is transparent and honest, and it is understood by the Australian people that we have to fulfil three conditions before Telstra will be sold, ultimately. Firstly, the services in rural and regional Australia will be up to scratch, adequate and comparable to those in the metropolitan areas. Secondly, there will be value to the taxpayer. We are not selling cheap. If the share market does not meet the price, it does not get sold. Thirdly, we will get the authority of this par-

liament. We know that that is now more than possible for the first time, given that we have been given a majority in the Senate. But we will debate this right up to the vote. We will not shut down the debate at all. We will meet the Labor Party on their grounds. If only they would tell us what their policy is and what their funding arrangements will be for Telstra in the future. (*Time expired*)

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (4.19 pm)—The Democrats do not support the full privatisation of Telstra any more than we supported the previous two tranches—the sell-off of the 49 per cent. The reason we take this view is that, as the text of the matter of public importance suggests, the vast majority of Australians oppose it. They may have re-elected a coalition government that promised to sell the rest of Telstra but that does not necessarily mean that the vast majority of Australians do not think it is a bad idea.

We say that, at a minimum, the government should own key telecommunications infrastructure to ensure equitable access to affordable, state-of-the-art telecommunications for Australia so that it remains internationally competitive and socially progressive. In particular, telecommunications are an essential economic and social service for rural and remote areas, and they are becoming more important in the context of what we call the information economy—that is, e-commerce, e-learning, e-health and banking online. The National Farmers Federation president recently said:

Farmers in the 21st Century need access to more than just a basic telephone service—they also need affordable, quality mobile and internet services to remain competitive ...

Back in September 2003, my colleague Senator Bartlett and former Democrat senator John Cherry undertook a survey of people in regional and rural Queensland, asking how

they felt about the government's agenda—supported, I might say, by the National Party, although in Queensland they have been less than enthusiastic, to say the least—to sell off the rest of Telstra. Of nearly 13,000 responses, 80 per cent were opposed to the further sale of Telstra. A poll 14 months later, on 5 February, found that 77 per cent—that is 26,544 people—agreed that Telstra should be kept in public hands.

As noted in the wording of this MPI, recent polls demonstrate that the majority of Australians are still opposed to the sale of Telstra. So on all of the key criteria, we think the government has failed to justify the sale. Senator McGauran also could not think of a reason for Telstra to be sold off. There are no competitive reasons. In fact, it is the opposite. There are no service reasons. There are no legal or financial grounds to do so.

The government has argued that it will be in a better position to objectively and properly regulate the company after it is sold. That is so counterintuitive and so not the case according to all of the evidence that has been brought to the many Senate inquiries into telecommunications that have been conducted that it is a farcical proposition. The government says it is going to be in a better position to regulate the company after it is sold. More recently, the new CEO of Telstra, Solomon Trujillo, reportedly said that he would take an aggressive stand against the increased regulation, which makes that argument ridiculous. He also said that competition was not the answer to meet the needs of end users.

In recent weeks, the government announced an operating licence to ensure Telstra maintains a presence in the bush. But we believe that this will not guarantee access to modern technology or to equitable pricing. The Nationals apparently are asking for a \$2 billion future fund for Telstra but we under-

stand that this fund will only cover the annual cost to maintain services. What that means and how you figure out what this fund should pay for and what Telstra should pay for, I have no idea. But it is not for the roll-out of new infrastructure, and that is the greatest need in telecommunications in this country.

The Liberal Party and the National Party are grabbing at straws somewhat, knowing that a fully privatised Telstra will only be beholden to the shareholders and will abandon unprofitable areas. We all know that Telstra's investment in infrastructure has been declining ever since it was privatised. Over the same time, Australia's performance on broadband access compared with other OECD countries has declined. We say investment in infrastructure is in Australia's long-term interests but that we are not likely to see serious investment in infrastructure under a fully privatised Telstra model.

Even if Telstra was forced to maintain a presence in the bush and was forced to continue with the universal service obligation, there would be nothing to stop Telstra treating people in the regions as second-class citizens when it comes to their telecommunication needs. The shareholders of a privatised Telstra will demand at least a commercial rate of return from their investment and they will be more willing to close down low return assets. We have seen that already in banking, air services and the like. Withdrawing their presence from regional Australia would have to be a top priority.

It is also clear that the government does not need to reduce debt. When it moved on from that argument for selling Telstra, it fabricated another one—another future fund, this one for so-called unfunded superannuation liabilities into the future. We do not think that is a good argument, either. There is no pressing need for us to suddenly fund fu-

ture liabilities in superannuation. This has been done through revenue in the past and there is no pressing need at this point to change that system. We have this absurd situation where we are still talking about reducing this imaginary debt, despite the fact that we have one of the lowest national debts in the OECD.

There is clear evidence that Australia would have to change its foreign ownership laws to get the return that it expects from selling the rest of Telstra. If you put that to the Australian people, the results of polls would be similar. The Australians polled would most likely say that this was not in Australia's interest, and that is certainly the view of the Democrats. The government has not given adequate consideration to the implications of the full privatisation of a vertically integrated monopolistic Telstra and the alternatives. We say the government should forget its flawed plan and instead focus on upgrading the network to improve services and make it— (*Time expired*)

**Senator LUNDY** (Australian Capital Territory) (4.26 pm)—It is a great pleasure to speak to this motion today. It highlights how out of touch the coalition government is with the people of Australia in relation to telecommunications and communication services. It is worth having a look at the recent past to see how many inquiries and investigations have gone on in this federal parliament since the coalition came to power and how consistent the findings of those inquiries have been. They have consistently found not only that our telecommunications system inadequate and failing many Australians—a large proportion of whom happen to be in rural and regional Australia—but also how much the telecommunications company Telstra has failed to keep pace with technological changes.

It was only a few years ago that the former Minister for Communications, Information Technology and the Arts, Senator Alston, proclaimed that Australians did not want broadband. We did not want it! From memory, he in fact said that broadband was only good for porn and games. How ridiculous does that statement look now in the face of the comments of Senator Coonan, the current minister, who in the chamber today in question time put her hand on her heart and said how important broadband was to Australians? How is it that the coalition is so slow to pick up on the fact that broadband is absolutely critical to our social, cultural and economic future that they have only woken up to that fact very recently?

It was also not so long ago that the then CEO of Telstra, Mr Switkowski, said that Australians did not want to have broadband. He held up as his example the broadband project in Launceston, which was so completely mismanaged by Telstra—at taxpayers' expense, I have to say, through one of their social bonus schemes—that the take-up rate was very poor. And that was proof that Australians did not want broadband! This has become the character of the coalition government's approach to telecommunications policy over many years: 'Australians do not want to advance. We don't need broadband: we're happy to stay in the dark ages. We'll put our heads in the sand and think we can get by in the 21st century on 19.2 kilobits per second dial-up internet.' Well, well.

What we have had from the coalition government is a confession. It occurred in this chamber some months ago now when Minister Coonan said, 'Yes, the reason Telstra has not been encouraged to invest and has not been investing in the capital infrastructure for the 21st century is that it wants to fatten up its bottom line in preparation for the sale of the final tranche and future privatisation.' (*Time expired*)

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Order! The time for the debate has expired.

#### **SKILLS SHORTAGES**

**Senator GEORGE CAMPBELL** (New South Wales) (4.30 pm)—I move:

That the Senate notes that:

- (a) the Howard Government's training policies since 1996 have contributed to Australia's current skills shortages in the traditional trades; and
- (b) the Government's inaction in addressing this national skills crisis is hurting Australian businesses, families, young people and the economy.

There is a bit of *deja vu* in this debate: the same people who are sitting across the chamber were sitting there about three hours ago when we were talking about this issue in the legislation. It has to be said that 9½ years of this old, tired, out-of-touch government have left us with a skills crisis that threatens our future economic growth and prosperity. This is due in large part to the complete neglect of the training of workers in the traditional trades.

In the period since this old, tired government took office in 1996 their training agenda has been characterised by a combination of bad policy and underfunding of our vocational education and training system—bad policy in the context of the shift that took place during that period away from training to keep young people in the traditional trades, the traditional skills areas, to the New Apprenticeships system and the promotion and explosion of traineeships. What we saw was a training system in fact being used as wage subsidy in many areas to train employees who had already been trained, to put them through mickey mouse training courses with substantial subsidies for that training. But, at the end of the day, there was no net gain in the skills that those individuals

who undertook the training possessed. In other words, it was a huge waste of resources in this country, focused on providing a training system which was much more about boosting numbers of people supposedly in training so the government could present a good image to the community than about achieving real training outcomes.

That was compounded by the fact that, over the period from 1996 to 2001, the government cut funding to the VET sector to the extent that there was a shortfall over that period of some \$833 million. TAFEs were turning away some 50,000 people a year, including 15,000 school leavers. Young people were being denied the opportunity to get access to the type of training that was required, to equip them for an effective role within the economy, purely on the basis of the government denying the funding to the system that had been provided for back in 1996.

The reality is that nothing this government has done since will address the underlying problem that exists in respect of the training of young people in the traditional trades. We know, for example—and have known for some considerable time because the figures have been available through NCVER—that Australia, over the five years from 2004, stands to lose through retirement some 170,000 tradespeople. They will retire out of industry. Yet there will be only 40,000 tradespeople trained to replace those individuals. That means that there will be 130,000 tradespeople who will not be replaced in the Australian economy over that period of time. That is a significant shortfall of people with the skills that industries need to maintain their competitive base.

If we are going to be opened up to free trade agreements with the United States, Thailand, Singapore and China then the significance of that human resource to the ca-

capacity of our companies to compete in an open global marketplace will be profound. If those skills are not there then many of our companies will go under as a result. That will have serious implications for the Australian economy as we move down the track to an economy that is more open and exposed to the world marketplace.

The number of people undertaking trades apprenticeships dropped by 2,300 during the period from 2000 to 2003. As a consequence, we now have skills shortages in the following trades. In the engineering trades, there are shortages of metal fitters, metal machinists and toolmakers—critical trade elements in the metals industry—as well as metal fabricators, welders and sheetmetal workers. In the automotive trades we have shortages of motor mechanics, auto-electricians, panel beaters and vehicle painters.

In the electrical and electronic trades there are shortages of electricians, refrigeration and airconditioning mechanics, electrical power-line tradespeople, electronic instrument tradespeople and electronic equipment tradespeople. In the construction trades there are shortages of carpenters and joiners, fibrous plasterers, bricklayers, solid plasterers, plumbers and cabinet makers. In the food trades there are shortages of chefs, cooks and pastry cooks, and there are shortages of hairdressers and furniture upholsterers in other trades.

You could say that that covers the spectrum. There are shortages everywhere. We have seen skilled vacancies blowing out in this country by some 54 per cent over the last three years. There are currently somewhere of the order of 20,000 skilled vacancies in the manufacturing sector alone. For example, 60 per cent of businesses in regional New South Wales suffer from skills shortages. By June next year, the Howard-Costello government will have imported 268,000 skilled

migrants. They are importing skilled migrants whilst there are 270,000 of our young people being turned away from the TAFE system. They are replacing these young people with skilled migrants coming into this country when we see young people unemployed and getting into difficulties when there are opportunities to put them into training to give them meaningful skills, to incorporate them into our society in a meaningful and constructive way and to give them a valued place in that society.

We also see in this country major project works about to be undertaken in the next four or five years worth something like \$25 billion to \$30 billion. There are major projects in the north-west of Western Australia, in the Iron Triangle in South Australia, in Gladstone in Queensland and in other areas of the country. These major projects are important to the national infrastructure of this nation and, as a consequence, are important to driving future growth in the economy. Those projects are going to suffer as a consequence of the skills not being available to meet the demand for labour that will occur over those projects.

That does not mean to say that the projects themselves will not get the skilled labour. They will get it, because wages will be bid up to a substantial level where the labour will actually flow there, but the impact will be that our engineering base in this country will be severely undermined as a result of labour flowing out of the traditional engineering industries and the fabrication industries that are situated all around this country and flowing into those special projects. That skills base will be undermined to the stage where it will virtually collapse. Where will those tradesmen go when those projects are finished? I suggest that skills base will be lost to our economy. It is a very important aspect that has not been taken into consideration, despite the fact that it has been known

for a considerable time that these requirements were going to be there. That has not been planned for by this government. This government has always taken the short-term view that these issues can be fixed at the time they occur. (*Time expired*)

**Senator MASON** (Queensland) (4.41 pm)—People often ask me why I am so fond of Senator George Campbell. I always tell them it is because, despite all the mistakes I have made in my life—and I have made a few—he reminds me that I was right in joining the Liberal Party. I read Senator Campbell's notice of motion No. 113 today about skills shortages and government training policies and thought to myself that he must have a certain sense of irony in putting that on the *Notice Paper* under general business as a notice of motion. It is surely a sign of the times—indeed, an ironic one—and also a sign of the incredible change and improvement that has taken place in the Australian economy over the past decade that the big debate, heartburn and scandal of this country in this place 10 or 15 years ago was the unemployment rate. One million people were out of jobs. Today, we are debating skills shortages. What a change in just over a decade from the tragedy of more than one million people not being able to find work and all the potential and productivity that they would bring to bear was wasted. Today we are complaining that we are running out of people for the needed jobs in this country.

Today we have Senator George Campbell moving the motion. I am sure he can remember those dark days of 10 per cent-plus unemployment. I am sure Senator Campbell can remember it because he was part of it. Senator Campbell's experience with job losses goes much further back in time than just the disastrous Keating years. He was, after all, the leader of the disastrous wages push in the eighties, which was blamed for 100,000 jobs being lost. Mr Acting Deputy

President, you might recall that, at the 1996 ALP conference, Prime Minister Paul Keating himself said, 'I say to the George Campbells and others that they carry the jobs of dead men around their necks.'

The debate on the *Notice Paper* today would not have been a debate back then. There was not an issue of skills shortages because we had more than one million people unemployed. The sorts of policies that Senator Campbell is raising this afternoon were not issues back then, because they had created enormous unemployment and decimated the economy. So it is not only ironic that the party which gave us the highest unemployment since the Great Depression is today accusing the government of, in effect, being the victim of its own success in reducing that unemployment but it is doubly ironic that they have chosen for that task Senator Campbell, the man with perhaps the greatest experience in job decimation. That is irony, isn't it!

It is true that Labor's solution to a skilled labour shortage is to trash the economy so that there is no demand for skilled labour and, therefore, no problem. That was the record of the Labor Party in the eighties and the nineties. Today Senator Campbell is moving a motion on behalf of the Labor party that: (a) the Howard government's training policies since 1996 have contributed to Australia's current skills shortages; and (b) the government's inaction in addressing this national skills crisis is hurting Australian businesses, families, young people and the economy.

It is nice to see that Labor care about the people. In fact, one might say that the Labor Party must really love the poor and the unemployed, otherwise they would not have made so many of them when they were in office, would they? For all the Labor Party's rhetoric about supporting the working people

of Australia, the 13 years of Labor Party rule were a rather dismal time for Australian workers—and not just because over one million of them ended up on the unemployment scrapheap.

Far more important even than that, the great achievement of the Howard government over the last 9½ years has been that real wages have risen by 14 per cent. If there is anything that illustrates that it is the Liberal Party—the coalition—that is the real party for the workers, it is that fact alone. Under Labor, real wages rose by a miserable two per cent. They have risen seven times more under the Liberal Party in the last 9½ years than they did under the Labor Party's rule for 13 years. That just about says it all; but still, let me go on.

Under the Howard government, the minimum wage has risen by 12 per cent in real terms. Under Mr Hawke and Mr Keating, it fell by five per cent in real terms. Not only that, but over the period 1995 to 2003-04, the average household income in Australia grew by 20.7 per cent in real terms. Money for people's mortgages, to send kids to school, for holidays, has risen in real terms by more than 20 per cent. That is under a government which those opposite say does not care about the Australian worker. If there is one thing this government has done, it has been to help the average Australian battler—far more than was done in the Hawke and Keating years. The greatest achievement of this government has been to help the average citizen and the average battler in this nation.

As the Prime Minister, Mr Howard, said a few days ago:

The record and the facts are there. We are the friends of the Australian workers. We are not engaged in rhetoric for Australian workers; we actually deliver outcomes for their benefit.

I remember reading pretty depressing reports after the 2004 election by Mr Shorten, and

by Mr Trevor Smith of the CFMEU, who analysed Labor's electoral woes. Both senior union officials reflected, after that election, on how Labor had forgotten about the workers and their traditional constituents, and that there is a cultural conflict between the latte set and the black skivvy wearers of the inner suburbs and the workers in the outer suburbs. Both, in effect, argued that the Labor Party had become a party of the swingers, the black skivvy set and the bow-tie wearers—that crowd.

Mr Howard got it right. He did all he could. All the government has done has been for the benefit of mainstream Australia. The Labor Party went far, far more for the latte set and the inner-city trendies. This is what Mr Smith of the CFMEU said in his report:

Labor has to decide whether it wants to be relevant to the public whose vote it needs to win elections.

They have not been relevant and that has been their problem: pandering to the inner city and forgetting about the workers—

**Senator Sandy Macdonald**—And they won't be relevant.

**Senator MASON**—And they will not be relevant. So, what has the government been doing to improve the level of skills in traditional trades? Recently this government announced that the first 12 Australian technical colleges will be established around Australia. You will be aware, of course, that the Howard government has committed a record \$10 billion to vocational and technical education over the next four years, with over \$350 million over the next five years for the Australian technical colleges alone. It is a lot more than the Labor Party did when they were in office and it is contrary, of course, to Senator Campbell's assertions that we do not care and have not spent any money looking after vocational education and apprenticeships.

The first 12 colleges will be established in areas where there are skill needs, a high youth population and a significant industry base. The colleges will enable more students in regional areas to take up traditional trades. A key component of the colleges—and this is important—is that local industry and local community representatives will take a leading role in the governance of each of these colleges. In other words, they will be relevant to their particular areas. So in Gladstone, for example, it will be governed by community and business representatives who are local and understand the area. The colleges will provide students with the ability to undertake a traditional trade school based new apprenticeship, leading to a nationally recognised vocational and technical education qualification. At the same time, students will complete the academic subjects required for their year 12 qualification. So students will graduate from the colleges with a head start in their working life, with both technical training and their year 12 certificate. They will also gain trade, employability and entrepreneurial and business skills, resulting in better employment opportunities and the capacity to be self-employed in the future or to go on to further education and training.

I am happy to see that Gladstone, in my home state of Queensland, will be the location of one of the 12 colleges, which will offer training in fitting and turning, fabrication, sheet metal, diesel fitting and electrical works. It is important because—and Senator Campbell is right to this degree—they are the skills required in that area. Port Curtis, as you would be aware, is a huge port and those skills are required. Local business and local representatives, community leaders, have got together and said, ‘They are the sorts of skills we need in that area,’ and they are quite right.

The government is ultimately working to establish Australian technical colleges in 24

regions across Australia. The colleges will provide a high-quality vocational education to 7,200 students a year in years 11 and 12. That is a lot of people. The first of the new technical colleges will open in 2006 and 2007.

Again, can I raise a cultural difference—it is all about culture this afternoon! This is a cultural difference. Can I applaud, at one level, Mr Whitlam in the seventies, crusading about tertiary education: I think it was a great thing. I have taught in universities myself and I do not want to downgrade that. Of course, before Mr Whitlam, Sir Robert Menzies also championed tertiary education. But what happened, particularly in the Hawke-Keating years, is that the Labor Party became infatuated with tertiary education and were, I think, preoccupied by it.

The fact is that not everyone wants to go to university and it should be an equal, valid and valuable choice to do an apprenticeship and a trade. It should be respected and it should be of good quality. I think it is one of the failings of the last Labor government that they did not spend enough time looking at that. It was a great failing. In retrospect, I can see why they did it—because there was a push for tertiary education and universities. If we now step back a bit, I think we would all agree in retrospect that we all went perhaps a little bit too far, particularly Mr Hawke and Mr Keating.

So, what has been the response to the technical colleges by the Labor Party, who supposedly—according to Senator George Campbell—care so deeply about skills shortages? We do not have to cast our minds too far back. When the government introduced the Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Bill 2005 into parliament, the Leader of the Opposition, Mr Beazley, told the House back in March:

We on this side of the House say, 'If you really want to do that, go ahead and do it. That's fine. We'll put the legislation through in the Senate. We are not worried about that. If you want to do that, go ahead and do it.'

But only three months later the ALP referred the bill to a Senate committee, delaying its passage. It perhaps bears remembering at this point that, when Mr Beazley, the opposition leader, was Minister for Employment, Education and Training, the number of apprentices in training declined to a low of 123,000. That compares with 394,000 apprentices in training under this government. But, if you think Mr Beazley's performance has been obstructionist, you should compare him to his state colleagues: of course, they have been positively detrimental to the interests of a skilled community.

I can see that my allotted time is running out, so let me just conclude on this point: the world has changed a lot and the government, in a strange and ironic way, have become a victim of their own success. We have created millions of jobs since we came to office and now apparently there is a skills shortage; we are addressing that. Today, in a world of freer markets and globalisation, most Australian lives are much better. We export a lot to the world and receive valuable imports in return. Under Labor, when they were in office, we exported little and received in return only tired and angry British trade union officials like Senator George Campbell, and that is a great pity. (*Time expired*)

**Senator MOORE** (Queensland) (4.56 pm)—I would like to thank Senator Mason for his history lesson. I valued the—I won't say 'facts', Senator Mason—information that you gave us. Whilst I cannot agree with the large bulk of it, I always try to start with at least a couple of things on which we can agree. I would like to say that, certainly, with regard to your statement about vocational education and technical education being an

equal and valued choice, I strongly agree, Senator Mason, and we will focus in on that, I think. I also think that we should look at the issue of there being a skills shortage. In fact, in your concluding remarks you said 'apparently there is a skills shortage'; there is, Senator Mason. And it is no surprise; we have been telling this place for years that there is a skills shortage.

There was a comprehensive Senate report put out in 2002-03 that analysed across Australia the critical concern about the skills shortages that exist across so many areas in this country. That information was shared and there was considerable debate. There was also a large degree of media interest. Somehow, it always surprises me that there needs to be a crisis to get the attention that should be, as a matter of course, given to the lives of our people and also the development of our industry. The Senate report in 2003 was not accepted by all persons involved, but there was an agreement that there was a skills shortage. In fact, the Prime Minister has accepted that there is a skills shortage, and I know how much you would value that, Senator Mason, because that is an important aspect. In the lead-up to the last election, there was an acceptance by the Prime Minister that there needed to be some consideration of a skills shortage in Australia.

It would be very valuable if, instead of scoring points and arguing about 'if' or 'what', we could get together and try to look at a way to effectively put the balance back in place. If we could put the number of people who are seeking work, need work and have said so many times that they would like to be part of the brighter, new, effective country together with the skills that they need to be part of the process, we could respond to the kinds of issues we have heard from industry councils across the country. Particularly in the areas of resources, we have had horrific figures brought forward

about the fact that our businesses are suffering because they cannot find the people with the skills to do the work so that we can continue to be an active, effective economy and take up the issues that we can with international trading markets.

We have heard in this place, across such a range of areas—not just the areas that were itemised by Senator George Campbell—and so many times in answer to questions, the minister for health stating that it takes a long time to train a doctor. It takes a long time to train not just a doctor but also every person who has, to quote Senator Mason, ‘an equal, valued choice’ to be part of our economy, to be part of our community and to take up the opportunities to have training.

The numbers are absolutely confronting when you look at the areas that need effective training across the trades and across the professions. Figures have been put forward by industry councils about the skills shortages which indicate that there are thousands of jobs required to meet the needs of our economy. In my own state, our shared state, Senator Mason—and not just the inner city, Senator Mason; we know who lives there—we have had information about the needs and the concerns of employers who have not been able to put on people with skills to fulfil the orders that they have. In terms of the processes, there is a gaping need for cooperation in this area, and not the absolute competition which we hear about all time.

I think that there can be movement forward in this area. However, there must be an acknowledgement that there have been failures in the system. These failures did not automatically begin and end nine years ago, senators. In terms of the failures, there must be acceptance that the processes for training programs across all elements of education, in particular vocational education, that have been put in place over the last nine years

have not effectively skilled up the work force of Australia that we require now and, most importantly, that we will require in the future. Families are struggling now with the various demands that their children have. Not only now but into the future, we must accept that things in the past have not worked. They have not worked in the last nine years and there must be consideration for the future. (*Time expired*)

Debate interrupted.

#### FIRST SPEECH

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

**Senator ADAMS** (Western Australia) (5.01 pm)—Mr President, may I congratulate you on your re-election and thank you and the staff of the Senate for an excellent three-day orientation program. This was made available to the class of 2004 to prepare us for the responsibilities and challenges of being a senator. It is a great honour and privilege for me to become a member of the Senate representing Western Australia. I sincerely thank the Liberal Party State Council delegates for their endorsement. To the people of Western Australia who elected me, I will do my best to represent you with honesty, sincerity and integrity. Special mention must be made of the contribution of my predecessor, the former Senator Sue Knowles, who spent nearly 21 years representing Western Australia in this place. Sue is remembered for her direct approach to issues, her debating skills and her committee work, especially in the areas of social and health policy. She will also be remembered for her compassion and support she gave to her fellow committee members. I thank Sue for her encouragement and assistance to me, both before and after my election, and I wish her well in her future endeavours.

As I stand here today, taking up the challenge of the Howard government's work force participation policy to keep mature aged, experienced people in the workplace, I am proud to say that I am the second oldest woman to have ever entered the Senate. The oldest woman to enter the Senate was also a West Australian: Agnes Robertson, who represented the Liberal Party in her first term and the Country Party in her second term. It is interesting to note that since Federation, 51 senators have entered the Senate aged 60 years or over. In the past 50 years, only 11 senators have entered the Senate aged 60 years or over. I am indeed privileged to be one of those.

Life experience cannot be bought or traded. I stood for the Senate knowing that I had the background, the experience and the will to represent Western Australia and to especially represent those people who live and work in rural and remote areas. I am a person who has made the most of my opportunities and I will use my experience and skills to make informed decisions in this place.

Despite not being born in Australia, my New Zealand family background has strong links with the Anzac tradition. It is important I mention today that on 8 August 1915, 90 years ago, my grandfather, Trooper Percy George Pitt-Palmer of the Auckland Mounted Rifles, was killed—missing in action at Chunuk Bair, a hilltop on the Gallipoli peninsula. When the First World War broke out, as an accomplished horseman, he took his two horses and left his wife and baby daughter—my mother—on the family farm in Auckland. He sailed to Egypt via Tasmania and Albany along with the Australian troops. He was dismounted in Egypt and landed at Anzac Cove on 12 May 1915. General Sir Ian Hamilton wrote:

These New Zealanders and Australians and, best of all, the Australian Light Horse and the New

Zealand Mounted Rifles, and above all the last named, are the flower of our troops or of any other troops in the world.

A fitting tribute for those who fought to give us our freedom and democracy.

My mother continued in her father's footsteps and served as a nursing sister during the Second World War on the New Zealand hospital ship, *Maunganui*. This year is the 60th anniversary of the end of the Second World War, and on Monday we recognise Victory in the Pacific Day. It is important to acknowledge the courage and determination of those who defended us and the free world in history's greatest war. Anzac Day has always been very special to me. As time passes, the importance of Anzac Day, as an occasion for reflection, acknowledgement and recommitment, seems to be strengthening, especially with the number of young people now attending services.

After completing my general nursing training, I followed the family tradition and joined the New Zealand Territorial Army as a commissioned officer in No. 2 General Hospital. This was an excellent opportunity to learn about and be part of the New Zealand Defence Force.

My sister, Margaret, and I were given a wonderful start in life by our parents. They worked extremely hard to ensure that we had every opportunity to achieve and we were both given an excellent education. Sadly, my father and sister have passed on, but my 92-year-old mother is still fit and healthy and is living by herself and walking four kilometres every day. She is taking a very active interest in my new career, and I sincerely thank her for all the sacrifices she has made for me.

I qualified as a general nurse, a midwife and gained a Diploma in Operating Theatre Nursing, and was always determined that I would use my nursing career to see the world. I worked in a number of New Zealand

hospitals, as a member of the 1967 New Zealand surgical team in South Vietnam and as a relieving matron/midwife throughout rural and remote Western Australia. During my employment as a member of the Medical Department's Emergency Nursing Service in Western Australia, I met my husband, Gordon. He was a Royal Flying Doctor Service pilot based at Meekatharra, a small town in the Murchison. This was the town famously referred to by Tammy Fraser as 'the end of the earth'. We have been married for 35 years and have two sons, Stuart and Robert. Whilst Stuart is currently in the United States promoting Australian merino wool on behalf of his company, iZWool, Gordon and Robert are in the gallery today. I thank them all for the support and advice they have given me over many years.

For the past 31 years, the family has been farming at Kojonup, in the Great Southern region of Western Australia. Last year Kojonup, with a population of 2,045, was named the 'tidiest town in Western Australia' and went on to win the National Local Government Partnership Award for 2004. Kojonup is well known for its community participation and volunteers. One of the town's highlights and tourist attractions is the multi-award winning Kodja Place. The Kodja Place Visitor and Interpretive Centre is unique in Australia. It is an example of what can be achieved by cultures working together in harmony and a community that believes in itself and its future. This project, which involved the building of an Aboriginal cultural heritage centre, an historical interpretive centre and a regional rose garden, was partly funded by a Centenary of Federation grant. I am proud to be part of this vibrant community and I congratulate all those involved in its long and varied record of achievements.

Having travelled extensively throughout rural Western Australia, I understand the problems and issues confronting such a di-

verse state. These include dealing with environmental change, pest control, salinity, drought and a shortage of water. Other issues facing Western Australia are the importance of retaining the live export trade, property rights, retaining skilled workers throughout rural and remote Western Australia, problems associated with animal rights activists and dealing with the consequences of the state government's recent electoral reform, which greatly reduces country representation in the parliament.

The northern area of Western Australia has border control and quarantine issues associated with its vast coastline. On the inland border, there is the threat to our waterways and native fauna, with the problem of the advancing cane toads from Queensland. In the Pilbara, wild camels are also a great cause for concern, coming in from the desert on to pastoral lands, destroying feed and damaging infrastructure in remote communities. Wild dogs in the pastoral rangelands area have reached plague proportions, and the necessity to build a vermin proof fence has become an urgent reality. A feasibility study is to be undertaken, looking at the erection of a 3,000-kilometre vermin proof fence from Port Hedland in the north to Mundrabillia on the Nullarbor. I strongly support this initiative, as the number of sheep being killed on pastoral stations has caused an economic downturn in the area. Those pastoralists who are now running cattle are also losing calves to the marauding dog packs. Livestock transport companies have been badly affected, with the downturn in the sheep numbers, and are now faced with huge increases in licensing fees.

The salinity issue in the wheat belt is another ongoing concern and, with the National Water Initiative not yet signed by the Western Australian government, our state will continue to suffer. There are many ideas on how to deal with salinity, but with such a

large and diverse area involved, one size simply does not fit all. The water table is rising and is causing problems in many wheat belt towns. Salt is destroying large areas of productive farm land, as well as the road infrastructure. On a positive note, Western Australia has become the investment centre for Australia. Last year, the booming resources sector generated \$28.38 billion in production value. This represents 77 per cent of the state's exports and provides \$1.14 billion in royalties to government. An estimated 192,000 Western Australians are employed, directly or indirectly, in the resources sector.

Having worked in the north of the state when the mining industry was establishing its towns and infrastructure, I have always had a keen interest in the development of the Pilbara region. Recently I had the opportunity, courtesy of the Western Australian Chamber of Minerals and Energy and the Australian Petroleum Production and Exploration Association, to tour a number of offshore and onshore petroleum, gas and mineral sites. These sites are located throughout Western Australia in the Pilbara, Kimberley, Mid-West, Goldfields and the South-West regions. I thank David Parker of the Chamber of Minerals and Energy for organising these visits.

I am not likely to forget the day the 2004 federal election poll was declared in Western Australia. At the time of my declaration as a senator, I was underground in a refuge chamber on the 26th level of the Plutonic Gold Mine in the Northern Goldfields. Visiting these sites has given me an excellent understanding of the issues confronting the respective companies. These include the shortage of a skilled work force, the 'fly in, fly out' work force versus the residential work force, the decaying town infrastructure and the poaching of employees by other companies once they are trained.

All the mine sites are focusing strongly on sustainability and rehabilitation, and many are employing local Indigenous people in the building and metal trades and rehabilitation areas. Retired, mature age tradespeople are being encouraged to return to the work force as mentors and instructors for apprentices. There is also a large focus on employing more women in the resources sector and on school recruitment programs. It is essential that future mineral exploration is encouraged, and I am supportive of the flow-through share schemes proposal.

Rural health and age care issues have been a high priority for me. Along with my nursing background, I have extensive experience as a board member on a number of health service boards in Western Australia. I am therefore very much aware of the practical problems confronting rural communities in relation to the retention of health professionals and access to health services. I have represented Western Australian organisations and the Consumers Health Forum on a number of national health committees. I was also a member of the panel which recently reviewed the role of the Divisions of General Practice throughout Australia, and I am pleased to see our project officer, Robin Wells, in the gallery.

This experience has highlighted the many extra difficulties facing patients in rural and regional Australia as a result of their relative isolation from city centres and major medical facilities. Travel to metropolitan centres for specialist medical treatment can cause considerable financial burden with out-of-pocket expenses and the loss of local support networks. These issues have been constantly raised during my long involvement with the National Rural Health Alliance, the Breast Cancer Network Australia and recently with the Patient Access Committee of the Radiation Oncology Jurisdictional Implementation Group, ROJIG.

I firmly believe that the Patient Assistance Travel Schemes in each state need best-practice national guidelines to ensure rural patients have flexibility in accessing the best possible medical assistance. Since the Commonwealth handed the responsibility of the Patient Assistance Travel Scheme, PATS, over to the states in 1987, this issue has been reviewed many times. Recommendations from five recent parliamentary committee reports have highlighted the problems associated with these travel schemes. We have the evidence and data to tackle the problem, and I will be strongly recommending to the Senate Community Affairs References Committee that the administration of PATS must be dealt with urgently. It is a complex issue, as it falls within the states' jurisdiction, but something must be done.

As a breast cancer survivor and a member of the Breastscreen WA Advisory Committee, I am keen to support the lowering of the target age group for the National Breast Cancer Screening Program. I believe it should be reduced to 45 years, with the upper limit being extended from 69 years to 74 years. At present, women aged 40 to 49 and those over 69 can attend the clinics. However, they are not routinely invited unless they are within the target age group. With the heightened awareness of breast cancer, many women are very anxious to take part in this program. There is evidence to suggest that these women, on each side of the target group, would benefit from routine screening mammograms.

The ageing population is a huge challenge with a record number of baby boomers about to retire. The next generation of ageing Australians will demand far more choices and more services than the current generation. The increase in dementia will further complicate the provision of aged care services. I must congratulate my Western Australian colleague the Hon. Julie Bishop, the Minister

for Ageing, on the current allocation of residential aged care places, extended home care packages and the focus on dementia and respite care. Having been a member of the Aged Care Planning Advisory Committee in Western Australia for a number of years, I am well aware of the future problems associated with meeting the demands of an ageing population.

The impending sale of Telstra is causing a great deal of angst in rural and remote Australia. It is essential that the regulations set down for the privatisation of Telstra allow for rural and remote Australians to be given access to new communications technology. Australia's wealth is created in regional, rural and remote areas, and it is important that business opportunities are not lost due to inadequate communication services. I have experienced first hand the improvement of telecommunications in rural and remote Australia, and I want to be guaranteed that it will continue.

As a committed Liberal, I have spent many years involved in party activities and campaigns. I firmly believe that community consultation is most important and that the grassroots voice must be listened to. As a past president of O'Connor Division, I have had the opportunity to work closely with the member for O'Connor, the Hon. Wilson Tuckey. Although we don't always agree, I sincerely thank him for his ongoing support and advice.

To my staff, friends in the gallery and my WA parliamentary colleagues, thank you all for being here today. To Liberal Party State President, Danielle Blain and State Director, Paul Everingham, congratulations on the enormous effort you and your respective teams put in during the federal and state campaigns. To my State Women's Council colleagues, and especially past presidents Anne Ritson and Daphne Bogue, thank you

all for your support. In conclusion, I am looking forward to 'getting on with the job of strengthening Australia.'

#### FIRST SPEECH

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

**Senator POLLEY** (Tasmania) (5.23 pm)—If my voice is a little shaky and my hands tremble a little, I am sure many of you will understand. No doubt you all are familiar with the emotions I am experiencing right now, delivering my first speech in this chamber. It is a great honour to be here representing the people of Tasmania but at the same time a little daunting. I come here not as an ambitious politician but with an ambition to serve. I come here determined to justify the faith others have in my ability to do the job and to do it well.

There are, of course, a few people and organisations that I would like to thank—firstly, my parents, Michael and Eileen. I was brought up in the beautiful country town of Westbury, the third child in a Catholic family of six. We were raised with good, old-fashioned country values: honesty, hard work and tolerance, values that really never have gone out of fashion in country Australia.

My dad survived the nightmare that was the Burma Railway. He was a prisoner of war for 3½ years. He should have lost his leg at Changi. Weary Dunlop would have amputated had the risk of infection not been so great in that hellhole. When people talk of courage, I think of my father. When people talk of patriotism, I think of my father, for no-one could love Australia as my father did. When people talk of compassion and tolerance, I think of my father, because surely few could have endured such deprivation and emerged so tolerant and non-judgmental about his fellow man. These are the values

he instilled in the Polley kids. When I was a teenager, I confided that I would one day like to represent others in parliament. Regrettably, he did not live long enough to be here today.

I was 14 when I joined the Australian Labor Party, sharing my brother's passion for politics. I have always been able to count on his counsel, whether or not I have needed or even wanted it. I do not think I will ever be able to match his length of public service as he celebrates his 34th year as a member of the Tasmanian House of Assembly. As all of you would know, it is not easy being the partner of a politician. There must have been times when my husband, Albert, thought he did not marry me; he married the Australian Labor Party. I was only able to dedicate as much as I have to the Australian Labor Party because Albert was prepared to be the homemaker. I suppose in one way he was a trailblazer, because there were not too many husbands at that time prepared to be Mr Mum. But, more than that, he has always been there for me, celebrating the victories, commiserating on the losses, and providing encouragement.

My two daughters, Monika and Jasmine, have also made sacrifices to accommodate my political interests. I am very proud of our daughters and I am so happy they are here tonight with their families. I thank them. I would also like to acknowledge Monika and Jasmine's grandparents, Herman and Maria Schweitzer, who have also been so supportive of my political goals. They have been a great help to Albert and I, and we share this day with them.

To my extended family, the Tasmanian Branch of the Australian Labor Party—like all families, there may have been the occasional squabble, but they have always been there for me, and I thank them for this opportunity to serve the people of Tasmania. I

thank my former boss, the late Jim Bacon, for allowing me as a staff member to play a role in revitalising Tasmania. Finally, I thank my Senate colleague, Joe Ludwig; the Australian Workers Union, particularly Bill Ludwig, Bill Shorten and Ian Wakefield; and the Textile Clothing and Footwear Union for their encouragement, guidance and support.

Without getting sidetracked, I note that the Australian netballers are now covered by the AWU. This union really does represent a cross-section of Australian society—rabbit trappers, hairdressers, miners, paper mill workers, shearers and now, apparently, netballers. You could do worse than consult this union to gauge the mood of the country. I owe a big debt of gratitude to these types of workers—to those who have never aspired to high office but have remained committed to the ideals of the Australian labour movement through the good times and the bad and to those who were always willing to lend a hand, especially from 1992 to 1995, when I served as the first state president of the Tasmanian Labor Party branch. We had just come off our worst state election defeat ever and yet, in that brief period, together we rebuilt the party to come within striking distance of winning the 1996 election.

In 1998, the late Jim Bacon swept to power in a landslide, becoming the first Labor leader to win majority government in almost two decades. Labor might have been in good shape, but the state of Tasmania was in a mess. There was double-digit unemployment, the population was declining for the first time since the Second World War and property prices were falling, with little or no business investment. Tasmanians were dispirited. They had been told the only way out was to sell the prized Hydro Electric Corporation and to use the proceeds to retire debt. The other solution was to amalgamate with Jeff Kennett's Victoria.

Jim Bacon offered a third way: to convince Tasmanians that they did indeed have a future, debt could be managed and, with the certainty of majority government, business would invest. To lend weight to the claims, his Treasurer, David Crean, brought down the first balanced budget in over a century. Suddenly, things were not as bad as they seemed. Optimism replaced pessimism. The unemployment rate stabilised and then began to fall. AFL football was lured back to the state. Two new ferries from Melbourne to Devonport pushed visitor numbers to record levels. With more jobs, Tasmanians stopped leaving and people from Melbourne and Sydney wanting a better lifestyle started moving to Tasmania. Within a couple of years, Tasmania will be net debt free.

This is a new Tasmania—a self-assured, confident Tasmania. It is no longer the mendicant state. It is dynamic and it is exciting. In that same way, we rebuilt the Labor Party. Jim Bacon and his lieutenants Paul Lennon and David Crean rebuilt Tasmania. In the early days of the Labor government, Hobart insisted that Tasmania was not interested in handouts from Canberra; it needed a hand up. For members who still hold an old-fashioned view of Tasmania, take another look. There is a new Tasmania radically different from the old. There is now a Tasmania that does not look for protection; it looks for a fair go.

For instance, our vegetable farmers, under attack from cheap imports, are not looking for a handout. They are looking for a fair go. They know that they produce the finest vegetables in the world. They do not want tariff protection. They want a fair go, and a fair go means fair labelling. Consumers will buy Tasmanian—Australian, for that matter—if the labelling clearly states the origin of the produce, because consumers know that when they buy Tasmanian they are buying the best. Our farmers are not looking for an unfair

advantage; they are looking for a level playing ground. The least we can do as legislators is review our labelling laws and decide for ourselves if the current system is fair.

The world is a small place. We are part of a global village. It would therefore be wrong to resurrect trade barriers. But our farmers in Tasmania are not asking for tariff protection; they are asking for consumers to be given the right to choose—to choose between produce grown here and produce grown elsewhere. In the same way, we need to make sure that the textile, clothing and footwear industries are competing on level terms with the rest of the world. Our policies should always be underpinned by the notion of a fair go.

I will now turn to the composition of the Senate. There has been much talk about the dangers of one party controlling both houses of the Australian parliament. I would like to bring a distinctly Tasmanian view to this debate. In Tasmania, we have the most democratic electoral system in the world—the Hare-Clark system. It is similar to the Senate. A candidate with 16 per cent of the vote will win a seat in the state's lower house. It is a system that gives minorities a voice. They are the positives.

The negative side of Hare-Clark is that it regularly throws up minority governments with the balance of power held by a group with less than 16 percent of the vote. In the past two decades, Tasmania has had two minority governments—the Labor-Green accord, which lasted just 2½ years, and the Rundle Liberal government supported by the Greens in 1996 and 1997. Neither lasted a full four-year term. Both served only half a term. During both periods, the economy stalled; unemployment was high; and business, wary of a political climate where it was never certain from one day to the next if the government would stand or fall, refused to invest.

I have already spoken about the disastrous state of affairs Jim Bacon inherited when he came to office in 1998—a population falling for the first time since the Second World War, unemployment stuck in double digits and the value of the family home falling—all contributing to a pessimistic people with a gloomy outlook for the future. It would therefore be hypocritical for me to stand here and bemoan the coalition's dominance of the Senate. Instead, I would like to point out the enormous responsibility which now falls on the coalition members of this place, particularly those from Tasmania.

After nine long years, you no longer have the luxury of toeing the party line knowing that this side of the chamber will throw out or amend legislation that hurts your constituents. We no longer have the power to do that for you. You will need to examine every detail of government policy before it gets to this place. You will need to fight tooth and nail in your party room to protect Tasmania's interests. If you do not, then be prepared for the public humiliation that will surely come if you are forced to vote for a particular measure that you know will harm your constituents. If all else fails, please be prepared to listen to our suggestions to make changes for the better even if they are suggested by this side of the chamber.

The people of Australia have given you great power. Exercise it with caution and humility. Tasmania has 12 senators—the same number as all the other states despite having a much smaller population. The reason for that is simple. When the founders of this great nation sat down to consider the composition of the Australian parliament, they agreed that the rights of all the states, regardless of how big or how small, must be protected, and the responsibility for that protection falls squarely on the members of this chamber. If they had decided the Senate would simply be a house of review, then our

founders would not have used a state based electoral system.

I have heard it said that the government now regards the Senate as a rubber stamp. That remains to be seen. Liberal members of this chamber may well act as lap-dogs to their masters in the House of Representatives. They may well ignore their primary responsibility to look after the interests of their state. I hope they will not. I hope they will treat each piece of legislation on its merits and I hope they will find ways to protect Tasmania's interests.

A test of the allegiance of the coalition's Tasmanian senators may well arrive when the industrial relations changes are debated. Despite the great advances we have made in the past seven years, Tasmania still has the lowest paid workers of any state. It is true that that gap is closing, but it has not yet closed. Unless the IR changes proposed by the government contain a specific requirement that no worker will be worse off under these changes, especially those on low incomes, I would expect all Tasmanian senators, particularly those in the coalition ministry, to vote it down. Perhaps most galling is the proposed replacement of state based industrial commissions with a national commission for fair pay. This one-size-fits-all approach to national policy-making is seriously flawed. Whether it is IR, education or health, there has to be flexibility within the system to take regional differences into account. The reason Canberra does not run hospitals is because—and I think the Prime Minister has acknowledged this—local communities know best their own needs.

I place on public record my determination to keep my fellow senators accountable, especially during this period when one party has the capacity to exercise absolute control. I will be noisy when there is evidence that particular senators are placing their personal

ambitions above the interests of the people of Tasmania. Equally, I will not be afraid to praise where praise is due. The Tasmanian Community Forest Agreement is an example of cooperative federalism—the coming together of two governments of different political persuasions for the common good. This agreement takes the area of Tasmanian old growth protected to more than one million hectares. It provides job security and it provides capital for the industry to invest in value adding. It protects the deep red myrtle in the Tarkine and the giant trees of the Styx Valley.

The Premier of Tasmania, Paul Lennon, deserves great credit for this agreement. He knew that simply locking up more land would not resolve the forest debate. He knew that any long-term solution had to address clear-felling. By 2010 less than 20 per cent of the very small area of old growth logged will be clear-felled, replaced by new harvesting methods that protect biodiversity. What a shame that we cannot approach all of the big issues in the same way. What a shame that we have had to witness the buck-passing between governments over health services. What a shame that some politicians in Canberra think belting state governments is good politics. Wouldn't it be something if there could be real sense of partnership between the states and the Commonwealth? In Tasmania, the state government has signed partnership agreements with every local council committing both sides to working together on the major issues confronting each municipality. Imagine if that sense of partnership could be replicated nationally. Imagine the progress on some of the intractable problems facing this country. Imagine the sense of relief in the Australian community that governments at both levels were working together to make things better. I know it is a dream, but it is a dream worth having. For example, wouldn't it be reassuring for the

Australian community if we had a coherent child-care policy?

With the country experiencing a skills shortage, the government encourages mums—and, for that matter, dads—to go back to work. We encourage them to return to work, but there are no places for their children in child care. Those that are lucky enough to find a child-care place find that a significant percentage of their salary goes straight into child-care costs. At the other end of the spectrum, the child-care workers, the ones charged with raising the next generation of Australians, are paid a pittance. I wonder how they will fare under the government's proposed changes to industrial relations. I wonder how many of them will be paid what they are worth. I wonder how many of them will enjoy job security. I am not saying for a moment that these problems are easy to solve, but they are problems we have to solve. These are the problems that people want governments, both state and federal, to tackle.

Over the years, I have noticed a tendency for some senators to change once they have been in Canberra for a few years. I am not sure why, but I guess that will become clear. I am sure they have made great speeches in this place, but when they return to Tasmania, it is almost as if they are speaking a different language. They lose touch. I am told that if you are not careful you can be drawn into the Canberra club—a club whose members take themselves a little too seriously, a club that lives in a world divorced from reality. They say forewarned is forearmed. I therefore resolve to spend as much time in Tasmania as I possibly can lest I become a member of the Canberra club.

#### **FIRST SPEECH**

**The PRESIDENT**—Before I call Senator Siewert, I remind honourable senators that

this is her first speech. I therefore ask that the usual courtesies be extended to her.

**Senator SIEWERT** (Western Australia) (5.45 pm)—I would like to start by acknowledging the traditional owners of this land, the Ngunnawal people, and by showing my respect for the first peoples of this land. It always was and always will be Aboriginal land, and it is incumbent on those of us who have chosen to represent this nation that we take responsibility for past wrongs and seek to address these current injustices. I am not afraid to say sorry to our Indigenous peoples, and I look forward to the day when we will acknowledge their voices and do them justice by enabling their true representation in the governance of this nation. It is to our shame that we are the only developed nation which has failed to achieve this and that the plight of our Indigenous peoples continues to worsen.

I stand here as the fourth in a line of determined Green women from the West to take on the Senate and progress the Green vision. It is my great pleasure to acknowledge the presence of Dee Margetts in the public gallery. Thanks for your support, Dee. At the heart of our Green values is a vision of community—a community that extends beyond the borders of our neighbourhood, suburb or state; a community in which people care about each other and the future of our planet and act carefully and responsibly to ensure its ongoing success; and a community that embraces diversity and understands that people living creative, fulfilling lives are more innovative and productive and will make a greater contribution to society.

I am deeply concerned about the direction this nation is heading in. The nation's current policies are based on a naive and outdated belief that the market will deliver, and embody greed and selfishness and an attitude of everybody for themselves. This has led to an

increasing influence of the business sector on government, at the expense of the wider community. It has become abundantly clear that the pervading culture of greed and selfishness is not delivering, as even the 'successful' individuals are finding that wealth accumulation alone does not bring happiness.

Recent surveys of public wellbeing show that our improved standards of living in Australia have not made us any happier. Despite most of us having more than we have ever had before, we are less happy and more stressed. We are learning that having more stuff does not lead to being more happy. The current approach is unjust and unfair. It degrades our environment and it leads to unhappy, fearful, unhealthy communities. It weakens democracy in this country and puts key elements of civil society at risk.

Participation in political processes and policy development is a key part of a healthy democracy, and in Australia we have a large number and wide variety of community groups and non-government organisations who make an invaluable contribution to this process. Having worked for a community organisation for many years, I know the important role the sector plays in advocacy and community development in providing information to government, the opposition, minor parties, business and the broader community and in providing access to community members who find it difficult to engage in the political process and have their say. Community organisations commit hundreds of thousands of hours of voluntary time each year to making our nation a stronger and fairer place. In many cases they are the institutional memory of government and they hold government accountable. Consistently their involvement improves policy and leads to better outcomes. They do not have vested interests other than the good of the commu-

nity they represent and the issue they are working on.

I am deeply concerned by the manner in which over the last decade non-profit organisations, such as community advocates, have had their advocacy undermined and attacked. Their funding has been reduced or taken away completely, as evidenced in the recent slashing or, in many cases, the complete removal of funding from the conservation councils around Australia. We have recently seen attempts to use tied funding in an effort to restrict groups from speaking out and we have seen a failed attempt to remove tax deductibility status from groups involved in advocacy or political lobbying. This is a blatant attack on advocacy. In my eyes this type of action undermines the consultative process and weakens the effectiveness and legitimacy of our governance.

Ironically, at the same time the legitimacy of these not-for-profit organisations has been under attack, we have seen a rise of the influence of the corporate sector on government. Community organisations are accused of failing to be representative enough, ignoring the fact that they are voluntary organisations accountable to a broad voting membership who are there at their own volition and can opt out at any time. The same criticisms are not levelled at big business lobbyists, who are accountable only to the interests of their shareholders and the market.

At the same time that government has been undermining community organisations, it has been increasing the demands on the community sector by cutting government services and outsourcing welfare organisations, and expecting volunteers to pick up the slack. So on the one hand it is okay for the community sector to care for the disadvantaged and the environment but it is not acceptable for them to try to actually improve their circumstances. A healthy democracy

requires open communication channels between government and both the community and corporate sectors, and it is crucial that there are mechanisms in place to maintain this balance. Otherwise those concerned, caring people who work hard behind the scenes looking out for the disadvantaged, caring for the poor and sick and preserving our environment and our way of life will lose the capacity or volition to help, and we will all be worse off. As Greens we want to see a healthy business sector that plays a valuable role in our community and we call for the development of policies that encourage corporate responsibility as a basis for sustainable growth.

Now workers rights and conditions are under attack again. The so-called industrial relations reform agenda—some would rather call it the deform agenda—seeks to undermine the award system, reduce workers' wages, strip away workers' conditions and attack the right to collective bargaining. It clearly aims to break unions and sell out working families. These actions will not contribute to the nation's collective wellbeing. Instead, they will further concentrate this nation's wealth in the hands of a few. These reforms are ideologically driven and are an attack on the human rights of Australians.

The changes will hit hardest those least advantaged in our society: young people, women, those in low paid work, casuals and temporary workers. This is neither fair nor just. Taken with the new welfare to work provisions—such as those that are pushing single mothers back into the workplace—they are a recipe for injustice. For example, working mothers are more likely to be taking part-time or casual positions where leave loading will no longer be guaranteed. They are also more likely to need the sick and family leave provisions that will be stripped away. They will not be in position to bargain

and both they and their children will ultimately lose out.

The Greens believe that workplace laws should be fair, protect all workers from unjust treatment, promote industrial harmony and enable us to organise collectively to negotiate fair pay and conditions. The proposed IR changes are not in the interest of working Australians, families or small businesses. They will not strengthen our economy or improve our way of life. In fact, they will undermine it by lowering wages and stripping away awards, rights and conditions—conditions that we have all fought so hard for over the last century. They are a none-too-subtle effort to destroy the union movement and make the already powerful in our society more powerful.

For further injustice, we need look no further than the plight of the first peoples of this nation. Just last month that well-known left wing think tank the Productivity Commission found in its *Overcoming Indigenous disadvantage* report that a large gulf remains between Aboriginal and other Australians, and that on most of their key indicators things are clearly not getting any better. To quote its chair, Gary Banks:

It is distressingly apparent that many years of policy effort have not delivered desired outcomes; indeed in some important respects the circumstances of Indigenous people appear to have deteriorated or regressed. Worse than that, outcomes in the strategic areas identified as critical to overcoming disadvantage in the long term remain well short of what is needed.

Rather than addressing the causes of this disadvantage and seeking to empower Aboriginal Australians to improve their living conditions, our government has taken away any form of Indigenous elected representation or control and it has blamed them for the failure of mainstream services to deliver outcomes to remote and urban Indigenous communities.

The proposed solution to these problems, the further mainstreaming of services to Indigenous communities, ignores the wealth of data and evidence that shows clearly the difficulties that mainstream agencies encounter in reaching out to their Indigenous clients and in providing appropriate and accessible services. It ignores the fact that two of the main areas of disadvantage are health and education—areas where services were always provided by mainstream departments, not by the much maligned ATSIC.

It also ignores the requirement for healing. The Greens believe that true reconciliation is the first fundamental step to this healing. We will not be able to make real progress in addressing Indigenous disadvantage until we say sorry, until we overturn the myth of terra nullius and acknowledge the original owners of this land, until we deliver the treaty demanded by the British crown all those years ago and until we return to them the means to sustain their communities through their relationship with their mother land.

I met with representatives of the Aboriginal tent embassy earlier this week. They came to me to express their concern that moves are afoot to redevelop the embassy site. They have been excluded from the so-called community consultation process and are now fearful that they will soon face eviction.

This morning, the Senate was given notice of a motion by my Green colleague Senator Bob Brown dealing with the scourge of petrol sniffing in Indigenous communities. I would urge you all to support the introduction of a comprehensive roll-out of the non-sniffable Opal fuel throughout the Central Desert regions of Australia. It is a small step to make in addressing the disadvantage faced by Aboriginal Australians, but this relatively small amount of money could make a great

deal of difference in the lives of those affected.

As Greens, we support the vision of our Indigenous leaders and argue that the answer lies in strong communities with active cultures that support safe and healthy family environments. We recognise that the economic sustainability of Indigenous families and communities is fundamental to their wellbeing. Indigenous health and child development must be national priorities. We need a national Indigenous health plan that delivers: primary health care on the basis of need through Indigenous community controlled health services; comprehensive prevention and early intervention programs; a significant increase in the health work force, including more places for Aboriginal health workers; significant improvements in the delivery of basic services to Indigenous communities, and recognition that the health of Indigenous families cannot be separated from the health of their communities and organisations.

Aboriginal Australians learned the lesson of this harsh land and its ancient soils and variable climate. Their message for us is this: by looking after the land, our mother, we look after ourselves. It is a family relationship in which we look after each other and are taken care of through our own caring, getting back all the more in our giving. To put this in terms of the triple bottom line, ecological sustainability is the foundation on which a sustainable society rests, and a healthy economy is merely a means to this end.

Throughout my adult life I have had a commitment to the sustainable use of natural resources, and have been working closely with concerned farmers to address the sustainability of farming in the wheat belt of Western Australia. This commitment comes from my experience in studying agricultural

science at university, working as a research officer in salinity and soil conservation in a small town called Jerramungup in Western Australia, and two decades working with the natural resource management community of Western Australia. As a result I am determined to ensure our rural communities can continue to survive and in fact thrive.

Unfortunately, Australia's prosperity has come at enormous expense to the environment. We have severely degraded our natural resources—our rivers, soils, biodiversity, wetlands, estuaries and coastal waters. They are all suffering. For example, in Western Australia alone nearly two million hectares of agricultural land have been lost to salinity, with predictions that up to six million hectares will be affected. This represents one-third of our agricultural land. In addition, 450 endemic plant species and over 900 regionally significant species are also at risk of extinction due to rising salinity.

European settlers did not understand the complexity and fragility of the Australian environment and landscape and with the best of intentions they put in place an unsustainable European farming system that ultimately degraded the landscape. Government policies aimed at developing rural industries and exports strongly encouraged land clearing and advocated ill-suited farming systems. The result is landscape fragmentation, loss of biodiversity, environmental weeds, salinity, and degraded rivers and wetlands.

Australia now faces a complex environmental crisis to which there are no easy answers. But we no longer have the excuse of ignorance. We must take action. The necessary, integrated, long-term solutions require government, agribusiness, land managers, farmers, conservationists and the community to work cooperatively at landscape repair, to develop and implement new agricultural in-

dustries that can be profitable and sustainable in the long term.

As Greens we share the concerns of farmers and rural communities for the sustainability of their communities and their lands. We have a vision for a uniquely Australian agricultural landscape—filled with deep-rooted perennials, harmonious and teeming with life—in which a profitable and sustainable agriculture supports vibrant rural communities by mimicking the natural ecosystems we have displaced.

The Greens approach to all we do is based on our key four principles: social justice, peace and nonviolence, participatory democracy and ecological and economic sustainability. We have a vision for a society where we have peaceful and healthy communities with a respect for one another, where all community members have access to basic services such as health and education, where your right to participate in civil society is unquestioned and your ability to do so is equal, where we have respect and responsibility not only for ourselves but also for one another, where our opportunity to achieve fulfilment is met and where we have systems and laws that protect our rights and our environment.

We need to remember that we live in a community, not an economy, that our economy is one means of sustaining that community—an important part, definitely, but only one. It is one we need to get right, but it is not the be-all and end-all. Ultimately, what we all want is the opportunity to lead meaningful and fulfilling lives. If instead of striving to be richer we could strive to be more equal, everyone's wellbeing would improve and we would have healthier communities based on compassion, honesty, fairness, justice, respect and equality.

I have had great privilege in my career to work with the most amazing people. In clos-

ing, I would like to say thank you to all my friends and family, my colleagues Senators Brown, Nettle and Milne and my team members—Fluff, Scottie, Nic, Bec and Bridgett—with whom it is such a pleasure to work. Thank you for your tireless support. I would particularly like to thank my family and my parents, Jack and Paddy, who are in the gallery bursting with pride. Without their love and support I would not be here today. Finally, I would like to acknowledge that I come from the great state of Western Australia. I am committed to representing and progressing the interests of all West Australians and will strive to work effectively on their behalf.

#### DOCUMENTS

##### Aboriginals Benefit Account

Debate resumed from 17 March, on motion by **Senator Bartlett**:

That the Senate take note of the document.

**Senator BARTLETT** (Queensland) (6.06 pm)—This is the annual report of the Aboriginals Benefit Account, which was established under the Aboriginal Land Rights (Northern Territory) Act 1976 and commenced operation in 1978. The major functions of the Aboriginals Benefit Account are to receive the equivalent of mining royalty moneys derived from mining operations on Aboriginal land in the Northern Territory and to make payments to Aboriginal land councils in the Northern Territory in proportions determined by the minister to meet their administrative expenditure, to make payments to those land councils for distribution to incorporated Aboriginal associations, communities or groups in order to benefit those Aboriginal people affected by mining operations and also to make beneficial payments to other Aboriginal associations, communities or groups who are resident in the Northern Territory.

I speak to this report partly to note that there is concern about potential amendments to the Aboriginal Land Rights (Northern Territory) Act, following the government gaining control of the Senate. The act was introduced by the Liberal government. Indeed, it was back when they last had control of the Senate in the 1970s. It is also an act that is of great importance to Aboriginal people. I suggest that it is not only of symbolic importance but also of great practical importance. There is serious concern that the current government, with their newfound Senate majority, will tamper with this in a negative way. I simply want to flag that as a concern, certainly of the Democrats nationally as well as of the Democrats in the Northern Territory.

That is not to say that the land rights act would not benefit from examination as to ways the accounts might be used more effectively or how the act itself may be improved, but there is a real concern that it could be severely undermined. That is something that we have seen in recent times. We have seen this government make a blatant grab over the top of the Northern Territory government in relation to uranium mines. They have the constitutional power to do that because it is a territory but, given this Liberal government and the alleged Liberal tradition of self-government, simply rolling in over the top and using those powers without any significant form of consultation with regard to uranium mining naturally causes concern to the people of the Territory. Given this government's obsession with expanding uranium mining, we all know the coalition certainly have some other agendas with regard to weakening Aboriginal land rights. That is why there is genuine concern there. It is a concern the Democrats share, and it is an issue we will be watching closely.

I also draw this issue to the Senate's attention to contrast it with the situation in my

own state of Queensland. There are some differences as this is talking about the equivalent of mining royalties. I draw the Senate's attention to the continuing problem of the failure to address what is known as the stolen wages issue. On the one hand, you have a situation where you have funds that are legal entitlements of Aboriginal people going back three decades that have been properly managed and reported to parliament so that we can at least see how that is spent and have debates about that. In Queensland, there are many Aboriginal and Torres Strait Islander people who performed work over many years that they were never paid for. The money went into a trust, which was paid directly to the government and then disappeared. That is simply a blatant disgrace. The Queensland government has made initial action about that, but I have to say—as my departed Queensland colleague Senator Cherry spoke about in this place—the action to date has been grossly inadequate. To offer between \$2,000 and \$4,000 to people as a 'take it or leave it; that is the end of it' offer—and offer it only to those people who are still alive—is clearly inadequate. It is not simply an Aboriginal issue; it is an issue of wages justice.

In a climate in which we are all debating about basic rights in the workplace, nothing can be more simple and basic than making sure that you have the pay that you are entitled to. Instead, it went to the government who were supposed to hold it in trust for those people but never provided it. It is so fundamental that that injustice must be addressed. It is clearly a long way short of being addressed. Even the state Labor government's own policy adopted by their conference recognises that, and it will be an issue the Democrats, along with many others in the stolen wages campaign, will continue to pursue in Queensland. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

#### **Australian Electoral Commission**

**Senator BARTLETT** (Queensland) (6.12 pm)—I move:

That the Senate take note of the document.

The funding and disclosure report of the Australian Electoral Commission was tabled in this chamber on 10 May. It is a fairly long gap, I might say, between the 2001 election and the report about the operations of funding and disclosure from that election being tabled in this place. That does not mean that publication about donations in the public arena has not already been made, but it is a long gap. We also note that the Electoral Commission in this volume, unlike in previous ones, has decided not to make recommendations in the body of the report but to simply include them in its total submission to the Joint Standing Committee on Electoral Matters in the belief that that would make it more efficient. I am not on the electoral matters committee anymore, so I am not in the position to—

**Senator Robert Ray**—You weren't on it anyway. I was on it for three years and I never saw you.

**Senator BARTLETT**—That is very harsh.

**Senator Robert Ray**—You wrote the minutes, didn't you?

**Senator BARTLETT**—I did. I shared the role with my colleague, who I knew was doing a good job. Nonetheless, the Joint Standing Committee on Electoral Matters does examine these matters closely. I wanted to take the opportunity with this report to simply draw the Senate's attention to aspects that were raised before the current inquiry of the electoral matters committee. Even though I am not on it anymore, I still follow it very closely. There are proposals afoot to dramatically expand the amount that can be do-

nated to political parties before it needs to be disclosed and come under the ambit of reports like this. The current limit of anonymous donations that people can make to political parties before they need to be declared is \$1,500. The donation does not need to be anonymous, but it does not need to be declared, so they can make it openly but know that nobody will find out. The way the Electoral Act and most political parties are structured means that they can donate that amount to each of the state based bodies of those parties six or seven times over.

The Liberal Party is proposing to raise that to \$10,000. When you multiply that by each of the state and territory divisions of those parties—plus if there is a national body as well—then you can be getting up to just about \$90,000 that could be donated without any requirement for it to be disclosed. That, I would suggest, is completely gutting the whole intent and purpose of the disclosure regime and it is something that must be watched very closely. I certainly remain to be convinced about whether even a single amount of \$10,000 is justifiable as being a secret donation, but to allow it to be basically exploited via a loophole, so that it can be multiplied by eight or nine, is in my view completely unjustified and completely unacceptable. That needs to be drawn to the public's attention and to the Senate's attention as often and as clearly as possible.

The disclosure regime in the Electoral Act was developed over a long period of time. It still has its flaws and it will always require a fair degree of administrative activity, which sometimes might seem to be bothersome—indeed I know from personal experience that it is bothersome—but it is essential to guarantee at least some form of transparency of the private funding of political parties, through donations, by corporations, trade unions, organisations and individuals. There can still be improvements to the existing re-

gime in terms of some loopholes. That has been talked about a number of times in this chamber, not least by Senator Ray. The work on that stretches back I think to the 1980s when the initial disclosure provisions were brought in, but you may as well just toss the whole 20 years of work out the window if we are going to allow \$90,000 worth of secret donations to be put in place. That in effect is a risk at the moment. I think that is a serious problem and a serious danger that does need attention. I urge those on the coalition side who actually do have a genuine commitment to transparent democracy to make sure that they do what they can so that this sort of idea does not get currency or momentum behind it, because I think it would seriously compromise the integrity of our democratic process, let alone the effectiveness of the funding and disclosure regime.

Question agreed to.

#### **Department of Finance and Administration**

**Senator BARTLETT** (Queensland) (6.18 pm)—I move:

That the Senate take note of the document.

This report deals with former parliamentarians' travel paid over the six month period to the end of last year. I take note of this document mainly to reinforce the point that the Democrats have campaigned on for a long period of time. These sorts of documents that detail the individual expenditure of, in this case, former parliamentarians are always fodder for some easy media headlines. You go through it, find out who has spent the most and you point the finger at them and say, 'Look how much money they are wasting.' I do not intend to do that. I do not draw attention to this to try and seek to criticise individuals or reflect on individuals.

Nonetheless, it has been a longstanding view of the Democrats that the life gold pass is not justified. I do not suggest taking it off

the people who have got it but I do not think it is something that is justified to continue into the future, for new parliamentarians, at a minimum. I believe that, for the vast majority of people who have been out of parliament for a significant number of years, it is very hard to justify them continuing to have the sorts of entitlements to free domestic air travel around Australia for basically any reason other than a commercial or business reason. I do not think that the Australian public believes this can be justified any longer.

I might say that in most respects I make this point from the point of view of principle and the public perception about politicians. I know it is just the nature of the world that politicians will never be favoured by the public, and that any expenditure by politicians will always be snarled at and scoffed at and generally seen to be 'snouts in the trough' and all those sorts of easy, cheap shots that are used. In that sense we are never going to get rid of that perception. That is just the way of the world. Nonetheless, it can be at least kept in a reasonable degree of containment by removing those entitlements that are clearly no longer justified, if they ever were. The total expenditure on the life gold pass in those six months was \$417,000, so we are not talking about a king's ransom—under \$1 million a year perhaps—and I might say that even the mechanism of tabling these reports has, I think, led to some—

*Senator Robert Ray interjecting—*

**Senator BARTLETT**—I will bow once again to Senator Ray's wisdom and experience in this: it has led to a significant reduction. It has probably led to a few unfair headlines now and then—because that is what they do, as I said—but there is no doubt that putting the spotlight on these things does make people pull their heads in a bit—or a lot—and that is probably very justified in

most cases. As I say, I do not believe the life gold pass is justified at all, but the fact that this mechanism, even by its transparency, has significantly reduced the amount of taxpayers' dollars involved is a positive thing. I should emphasise that that does not apply to former Prime Ministers. We do believe that they are a special case.

**Senator Robert Ray**—We have fed and watered them for so long.

**Senator BARTLETT**—But with other life gold pass holders we do not believe that it is justified. We will continue to push for that, if for no other reason than to not provide one extra unnecessary excuse for an opportunity to attack the integrity of the political process, including the often unjustified but still easily made attacks on politicians about having their snouts in the trough. Removing some of the more obvious targets for attack, the ones that I think are quite difficult to justify, would be beneficial to all of us in the broader task that we have. So I am using this opportunity to signal to the Senate that this is a view and a campaign that the Democrats will continue to push. We had success, of course, with the eventual modification of the unjustified parliamentarians' superannuation system. I think this is something that should be next in line and I would urge the public to continue to push for the removal of the gold pass entitlement, which I do not believe is justified into the future.

Question agreed to.

### Consideration

The following orders of the day relating to government documents were considered:

National Oceans Office—Report for 2003-04. Motion to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Sydney Harbour Federation Trust—Report for 2003-04. Motion to take note of docu-

ment called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Department of Immigration and Multicultural and Indigenous Affairs—Report for 2003-04. Motion to take note of document called on. On the motion of Senator Kirk debate was adjourned till Thursday at general business.

Refugee Review Tribunal—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Torres Strait Regional Authority—Report for 2003-04. Motion of Senator Bartlett to take note of document agreed to.

Cape York Land Council Aboriginal Corporation—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

*National Environment Protection Measures (Implementation) Act 1998*—Independent review by Baker and McKenzie. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

*Superannuation (Government Co-contribution for Low Income Earners) Act 2003*—Quarterly report on the Government co-contribution scheme for the period 1 October to 31 December 2004. Motion of Senator Bartlett to take note of document agreed to.

Productivity Commission—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

National Environment Protection Council and NEPC Service Corporation—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2004. Motion of Senator Bartlett to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2004. Motion of Senator Bartlett to take note of document agreed to.

Treaties—List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at March 2005. Motion of Senator Bartlett to take note of document agreed to.

Australian Competition and Consumer Commission—Telecommunications report for 2003-04—Telstra's compliance with price control arrangements. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice—Report for 2004. Motion of Senator Carr to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Native title—Report for 2004. Motion of Senator Carr to take note of document called on. On the motion of Senator Bartlett debate was adjourned till Thursday at general business.

Productivity Commission—Report—No. 33—Review of national competition policy reforms, 28 February 2005. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Human Rights and Equal Opportunity Commission—Report—No. 28—Inquiry into complaints by immigration detainees concerning their detention at the Curtin Immigration Reception and Processing Centre. Motion of Senator Bartlett to take

note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Natural Heritage Trust—Report for 2003-04. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2005. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Immigration—Ms Cornelia Rau—Inquiry into the circumstances of the immigration detention of Cornelia Rau—Report by Mick Palmer, AO, APM, dated July 2005. Motion of Senator Ludwig to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business orders of the day nos 17, 18, 22 to 27, 29 to 41 and 43 to 45 relating to government documents were called on but no motion was moved.

### COMMITTEES

#### Community Affairs References Committee Report

Debate resumed from 23 June, on motion by **Senator Cook**:

That the Senate take note of the report.

**Senator MOORE** (Queensland) (6.24 pm)—I was privileged to work on the Community Affairs References Committee, where we had the enormous privilege of listening to the stories of the most amazing group of people, all of whom had some familiarity with what they termed, and which now has become common parlance, ‘the cancer journey’. Through this process we talked with people who indicated that they were working through personal treatments, people who were providing various forms of treatment and—I think, in some ways, most poign-

antly—the family members and friends of those who identified with having cancer and were trying to work out their role in this journey, giving us such sensitive information from which we can benefit. I hope people will take the opportunity to have a look at the report of the Community Affairs References Committee, called *The cancer journey: informing choice*.

Through this inquiry we were able to look at the way that the treatments surrounding cancer in this country have moved forward over the last 10 years. Certainly, previous Senate inquiries and also House of Reps inquiries had looked specifically at the issue of breast cancer. There was quite groundbreaking work provided by previous committees that led in no small way to changing how treatment was offered to women across this country. One of the clear things to come out of this committee’s inquiry, though, is that the work done through the breast cancer movement has benefited other people who are suffering from—who have other forms of cancer. I corrected myself when I started to say ‘suffer from’, because this is a term that the people with whom we spoke totally reject and one they do not wish to be used. However, it is too easy to fall into the term ‘suffer’.

I hope to talk again on these issues at different times during my career in this place, but this evening I want to talk particularly about alternative methodologies. We were privileged in the inquiry process to have submissions from a number of organisations which were looking really centrally at the issue of providing alternative help for people who were travelling on the cancer journey. This evening I want to talk about one that I have been fortunate enough to visit in my home state of Queensland. It is called Bloomhill, and it is located in the extraordinarily beautiful area of the Sunshine Coast, just north of Brisbane.

Bloomhill is an inclusive model of treatment. It operates with the whole team of people involved in the treatment options. There are support mechanisms for people who have been identified as having cancer. The process is linked by people sharing a common goal of having someone be as well as they possibly can. The idea is that everybody has a role to play, but it is focused on the individual choice of the person who has been identified as having cancer. The idea is a community based, complementary care organisation. I know that is a mouthful, but it sums up the philosophy of the Bloomhill centre.

This centre was founded in 1997 by Margaret Gargan, who is a nurse by profession and worked for many years on the oncology wards at the Prince Charles Hospital in Brisbane. After her own diagnosis, Margaret went from being someone working with people with cancer to being someone who identified as having cancer and was on her own journey. She experienced service models from both sides and brought that knowledge and sensitivity to setting up the Bloomhill model. In 2002 Bloomhill set up a partnership with the local Blue Care palliative care team. The enormous contribution of the various palliative care teams across the country was documented in the process of this inquiry, and the role of community nursing, actually working with people in their own homes, cannot be overstressed. They are people to whom we should be deeply grateful.

The partnership that has been established at Bloomhill is one where the people at the centre can have access to the kind of professional care that is offered through the hospital system and through the community system, but Bloomhill also looks at the wider needs of people and offers alternative therapies. Not too long ago people tended to laugh at alternative therapies but now, through ex-

perience, people understand that these can help. After all, the key issue is wellness. It may not, and in this particular disease often does not, result in cure, but it does create wellness and strength of spirit which is so valuable.

The Bloomhill centre can only operate, as most of these community organisations do, on the basis of a very strong group of volunteers. The whole idea is that volunteers with skills come together to share information and be part of the process. In the period from 1997 until now, there has been such growth and need that there is now a management committee, 10 full-time staff, eight part-time staff and over 250 volunteers who work together to make sure that everybody involved is as well as they possibly can be.

The permanent site, since 1999, is the most extraordinarily beautiful place—10 acres of rainforest with room to develop respite facilities, chapels and further facilities for extra therapies such as massage, counselling, music therapy and a whole range of different and alternative methods. These are not exclusive of medical treatment but complementary to it, so that people involved feel nurtured, valued and are given the key choice for themselves as to which path they will take down the journey.

Margaret is an extremely passionate woman. She has worked outside the location at the Sunshine Coast and is working with other communities to try and set up similar organisations. I know that they are working together now to try and set up a similar place in the Blue Mountains—another extraordinarily beautiful place. It has been proven that your environment does have an immediate impact on your sense of wellbeing.

Another model of care which also includes a range of complementary systems to make the person and their family members feel better and part of the whole process is

the Brown's clinic in Perth. One of the key aspects of this model with the Brown's clinic is that the actual place where these therapies are offered is situated at the hospital. They have a desperate need for more space, but there is something about having this particular centre, which focuses on the wellbeing of people using complementary treatments, colocated with the medical processes at the hospital that I think gives it a special validity.

One of the things to come out of the cancer inquiry is the feeling that the professional medical areas do not give sufficient weight or value to the range of complementary medicines and therapies. There are people with various skills available in our community who are focused on making people as well as they can be. What we do not need, and what no patient or family involved in this process needs, is a sense of competition or any disrespect between the various methods of treatment. What was stressed consistently throughout the evidence received by the committee was that there needed to be a whole-of-patient care and a team approach.

The message that came from the people at the Brown's clinic and from Bloomhill was that these systems can work. Again, there is no promise or guarantee that people will be cured. During the cancer journey through which people are travelling there will be the consideration that people care, that their views will be protected and valued and that there are ways that this process can work better than it has in the past. The way forward has been led by the enormous amount of work done across this community and also overseas in the area of breast cancer. Throughout the cancer inquiry, the committee learnt lessons from the expenditure, the funding and the research that had been done on the issue of breast cancer.

Each of the words in the title of the report—*The cancer journey: informing*

*choice*—are important. It is a journey. It is one that so many people are now travelling, and the statistics are quite horrific in terms of the number of people who are facing this process. The key is the last two words 'informing choice'. We can learn and we must learn. I seek leave to continue my remarks later.

Leave granted; debate adjourned

### **Privileges Committee**

#### **Report**

Debate resumed from 21 June, on motion by **Senator Faulkner**:

That the Senate adopt the recommendation at paragraph 3.60 of the 122nd report of the Committee of Privileges.

**Senator ROBERT RAY** (Victoria) (6.35 pm)—I said at the time, when this item came before the Senate on the last day of the last sitting, when we had virtually no time whatsoever to discuss it, that I regard this as a landmark report by the Senate Standing Committee of Privileges. I am a former chair of that committee and I brought down well over 60 reports, but this one, with its long-term implications, is far more important. One of the blights on this Senate and one of the main sources of business for the Privileges Committee has been the premature disclosure of committee reports or the leaking of committee proceedings. It has happened consistently over the last decade and the Privileges Committee has always had difficulty in adequately dealing with these cases. Firstly, we are dealing with colleagues, in the most part; and, secondly, we are dealing with media outlets that have published the leaks. There is often a conflict, if you like, between us requiring them to disclose the source of the leak and the ethics of the profession of journalism. These are not easy things to resolve when you have two conflicting principles. In the end, I think there is an image that

the rules that have been established have almost become unenforceable.

The premature leaking of a report is not itself a contempt of the Senate; it is a breach of privilege. It only becomes a contempt of the Senate when you can show that the internal workings of the committee have been unduly disrupted. We have had some instances where there is no doubt that there has been a breach of privilege, where in fact different members of the committee argue that the internal workings have been disrupted and where others do not agree with that. How do we resolve that? That is a difficulty.

At a secondary level, having argued our way through these things, you can never really establish who was the leaker of the information. We have put senators on oath and they have all sworn that they have not leaked a particular matter. Frankly, we as a committee know that they have. We know it is not the secretariat that has leaked a particular report. We have never found an instance in which there has even been a hint of Senate staff leaking a report. Therefore, we know that it is a senator who has done it. But there is no way that our investigative powers could lead us to discover who was the leaker.

The fact that we have been so directly honest in conceding that it was senators who leaked it has been pounced on by the media. They say, 'Don't go against us until you can catch the leakers.' We say, 'We can catch the leakers if you can tell us who they are.' They reply, 'Oh no, we have journalistic ethics that protect our sources.' I respect that, but it is a circular argument. These are arguments that were, I think, programmed to go into the future and never be resolved. Finally, we have decided as the Privileges Committee, given a reference from this chamber itself, to tackle it head on.

Why do journalists and newspaper editors not respect the rule of the Senate that says it

could well be a contempt of the Senate to publish these matters? They all inevitably say, 'The public has a right to know.' That is programmed into them at birth, I think. That is the justification for all actions. It is a bit hard to argue that the public has a right to know on Monday, when all the rest of the journalists do not get access until Wednesday. I would say all that is, rather than anything else, is a right to rat two days earlier on your colleagues.

Nevertheless, is it really a major crime? Most parliaments throughout the world regard it as a serious matter, but I think if it is unenforceable law, you should look at the law. That is precisely what we have done. Essentially, what the Privileges Committee report says is that it is up to Senate committees, and those joint committees operating under Senate standing orders, to hunt and kill their own. They can look after their own discipline in future and not shove it off to the Privileges Committee to try, in some vain way, to catch the perpetrators. However, I have to say that there is one reservation—and it is an important reservation. The committee says that the Senate committee and joint committee system has an inalienable right to protect its own in camera evidence. In effect, we are recommending that the Senate adopt a strict liability approach. In other words, if there is a disclosure of in camera evidence, there is virtually no defence. Of course there will be defences put forward, but I am making it quite clear that in camera evidence, and the disclosure of it, is a prohibited act.

That is not to say that committees can go in camera at will. We have listed, on page 49 of the report, six conditions in which we believe a committee can go in camera: firstly, where matters of national security are involved; secondly, where there is a danger to the life of a person or persons; thirdly, when the privacy of individuals may be inappropri-

ately be invaded by the publication of evidence by or about them; fourthly, when sensitive commercial or financial matters may be involved; fifthly, where there could be prejudice to other proceedings such as legal proceedings or police investigations; and, finally, where there is adverse comment necessary to a committee's inquiry made about another person or persons, at least until the persons concerned have had an opportunity to respond under the privileges resolution. There is nothing too broad in that, and they are the sorts of powers that courts have to prohibit the disclosure of certain matters.

The argument is: what is to stop a government of the day, especially one with the majority in both houses, forcing all evidence to be in camera? The fact is that we would never have the people before us to give evidence if the government was minded not to hear it. They do not have to suppress the evidence; they can suppress the witnesses. Secondly, in our democratic process, the members of the committee—the opposition members, or the government members if it is a reverse situation—would not tolerate that situation. Then it would be exposed in this chamber under parliamentary privilege and their behaviour would be scrutinised. So I do not see that as a particular problem. We do have a problem of being judge and jury in these cases. Yet uniquely and fortunately, under the legislation we operate and the resolutions carried, the disclosure of in camera evidence is one of the two items that can go outside this chamber and be prosecuted in courts.

What would be likely to happen, if it was a minor disclosure of in camera evidence, is that the Privileges Committee would deal it and recommend appropriately. If it was a serious matter, I believe this chamber would refer it to the courts for a normal prosecution, simply as though you had ignored a judge's ruling for no publication of evidence.

In that way, we would no longer be the judge and jury and the media would be treated the same as if they had abrogated a court order. Having said that, this report does not impose that regime. It recommends changes for the Procedure Committee to draw up. So there will be much more substantial and heavy debate in this chamber about the changes when the Procedure Committee reports back later this year. By adopting this report tonight, all that the chamber is doing is saying that it wants the Procedures Committee to look at the unanimous recommendation of the Privileges Committee and thereby bring in the required changes.

On a final note, it should be said that a lot of media organisations—I know Fairfax, the ABC and, I assume, News Ltd do—often have training for their newsmen, their reporters and their staff. Very rarely is parliamentary privilege mentioned at those. I make the offer tonight that I, the chair or any other member of the committee would be happy to go along to those training sessions and outline the new regime when it comes in. Then you will not have any argument that ignorance is an excuse. You will have someone there to explain it and take reporters and editors through exactly what is involved in the new regime.

Our experience of dealing with these leaks over the years suggests that 95 per cent do not involve in camera evidence. So in many ways we are relieving an enormous burden from newspapers, reporters and editors. They will now know that if they get a leak, they can publish it without recrimination. There might be problems on the committee itself, and they will have to sort it out. But once they go that step further and say, 'It is in the public interest for us to publish in camera evidence,' we are entitled to say, 'We can protect our sources,' just like journalists can protect their own. It should be absolutely explicit and clear, and all these grey areas

will evaporate. I commend this report to the chamber.

**Senator BARTLETT** (Queensland) (6.45 pm)—On the same matter, I think it is desirable that, as a minor party representative in this chamber, I indicate our support for the recommendation of the Senate Standing Committee of Privileges. I cannot speak for all crossbench senators but, as I have mentioned in this place a number of times, there is no minor party representation on the privileges committee. Having said that, it does always operate in a unanimous way, and I certainly do not suggest that it is some sort of plaything used by the major parties to push their agenda—which I might suggest in other contexts. Because of that, I think it is appropriate to indicate my support for the recommendation. As Senator Ray outlined, it does then go to the Senate Standing Committee on Procedure, which we do have representation on, for more detailed examination.

I very much understand and support the thrust of what Senator Ray and the committee have done in their report. I put in a submission and gave evidence, which I hope was of some benefit to the committee. I certainly agree that singling out disclosure of in camera evidence is totally appropriate. It is clearly understandable, clearly defined and a worthwhile initiative. I am not 100 per cent convinced yet that completely separating it from all other disclosures is the way to go, but I am happy to look at it further in the process to come.

I would re-emphasise the point that was made. It was quite clear to me, in looking through some of the submissions made by some others to this inquiry, particularly those from some of the media bodies, that—if I can use two different meanings for the same word—there is a fair bit of contempt amongst the media for the concept of contempt of parliament. I am loath to give some

extra ammunition to the ABC haters on the other side of the chamber, but I think the ABC's submission mentioned their code of practice or details of procedure for their staff and said that it specifically talks about things they need to be careful of, which include things like contempt of court, but there is no mention of parliamentary privilege or contempt at all. The submission basically said, 'That is implied.' I think that says all you need to say about the complete difference in attitude. Some of that might well be the fault of the parliament and parliamentarians themselves, for the reasons that Senator Ray outlined. It has been parliamentarians, by and large, who have been the perpetrators of the leakings; so if we have contempt towards contempt and privilege then why shouldn't the media?

I should remind the Senate and the public that when we are talking about serious contempt we are talking about interfering with the free exercise by a committee of its authority or duties. That can be very minor or it can be extremely serious. But, if you are talking at the serious end of the spectrum of genuinely seriously impeding us in doing our work, particularly when it involves engaging with the public or with public bodies about matters sufficiently important to be in camera, then it can be quite serious—not to us, necessarily, but to the people who give the evidence or people whose details are revealed. In some of those contexts it can literally be as serious a matter as contempt of court can be, for sometimes quite similar reasons.

It is not puffing up our own importance to put contempt of parliament occasionally on the same level as contempt of court. There are always going to be somewhat contentious issues. You are always going to get competing principles about freedom of speech, et cetera, and public interest. They are all great

principles which sometimes can be drawn upon for less than noble reasons.

Contempt of parliament is an important matter, and I think the committee has done a good job in tackling this issue, which clearly had become a problem. I support and, on behalf of the Democrats, indicate our support for this recommendation. It does not necessarily mean we sign up 100 per cent to it being adopted untouched through the Procedure Committee without some more consideration. That process is still before it, and I would encourage all senators to engage with that process if they are interested in this, because it is something that affects all of us, quite literally, in being able to do our jobs effectively without being interfered with in a serious way by others—including by our colleagues. It is a matter worth looking at. I therefore am happy to support the motion so we can move it on to the next stage.

Question agreed to.

**Foreign Affairs, Defence and Trade  
References Committee**

**Report**

Debate resumed from 16 June, on motion by **Senator Hutchins**:

That the Senate take note of the report.

**Senator MARK BISHOP** (Western Australia) (6.51 pm)—I rise to take note of the report of the Foreign Affairs, Defence and Trade References Committee into the effectiveness of Australia's military justice system, a subject which I have spoken on a couple of times this week already, and which was, on a previous sitting date, the subject of comments by my leader, Senator Evans, and the chair of that committee, Senator Hutchins, both of whom participated actively in its deliberations and were responsible in part for the unanimous report that was brought down by the honourable senators engaged in that inquiry over a period of some 18 months or two years. I want to continue today in the

same vein, recognising the huge importance of this matter now and into the future.

I am sure many senators agree that this is a somewhat unsavoury and, in some respects, quite embarrassing subject. In these modern days, it is quite unacceptable that any part of our society should be constantly the focus of unacceptable behaviour or treatment through the system in which they work. We do not accept it in any work place. We do not even accept it of footballers. The rhetorical question is: why should we accept it in the Australian defence forces? More to the point, if we can change the culture of footballers, which is a culture as tough as that of the military, why is it so difficult for the military to change its culture? The answer one comes to is the lack of leadership.

On that point, it must be said again that, despite six public and private reports in the nine long years of the Howard government, nothing has been done and nothing has changed in the administration of military justice. Every time a report comes down we get assurances that the system is fine, like the recent assurance made by the departing Chief of the Defence Force, General Cosgrove. While the assurances of the incoming Chief of the Defence Force, Air Marshal Houston, are encouraging, on the basis of past experience we cannot take much reassurance from them. In that context it was interesting to note Senator Hill's detailed response to a question today as to the urgency of the government's response to the matter and the way he is dealing with it within his department.

It is one thing to promise, as the new Chief of the Defence Force has, to stamp out bullying and harassment. But it is about much more than that. It is not just about bullying and harassment; it is about a culture which refuses to acknowledge that it has a problem. It is about concealment, bias and

unfairness. At its base it is about defending a system which provides no redress and of itself encourages denial. It is about protecting mates for the good of the regiment, so to speak. I am afraid that now we have gone beyond the good of the regiment. It is now about the good of the entire Australian Defence Force. No amount of counselling, lecturing on good behaviour or pamphleteering is going to fix that.

People misbehaving and mistreating others outside the disciplinary regime have to be brought to account. At the same time, victims, or complainants, often need protection and assistance. At present they get none. In fact, it is clear that, if you have a grievance, if you have been mistreated, you should forget it. It is not worth the trouble. You will be branded as a troublemaker and then your trouble will really start. Every instance as reported in the media has fitted that description. If you speak out of turn, pack your bags. If you complain, pack your bags. Do not expect an objective and impartial inquiry, for the odds are that there is no such thing. In every one of the recent high-profile cases there has been a breakdown of process. In every case the initial inquiry into a complaint has had its findings overturned. We can only imagine how many other grievances get properly looked into even once, let alone twice. If you dare to go outside to a civilian tribunal for redress, you will be trumped there as well.

What is most disturbing is that this culture still goes to the very top of the military hierarchy. It is deeply entrenched. That is why the committee members unanimously used the expression 'root and branch removal'. There is a better way. The Senate committee recommendations are worthy of deep and serious consideration. More importantly, the government needs to look at the underlying principle. It is not about institutional frameworks or protecting existing structures, proc-

esses and jobs; it is about independence and objectivity. It is also about accountability. Most of all, it is about human dignity, and at present we do not have a great deal of this. The system seemingly does not allow for it. It is hard to imagine why the hierarchy of command would bother to defend the status quo.

Every manager knows how difficult personnel matters are. Managing people as well as possible is a professional responsibility. For most commanders, we would hope that would be principle No.1. When it all gets derailed, call in the experts. If there is fault, confess, make amends and make sure it does not happen again. We need to learn from our mistakes, not make them again and again for years on end.

As well as being a cultural problem, it is a systemic problem. One reinforces the other. Again, it worked for the football codes, so why can't it work in this environment? Our defence forces are continually on a public plinth, and quite rightly so—we all respect and admire their commitment. They too want to be rid of the bad press and the human tragedies. It is up to the government and Minister Hill. May I repeat that this requires leadership, and we trust that is shortly about to be demonstrated publicly by Minister Hill. Otherwise, we will have more of the same and we on this side, at least for the next two or three years, will have to say, sadly, 'We told you so.'

Question agreed to.

### Consideration

The following orders of the day relating to committee reports and government responses were considered:

Environment, Communications, Information Technology and the Arts References Committee—Report—The performance of the Australian telecommunications regulatory regime. Motion of the chair of the

committee (Senator Bartlett) to take note of report called on. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Australian Crime Commission—Joint Statutory Committee—Report—Examination of the annual report for 2003-04 of the Australian Crime Commission. Motion of Senator Scullion to take note of report agreed to.

National Capital and External Territories—Joint Standing Committee—Report—Antarctica: Australia's pristine frontier—Report on the adequacy of funding for Australia's Antarctic Program. Motion of the chair of the committee (Senator Lightfoot) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Native Title and the Aboriginal and Torres Strait Islander Land Account—Joint Statutory Committee—Report—Examination of annual reports 2003-04. Motion of Senator Eggleston to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Property investment advice—Safe as houses?. Motion of the chair of the committee (Senator Chapman) to take note of report called on. On the motion of Senator Bartlett debate was adjourned till the next day of sitting.

Regulations and Ordinances—Standing Committee—112th report—40th Parliament report. Motion to take note of report called on. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Community Affairs References Committee—Report—Quality and equity in aged care. Motion of the chair of the committee (Senator Marshall) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Employment, Workplace Relations and Education References Committee—Report—Indigenous education funding.

Motion of the chair of the committee (Senator Crossin) to take note of report called on. On the motion of Senator Bartlett debate was adjourned till the next day of sitting.

Migration—Joint Standing Committee—Report—Inspections of Baxter Immigration Detention Facility and Port Augusta Residential Housing Project, April 2005. Motion of Senator Kirk to take note of report called on. Debate adjourned till the next day of sitting, Senator Bartlett in continuation.

Public Accounts and Audit—Joint Statutory Committee—Report 403—Access of Indigenous Australians to law and justice services. Motion of Senator Watson to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Privileges—Standing Committee—122nd report—Parliamentary privilege—unauthorised disclosure of committee proceedings. Motion of the chair of the committee (Senator Faulkner)—That the Senate adopt the recommendation at paragraph 3.60 of the 122nd report of the Committee of Privileges—debated and agreed to.

National Capital and External Territories—Joint Standing Committee—Report—A national capital, a place to live: Inquiry into the role of the National Capital Authority—Government response. Motion of Senator O'Brien to take note of document agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Report—Administration of Biosecurity Australia—Revised draft import risk analysis for apples from New Zealand. Motion of Senator Ferris to take note of report agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Report—Administration of Biosecurity Australia—Revised draft import risk analysis for bananas from the Philippines. Motion of Senator McGauran to take note of report agreed to.

Community Affairs Reference Committee—Report—Protecting vulnerable children: A national challenge—Second report on the inquiry into children in institutional or out-of-home care. Motion of the chair of the committee (Senator Marshall) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Employment, Workplace Relations and Education References Committee—Interim report—Indigenous education funding. Motion of the chair of the committee (Senator Crossin) to take note of report called on. On the motion of Senator Kirk debate was adjourned till the next day of sitting.

Corporations and Financial Services—Joint Statutory Committee—Reports—CLERP (Audit Reform and Corporate Disclosure) Bill 2003—Parts 1 and 2—Government response. Motion of Senator Chapman to take note of document agreed to.

## AUDITOR-GENERAL'S REPORTS

### Report No. 39 of 2004-05

**Senator SHERRY** (Tasmania) (7.00 pm)—I move:

That the Senate take note of the document.

The Auditor-General's report listed as No. 4 in the order of the day is in fact Audit report No. 39 of 2004-05, *Performance audit—the Australian Taxation Office's administration of the superannuation contributions surcharge*. The Senate yesterday considered and passed legislation to abolish the superannuation surcharge. Perhaps in that context some people would believe that the highly critical Audit Office report is no longer relevant; however, it is. It is relevant for two reasons. Firstly, it highlights the incompetence of the implementation of a policy that this government introduced—namely, a new tax. Secondly—and I know that there are some in the community who do not understand this—the surcharge in terms of accrued debt through

defined benefit funds still continues, and there are still considerable amounts of unaccounted for debt to be collected by the tax office from people who have not yet been assessed for the surcharge. That is at the heart of this report. It is a highly critical report. Going to the summary on page 17, I will read paragraph 16:

Surcharge exceptions are an area of significant concern for the ATO, as they prevent the Commissioner of Taxation (the Commissioner) from making Surcharge assessments. The ATO acknowledges that its overall management of exceptions since the introduction of the Surcharge has been less than adequate. Decisions not to resolve Surcharge exceptions have resulted in large backlogs (in excess of 11 million exceptions as at August 2004), which continue to grow markedly each year. The ANAO estimates that there is a range of between \$360 million and \$750 million in uncollected Surcharge revenue associated with these backlogs.

This paragraph highlights the fact that since the introduction of the surcharge tax back in 1996 through to the period of August 2004 there were 11 million exceptions or transactions relating to the collection of the surcharge that the tax office could not successfully conclude to collect between \$360 million and \$750 million in revenue. That is over a period of eight years, so for those eight years the tax office was unable to collect this amount of revenue.

It raises a number of important issues. Firstly, why did these 11 million exceptions and uncollected revenue over a period of eight years go on for so long? Why wasn't it reported earlier by the tax office that it was having significant problems in collecting the surcharge tax revenue? Over eight years this went unreported. I am not one who is overly critical of public servants—they work hard; they are a dedicated group—but I think in this case, when a significant amount of revenue goes uncollected because of systemic problems that go to the heart of the collec-

tion of this tax and it goes unreported so long, there has to be criticism of the tax office. It is effectively a cover-up over a period of eight years.

I have discussed this report with Mr Carmody at estimates—in fact, I thought he was almost going to resign at one point; he was very upset. He did claim—and I am only paraphrasing him—that he was not informed by some of his management staff about the problems in relation to the surcharge. I accept him at face value that he was not told about it. He has made a number of staff changes in respect to the management and administration of the surcharge tax collection revenue as a consequence. But I think a legitimate and strong criticism should be made of certain officers—I do not go to the names; I did not go to them at estimates—when a situation can be allowed to build up to the extent it did over a period of eight years and go uncorrected. It is only because the Audit Office—I say thank goodness for an independent Audit Office—went into the tax office that this particular problem was identified.

The tax office has begun to resolve the 11 million exceptions and collect the back revenue of between \$360 million and \$750 million. They have not completed that yet. This brings me to the second point. The fundamental collection mechanism for the surcharge had a number of failings. It had one principal failing: it was government policy and legislation to require the superannuation funds to collect the surcharge tax revenue. The government did that for one reason: it did not want to apply a tax—in fact, it did not even want to call it a tax. That would have been in breach of its election commitment of 1996—no new taxes; no increase in existing taxes—so it applied a surcharge, as it called it, to the superannuation funds and indirectly on the members.

The difficulty—and it was pointed out at the time not just by me but I know by Senator Watson and a range of persons back in 1996—was that it was a very inefficient method to collect a new tax. The tax office had one very significant problem. They had to data-match income across all superannuation funds in order to identify who had to pay the tax, and the fund had to identify who had to pay the tax. The tax office lacked one significant piece of information from a significant group of taxpayers in order to identify who had to pay the tax—namely, they did not have TFNs, tax file numbers. This was pointed out at the time.

The tax office has struggled to reconcile the transactions across superannuation funds. As much as superannuation funds want to cooperate and comply with the law, the super funds at the time of the tax introduction only had, I think, between 50 and 60 per cent of the TFNs of superannuation fund members. It did increase. I understand it is about 80 to 85 per cent of TFNs that have now been made available by fund members to a superannuation fund. It was this central and fundamental flaw that has led to the significant number of exceptions—the 11 million transactions that could not be identified—and the undercollection that went from \$360 million to \$750 million. That is not the tax office's fault. The fault lies with the government that introduced a new tax and did not think through the collection mechanism. As I said, there were a number of people in the parliament—not just in the Senate, not just on our side of politics but on the other side of politics—that pointed out this fundamental flaw.

As a result, the tax office is now trying to identify the hundreds of thousands of Australians who have not paid their share of the surcharge tax. Some will never be identified because the problem with the lack of a tax file number, in some cases, still remains. And in eight years, quite understandably, a num-

ber of people have died who are supposed to pay the surcharge, and you cannot collect a tax from a deceased person.

So this is a very important report. It highlights a systemic, ongoing failure by the tax office to collect the revenue. It was covered up, and it highlights the systemic failure of this government to think through how it would collect the tax in the first place. Even though the tax has now been abolished, this is an ongoing problem for assessing those for past debts that accrue through a defined benefit fund. That person's debts through the DB funds are not wiped out; they continue to accrue with interest and are liable for payment. (*Time expired*)

Question agreed to.

**Report No. 50 of 2005-06**

**Senator STEPHENS** (New South Wales) (7.11 pm)—I move:

That the Senate take note of the document.

I stand tonight to take note of the Auditor-General's performance audit report No. 50 on the government's drought assistance program. As I started to read this report during the break I became angrier and angrier. People would know that I am usually a fairly reasonable person, but this report is a disgrace. It is a disgrace simply because of the disservice that it has done to the people of Australia who have been suffering from the worst drought that we have had in a century. It is the most extraordinary and damning indictment of the way that they have been treated.

The idea that we would mismanage drought assistance in Australia in such a way is extraordinary, and it is the farmers and the farming communities that have paid the price. The Audit Office has certainly blown the whistle on this policy failure by this government and its administration of exceptional circumstances assistance. It is a tragedy and

it is a travesty of justice for the 2,000 farmers who went to the Parkes drought summit and the people who spoke so passionately there on their concerns about the drought relief that was supposed to come their way but did not.

Included in the key finding of this report is the somewhat unbelievable revelation that highlights the maladministration of this whole government approach. The Audit Office found that the Department of Agriculture, Fisheries and Forestry were unprepared for the drought and its consequences for farmers despite being recently warned by a task force of Australian state and territory government officials that a planned approach was necessary. The report states:

The Department of Agriculture, Fisheries and Forestry (DAFF) did not have a specific preparedness or contingency plan for drought, notwithstanding previous recommendations made by a Taskforce ...

What we see in this report is a government that has just treated farming communities and farmers with contempt. We see it everywhere. What other word can you use to describe a government that has observed what is going on in the country, that talks the talk about supporting primary industry and agriculture in this country but is caught unprepared for a drought? Everyone could see that it was coming. We could see it in the clouds. Who suffers from this lack of preparedness except for the farming communities, the farming communities that were so ably represented by all those people who travelled to Parkes? These are people who work hard to make sure that we have the food on our tables and the clothes in our cupboards. It really is a disgrace. Let me read a little bit more from this damning report:

Planning by DAFF did identify some risks to delivery of EC. However, there were no specific treatment strategies identified, corresponding to these risks. Nor did risk plans identify the possi-

bility that substantial additional measures might be needed if the drought worsened.

There is more:

... there was no whole-of-government implementation plan ...

In the absence of a formal lead agency, DAFF did not take the lead on this. There were 'limitations in cross-departmental strategies'. It goes on:

... there was no integrated communication strategy. ... there was no whole-of-government framework to support assessment of the implementation of the full range of drought assistance measures. Instead, assessment and reporting focussed on specific agency measures. ... It also reduces transparency to stakeholders on outcomes achieved.

What is going on here? Who was actually steering the ship? Who was caring for these thousands of people? Who was caring for these farmers, who are still immersed in drought? We know that there was nobody here looking out for their interests. We had a revelation on Monday that, out of approximately \$1 billion allocated over two financial years, as little as 40c in the dollar reached drought-stricken farmers and small business operators because of a red tape mess which put funding out of the reach of countless thousands who legitimately deserve it. All the time the government has been running around, smirks ahoy, churning out media releases claiming that they have committed a billion dollars in drought relief.

I am ashamed of this government and I am ashamed of the way they have treated farmers who have been struggling with the stress and distress of drought. I am ashamed to have to go and explain to farming families in communities where people have gone to the brink of suicide and in fact have committed suicide because of the circumstances that they found themselves in. I am ashamed to find that here we have a national government that talks the talk of whole-of-government

planning and preparation but cannot do it even in the most exceptional circumstances of this drought. I wonder if they could sit down with a nice hot cup of tea and carefully study paragraph 35 of this report, which tells an interesting story. It states:

Farmers and stakeholders often regarded the process of applying for drought assistance as confusing, and had a limited understanding of many of the measures.

They could think about what that really meant because, time after time, the Minister representing the Minister for Agriculture, Fisheries and Forestry in this place, and the minister himself, have gone to great pains to say: 'Yes, the exceptional circumstances applications have been simplified. The measures are there. People just need to go and get help.' It is just not true.

Perhaps they could come back with me to my electorate office in Goulburn and experience first hand the consequences of what has gone on here. Currently in Goulburn—as you all know; I have spoken several times here about what is happening in Goulburn—our total water storage is a little over a quarter, at 27 per cent, of which only about 14 per cent is usable. Our main dam, with a capacity of 9,000 megalitres, is at six per cent. Despite the recent rains, we are still on level 5 water restrictions. In fact, come September, we will have been on those water restrictions for three years, where we have a paltry allowance of five megalitres a day, which equates to less than 150 litres of water per person.

I do not know if you know what 150 litres per person equates to, Mr Acting Deputy President, but an eight-minute shower is 120 litres, a standard flush of a toilet is about 12 litres, a load of washing uses about 170 litres and washing vegies under the tap takes about 32 litres if you are just doing it the way we would have considered doing it in the past. In Goulburn the use of town water outdoors

has been banned, our 25-metre pool has been closed and local swimmers have to come to Canberra or Queanbeyan each day to train. The sporting teams have had to stop playing on the fields because they are simply too dry and too hard. Of course, we have public liability issues about people who get injured in those circumstances. Those that continue to play are playing on a dust bowl. These are just examples of what is happening in a community like Goulburn. Imagine just how dire the consequences are for farmers and their families surrounding Goulburn who urgently required unimpeded access to drought assistance. The government must offer much more than lip service. The assistance that is supposed to have been available to these people has been covered in fibs—real fibs—and wrapped in a liberal dose of red tape. It is a crying shame and I am embarrassed for the government that this report damns them so comprehensively.

Question agreed to.

#### **Report No. 3 of 2005-06**

**Senator MARK BISHOP** (Western Australia) (7.21 pm)—I move:

That the Senate take note of the document.

At the outset, if parliament ever wanted to see a good example of what has gone wrong in Defence procurement it does not need to go any further than opening this audit report from the ANAO on the management of the M113 armoured personnel carrier upgrade project. This particular project would have to be one of the most incompetently managed projects we have ever seen and that the ANAO has had the courtesy to document chapter and verse for our own education.

Firstly, let us turn to the time lines that are involved in this project to upgrade the APCs. The first phase of the project was first proposed in June or July of 1992 at a then cost of some \$39.9 million. The first delivery date for the fleet of 537 vehicles was between

1996 and 1998. The balance was to be delivered in late 2000. The bottom line is that here we are in August 2005 and not one of the APCs has been upgraded and delivered to the Department of Defence. The ANAO does not believe we will see the first until 2006—10 years late and some 14 years after the project was first proposed in July 1992.

One asks the obvious question: why such lengthy delays? The answer is rather straightforward: halfway through the project, the contract changed. Instead of 537 vehicles having to be upgraded and refitted, it was determined to change the contract to upgrade 350 vehicles only but to a different, higher standard. The cost went up to a cool \$552 million in June 2002 prices. Reading this report from the ANAO, we can come to only one conclusion: the procurement system in Defence, a bit like the military justice system we were recently discussing, is broken. So how did all this happen? I seek leave to continue my remarks later.

Leave granted; debate adjourned.

#### **Consideration**

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 17 of 2004-05—Performance audit—The administration of the National Action Plan for Salinity and Water Quality: Department of Agriculture, Fisheries and Forestry; Department of the Environment and Heritage. Motion of Senator Bartlett to take note of document agreed to.

Auditor-General—Audit report no. 30 of 2004-05—Performance audit—Regulation of Commonwealth radiation and nuclear activities: Australian Radiation Protection and Nuclear Safety Agency. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Moore debate was adjourned till the next day of sitting.

Auditor-General—Audit report no. 38 of 2004-05—Performance audit—Payment of goods and services tax to the states and territories. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Moore debate was adjourned till the next day of sitting.

Auditor-General—Audit report no. 45 of 2004-05—Performance audit—Management of selected Defence system program offices: Department of Defence. Motion to take note of document moved by Senator Bishop. Debate adjourned till the next day of sitting, Senator Bishop in continuation.

Auditor-General—Audit report no. 44 of 2004-05—Performance audit—Defence's management of long-term property leases. Motion to take note of document moved by Senator Bishop. Debate adjourned till the next day of sitting, Senator Bishop in continuation.

Auditor-General—Audit report no. 48 of 2004-05—Performance audit—Internationalisation of Australian education and training: Department of Education, Science and Training. Motion to take note of document moved by Senator Moore. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Auditor-General—Audit report no. 49 of 2004-05—Business support process audit—Administration of fringe benefits tax. Motion to take note of document moved by Senator Moore. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Auditor-General—Audit report no. 51 of 2004-05—Performance audit—DEWR's oversight of Job Network services to job seekers: Department of Employment and Workplace Relations; Centrelink. Motion to take note of document moved by Senator Moore. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Auditor-General—Audit report no. 58 of 2004-05—Performance audit—Helping carers: the National Respite for Carers

Program: Department of Health and Ageing. Motion to take note of document moved by Senator Moore. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Auditor-General—Audit report no. 1 of 2005-06—Performance audit—Management of detention centre contracts—Part B: Department of Immigration and Multicultural and Indigenous Affairs. Motion of Senator Bartlett to take note of document called on. On the motion of Senator Moore debate was adjourned till the next day of sitting.

Orders of the day nos 5 to 8, 11, 12, 17 to 21, 23, 25 and 27 relating to reports of the Auditor-General were called on but no motion was moved.

## COMMITTEES

### Reports: Government Responses

**Senator ABETZ** (Tasmania—Special Minister of State) (7.24 pm)—I present two government responses to committee reports as listed on today's *Order of Business*. In accordance with the usual practice, I seek leave to incorporate the documents in *Hansard*.

Leave granted.

*The documents read as follows—*

### RESPONSE TO RECOMMENDATIONS OF THE SENATE FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE REPORT, ANNUAL REPORTS (NO. 1 OF 2005)

**Recommendation 1:** Implementation of a mandatory requirement for listing, separately, both the number of consultancy contracts let and active during a reporting period.

**Recommendation 2:** That the requirements of Attachment C(2) of the guidelines be amended to make the disclosure of information mandatory in either the agency's annual report or on the agency's internet page.

**Recommendation 3:** That a proforma for presenting the information in annual reports be introduced so that the presentation of this information is consistent across all agencies.

**Response:** Agreed. The *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act Bodies* (the Requirements) were recently amended to address the Committee's recommendations. In accordance with section 63 of the *Public Service Act 1999*, the Requirements were approved on behalf of the Parliament by the Joint Committee of Public Accounts and Audit (JCPAA).

The concerns of the Committee were specifically drawn to the JCPAA's attention.

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**GOVERNMENT RESPONSE TO THE  
JOINT STANDING COMMITTEE ON THE  
NATIONAL CAPITAL AND EXTERNAL  
TERRITORIES' (JSC'S) REPORT  
NORFOLK ISLAND: REVIEW OF THE**

**ANNUAL REPORTS OF THE DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES AND THE DEPARTMENT OF THE ENVIRONMENT AND HERITAGE**

Introduction

This response is tabled jointly by the Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads and Senator the Hon Ian Campbell, Minister for the Environment and Heritage.

It should be noted that a number of the recommendations included in this report are either included as recommendations of the JSC report *Quis custodiet ipsos custodes? Inquiry into Governance on Norfolk Island* (the first report on the Committee's inquiry into Norfolk Island Governance) or are matters that the JSC may consider as part of its second Governance report, which is to concentrate on financial sustainability. Responses to these recommendations will be dealt with in the Government's responses to those reports.

JSC Recommendations	Government Response
<p>Recommendation 1 That the recommendations of this report be conditional on the acceptance and implementation of the recommendations in the Committee's report <i>Quis custodiet ipsos custodes? Inquiry into Governance on Norfolk Island</i>.</p>	<p><i>Rejected. The Australian Government is still considering Part 1 of the Committee's Governance report and is still awaiting Part 2 of its Inquiry into Governance on Norfolk Island.</i></p>
<p>Recommendation 2 That the Federal Government make no decision or commitment in respect of the transfer to freehold title of other types of Crown leasehold or licences until after a suitable period has passed to enable an assessment of the effectiveness of the new land management and planning regime, especially in respect of residential Crown leases that will have been transferred to freehold title.</p>	<p><i>Accepted. No decision will be taken in respect of other Crown land until the current transfer process is well advanced.</i></p>
<p>Recommendation 3 That, before any land transfers take place, the Federal Government ensure that the new land package is appropriately resourced and will continue to be in the future and that, prior to any transfer, the Federal Minister report to Parliament on steps taken to ensure the latter.</p>	<p><i>Rejected. The Australian Government made the land transfer conditional on the Norfolk Island Government meeting a number of prerequisites, including implementing a new land management and planning regime, to the satisfaction of the Commonwealth. The Norfolk Island Government has met these prerequisites. Implementation and resourcing is now a matter for the Norfolk Island Government.</i></p>

<b>JSC Recommendations</b>	<b>Government Response</b>
<p>Recommendation 4 That the Federal Government extend its reassessment of its current policies with respect to Norfolk Island and the basis for the Territory's exclusion from Commonwealth programmes and services to include planning and environmental management on Norfolk Island.</p>	<p><i>Noted. Included as part of Recommendation 2 in the report on Part 1 of the Joint Standing Committee's Governance Inquiry. The recommendation will be dealt with in the context of the Government's response to the Governance Inquiry.</i></p>
<p>Recommendation 5 That the <i>Norfolk Island Act 1979</i> (Cth), together with the relevant Norfolk Island laws, be amended to provide for an effective, ongoing role for the Federal Government in the making and amendment of the Territory's statutory planning and land use regime.</p>	<p><i>Rejected. Under the Norfolk Island Act 'land' is a non-schedule matter and as such the Commonwealth has a veto power over changes to Norfolk Island legislation that would amend current 'land' laws. In addition, the Commonwealth always retains the option of amending the Norfolk Island Act to provide additional controls if considered necessary.</i></p>
<p>Recommendation 6 That the appropriate financial and human resources be provided to the Commonwealth Department of the Environment and Heritage to monitor and enforce compliance with Crown lease covenants and conservation and related agreements on Norfolk Island.</p>	<p><i>Noted.</i></p>
<p>Recommendation 7 That the Federal Government act immediately to ensure that Island residents and community organisations, as well as the Norfolk Island Government, be made aware of and eligible to apply for financial and other assistance provided under federal programmes, services and grant schemes that may be relevant to planning, environmental, heritage and land management.</p>	<p><i>Included as part of Recommendation 2 in the report on Part 1 of the Joint Standing Committee's Governance Inquiry. The recommendation will be dealt with in the context of the Government's response to the Governance Inquiry.</i></p>
<p>Recommendation 8 That net revenue received by the Federal Government in respect of any freeholding of Crown land on Norfolk Island be set aside to assist leasehold and freehold landholders on Norfolk Island who enter into conservation agreements, covenants or access agreements or similar undertakings with the Federal Government concerning the protection and conservation of the environment or heritage on their land or the Island more generally.</p>	<p><i>Partially accepted. The Australian Government has decided that revenue from the land transfer will be placed in an environmental trust, in honour of the late Ivens (Toon) Buffett. The Government is finalising arrangements for the operation of the trust in conjunction with the Norfolk Island Government.</i></p>
<p>Recommendation 9 That Recommendation Eight be implemented by the Federal Government establishing a Norfolk Island Trust Fund administered by the Federal Minister for the Environment and Heritage.</p>	<p><i>Rejected. The Australian Government proposes that, subject to agreement of the operational details, the trust be administered by the Norfolk Island Government.</i></p>
<p>Recommendation 10 That the Department of Transport and Regional Services and the Department of the Environment and Heritage, as the responsible Commonwealth agencies, specifically detail in future annual reports the human, financial and other resources allocated by each Department to administer the Federal Government's statutory and other responsibilities with respect to the environment and heritage of Norfolk Island.</p>	<p><i>Rejected. Due to the administrative difficulties involved in disaggregating the human, financial and other resources used in relation to Norfolk Island environment and heritage matters as opposed to other functions, the task would be time consuming and any information published would be of limited value.</i></p>

<b>JSC Recommendations</b>	<b>Government Response</b>
<p>Recommendation 11 That the Commonwealth retain both ownership and responsibility for the management of the Norfolk Island National Park.</p>	<p><i>Accepted. Continued management of the National Park and Botanic Gardens by the Australian Government is consistent with current Government policy.</i></p>
<p>Recommendation 12 That the Federal Government assist the Norfolk Island Government in upgrading existing sewage services and, where necessary, developing new sewage disposal facilities that protect the health of the community, visitors, the environment and adjacent coastal areas of Norfolk Island.</p>	<p><i>Noted. The Australian Government will consider this recommendation as part of its consideration of the Joint Standing Committee's reports on its Governance Inquiry .</i></p>
<p>Recommendation 13 That the Federal Government ensure that the Norfolk Island Government take immediate and appropriate measures, in accordance with national standards, for the removal and disposal of asbestos on Norfolk Island.</p>	<p><i>Partially accepted. The Australian Government is working with the Norfolk Island Government on the removal and disposal of asbestos within KAVHA. Matters to do with asbestos outside of KAVHA are a responsibility of the Norfolk Island Government.</i></p>
<p>Recommendation 14 That the Federal Government review the management arrangements of the Kingston and Arthur's Vale Historic Area, with particular emphasis on the following:</p> <ul style="list-style-type: none"> <li>• future funding arrangements for the management and preservation of KAVHA;</li> <li>• the structure, role and powers of the KAVHA Management Board and its incorporation; and</li> <li>• the management of national estate sites situated outside KAVHA.</li> </ul>	<p><i>Accepted. In September 2004 the Kingston and Arthur's Vale Historic Area Management Board commenced a review of the 1994 Memorandum of Understanding including the role, structure and powers of the Board to establish whether any updating of the MOU would be required.</i></p>
<p>Recommendation 15 That the Joint Standing Committee on the National Capital and External Territories conduct the review of the management arrangements of the Kingston and Arthur's Vale Historic Area and report to the Federal Parliament.</p>	<p><i>Rejected. The Kingston and Arthur's Vale Historic Area Management Board has commenced a review of the 1994 Memorandum of Understanding including the role, structure and powers of the Board. It proposes to make a proposal to both the Norfolk Island and Australian Governments for consideration in due course.</i></p>
<p>Recommendation 16 That the Federal Government take immediate steps to ensure that Norfolk Island residents and community organisations, as well as the Norfolk Island Government, be made aware of and become eligible to apply for Federal Government grant schemes on the same basis as other communities in regional and remote areas of Australia.</p>	<p><i>Noted. Included as part of Recommendation 2 in the report on Part 1 of the Joint Standing Committee's Governance Inquiry. The recommendation will be dealt with in the context of the Government's response to the Governance Inquiry .</i></p>
<p>Recommendation 17 That the Federal Government, as a matter of urgency, provide funding for the construction and equipping of a multi-purpose health facility on Norfolk Island.</p>	<p><i>Noted. The Australian Government will consider this recommendation as part of its consideration of the Joint Standing Committee's reports on its Governance Inquiry .</i></p>

<b>JSC Recommendations</b>	<b>Government Response</b>
<p>Recommendation 18 That the Federal Government, as a matter of urgency, take action to ensure that women on Norfolk Island have access to an effective breast screening program, and that BreastScreen Australia review the provision of this service to Norfolk Island.</p>	<p><i>Noted. Included as part of Recommendation 2 in the report on Part 1 of the Joint Standing Committee's Governance Inquiry. The recommendation will be dealt with in the context of the Government's response to the Governance Inquiry .</i></p>
<p>Recommendation 19 That the Federal Government negotiate with the Norfolk Island Government the most effective way to deliver vocational education and training opportunities to Norfolk Island residents and students.</p>	<p><i>Noted. The Australian Government will consider this recommendation as part of its consideration of the Joint Standing Committee's reports on its Governance Inquiry .</i></p>
<p>Recommendation 20 That the Federal Government:</p> <ul style="list-style-type: none"> <li>• undertake a review of the assistance, services and programmes that it provides in respect of primary and secondary school education with a view to ensuring that Norfolk Island residents and students enjoy access and opportunities equal to that enjoyed by other Australians; and</li> <li>• that this include the teaching of the language/dialect of the Pitcairn Island descendants in the Norfolk Island School.</li> </ul>	<p><i>Noted. Included as part of Recommendation 2 in the report on Part 1 of the Joint Standing Committee's Governance Inquiry. The recommendation will be dealt with in the context of the Government's response to the Governance Inquiry .</i></p>
<p>Recommendation 21 That the Federal Government take immediate steps to ensure:</p> <ul style="list-style-type: none"> <li>• the commencement of a phased reform of Norfolk Island law, with priority for redrafting of existing laws to be determined by both the Federal and Territory governments, with the Federal Government having the final say in the case of disagreement;</li> <li>• a new and dedicated legislative drafter, supported by and reporting to the Commonwealth Office of Parliamentary Counsel and Commonwealth Attorney-General's Department, to draft the aforementioned reforms; and</li> <li>• the new laws, once drafted, be implemented by an Ordinance introduced into the Norfolk Island Legislative Assembly by the Governor-General pursuant to Section 26 of the Norfolk Island Act 1979 (Cth).</li> </ul>	<p><i>Noted. Identical to Recommendation 30 in the report on Part 1 of the Joint Standing Committee's Governance Inquiry. The recommendation will be dealt with in the context of the Government's response to the Governance Inquiry .</i></p>

<b>JSC Recommendations</b>	<b>Government Response</b>
<p>Recommendation 22 That the Federal Government take immediate steps to ensure:</p> <ul style="list-style-type: none"> <li>• reform of the Territory's child welfare law to ensure that it conforms with the Convention on the Rights of the Child and best practice in Australia;</li> <li>• completion of the reform of the Territory's child welfare law within 12 months of acceptance of this recommendation;</li> <li>• reform of the Territory's criminal justice laws, which is to be completed within 12 months of acceptance of this recommendation;</li> <li>• reform of the regulation of companies in the Territory with a view to applying Federal company, bankruptcy and insolvency laws to the Territory;</li> <li>• application of the proposed uniform national legal profession laws to legal practitioners who practice in the jurisdiction of Norfolk Island;</li> <li>• that, pending promulgation of the proposed national legal profession laws, legal practitioners on Norfolk Island be required to register in some other Australian legal jurisdiction; and</li> <li>• review of the Employment Act 1988 (NI) to ensure it is consistent with best practice and legislation in other Australian jurisdictions and is in compliance with International Labour Organization Conventions and Australia's other international obligations.</li> </ul>	<p><i>Noted. Identical to Recommendation 32 in Part 1 of Governance report. The recommendation will be dealt with in the context of the Government's response to the Governance Inquiry.</i></p>
<p>Recommendation 23 That the Federal Government take immediate steps to extend access to legal aid to those Island residents seeking to appeal or have reviewed the decisions of Norfolk Island Government Ministers and officials affecting them.</p>	<p><i>Noted. Included as part of Recommendation 2 in the report on Part 1 of the Joint Standing Committee's Governance Inquiry. The recommendation will be dealt with in the context of the Government's response to the Governance Inquiry.</i> <i>(The Norfolk Island Government has provided the Australian Government with a draft Bill to amend the Legal Aid Act 1995 (NI) (LAA) and has proposed changes to the Memorandum of Understanding on Legal Aid to give effect to a number of the recommendations in the 2000 Staniforth Review of the Norfolk Island Legal Aid Scheme. Discussion with the Norfolk Island Government on further amendment of the LAA to further enhance the operation of the scheme will be undertaken .)</i></p>

**AUDITOR-GENERAL'S REPORTS****Report No. 5 of 2005-06**

**The ACTING DEPUTY PRESIDENT (Senator Ferguson)**—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: report No. 5 of 2005-06—*A financial management framework to support managers in the Department of Health and Ageing.*

**COMMITTEES****Membership**

**The ACTING DEPUTY PRESIDENT (Senator Ferguson)**—The President has received letters from a party leader seeking to vary the membership of committees.

**Senator ABETZ** (Tasmania—Special Minister of State) (7.25 pm)—by leave—I move:

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

**Employment, Workplace Relations and Education Legislation and References Committees—**

*Appointed, as a participating member:*  
Senator Trood

**Finance and Public Administration Legislation and References Committees—**

*Appointed, as participating members:*  
Senators Fierravanti-Wells and Trood

**Foreign Affairs, Defence and Trade Legislation and References Committees—**

*Appointed:* Senator Scullion

*Discharged:* Senator Sandy Macdonald

*Appointed, as participating members:*  
Senators Fierravanti-Wells and Trood

**Legal and Constitutional Legislation and References Committees—**

*Appointed, as participating members:*  
Senators Fierravanti-Wells and Trood

**Public Works—Parliamentary Standing Committee—**

*Appointed:* Senator Parry

*Discharged:* Senator Ferguson

**Rural and Regional Affairs and Transport Legislation and References Committees—**

*Appointed, as a participating member:*  
Senator Trood.

Question agreed to.

**ADJOURNMENT**

**The ACTING DEPUTY PRESIDENT (Senator Ferguson)**—Order! It being 7.25 pm, I propose the question:

That the Senate do now adjourn.

**Cancer****Voluntary Student Unionism**

**Senator RONALDSON** (Victoria) (7.25 pm)—I will talk about what I was going to talk about later. First, I am moved to talk about something else. I have just met Senator Moore. I had been told previously that she is a particularly decent person. I listened with great interest to her comments in relation to the Senate Community Affairs References Committee and the report, *The cancer journey: informing choice*. She very kindly gave me her copy of this report. I was having a very quick look through it and I noticed in chapter 4, which is on complementary and alternative therapies, a quote from a Professor Sali, who said:

Cancer is a chronic condition. In order to get the best result, you need to be able to use every possible resource.

I looked across to a paragraph on complementary therapies which refers to biologically based therapies, including herbs, vitamins, minerals and dietary supplements. That reminded me of a next door neighbour and friend of mine Ian Hirst, who died last year. He and I both had this dreaded disease called cancer. I, like Senator Adams and I am sure others in the chamber, am one of the lucky ones. Ian was not.

When I resigned in 2001, after the election I was desperately thinking of what I was go-

ing to do. I was not at all aware that my wife had already looked after that and there was a long list of things to do. I started doing up the backyard. Ian was dying of cancer at that stage. He was one of those marvellous men who could turn his hand to absolutely anything. Despite being desperately ill at that stage, he would bring across his mixture of carrot juice and ginger and other bits and pieces. Despite it being the middle of summer and me being desperately hot, I could not bring myself to drink one of these evil-smelling concoctions that Ian made.

He was one of nature's great gentlemen. Seeing this report has moved me to talk about him briefly tonight before I move to what I had originally intended to talk about. Ian Hirst was a great loss, not just to his friends but to children throughout the Ballarat region. He was an educator. He was a deep thinker. Prior to his illness, he worked for the Ballarat regional office of the education department. I have, regrettably, been to a number of funerals. At Ian's funeral, the way he was spoken of and spoken about marked a very special person.

I suspect we did not share a lot philosophically—in fact, I know we did not share a lot philosophically—but we did enjoy one of life's great joys: a bottle of his favourite red wine, Lake's Folly. It was a glorious drop. He left a bottle of that for me when he died. I shared it with his wife, Gail, who is also a very special person. Alexander, Nicole and Gail have, as I expect Ian would have, picked up the pieces and run with them very quickly. I am very grateful to you, Senator Moore, for bringing that report to my attention and giving me the opportunity to speak about someone who was very special.

Tonight I want to talk about something else which causes me great concern. I was approached recently by representatives from the Bendigo student union. Honourable sena-

tors may not be aware that I am very pleased to be the patron senator for Bendigo. Representatives from the student union met with me over a cup of coffee. They were the sort of decent, honourable young Australians I would expect to be studying at a university in Bendigo. We talked about the issue and they raised with me their concerns. They did that in an appropriate manner—in a non-confrontational manner—and discussed the issues. I did not put it nearly as eloquently as Senator Fifield did on the Virginia Trioli program the other day, when he said:

It doesn't matter whether it's a sporting association, whether it's an industrial association or whether it's a student body. No one should be compelled to join an organisation against their will, and this legislation will outlaw membership of a student union or association or payment of a compulsory fee as being a prerequisite for enrolment at university.

Students at the Bendigo student union do not agree with that, and I respect their opinion. But their approach to this was completely different to the behaviour of 700 thugs yesterday who marched on Liberal Party headquarters in Exhibition Street, Melbourne. They did an enormous amount of damage with paint bombs, which I assume were paid for through compulsorily acquired student fees. They damaged cars at the front of 104 Exhibition Street and did several thousand dollars damage. The staff were of course deeply concerned about what was becoming a very militant group of people. I do not know whether they were university students. I do not know whether I hope they were or whether I hope they were not. It is fairly typical that demonstrations in Melbourne are often filled with people who are not affected by that which they are demonstrating against.

What concerns me most is that, despite there being damage, there were no arrests. The maintenance of the rule of law surely requires that civil disobedience does not go

rewarded by inaction. There was inaction yesterday. Despite there being the presence of Victoria Police, despite there being 700 demonstrators, despite there being clear evidence of damage to public and private property, including Liberal Party headquarters and cars outside 104 Exhibition Street, not one single arrest was made. I am afraid it rather begs the question: had 700 Young Liberal students marched to Lygon Street, to Trades Hall, or marched on Labor Party headquarters in West Melbourne, thrown paint bombs and caused the staff inside that building concern—I do not know whether they felt fear, but they certainly were concerned yesterday—would the response have been the same?

Again, I do not know whether I wish it was or I wish it was not. What I am saying is that I think it is incumbent upon the police commissioner to investigate why there were not arrests at this demonstration. I am an absolutely passionate supporter—and senators will hear me say this time and time again—of lawful demonstration. It is the right of every single person in our community to lawfully demonstrate. But when the rule of law is breached by an attack on private or public property and there is no action taken and it happens to be on Liberal Party headquarters then I am deeply concerned. I think the police commissioner, Chief Commissioner Nixon, should respond to the quite legitimate question about why there were no arrests when there was a police presence, when the police were there at least an hour before the demonstration because they were aware of it. Why were there no arrests when there was damage to this property?

#### **Mountains to Mangroves Festival**

**Senator MOORE** (Queensland) (7.35 pm)—I rise tonight to speak about a festival which is celebrated in Brisbane in July, called the Mountains to Mangroves Festival.

It is held every two years. It is a regional environmental event that celebrates the existence of the beautiful Mountains to Mangroves corridor. This festival engages communities who are fortunate enough to live along the corridor which connects Camp Mountain and the Boondall Wetlands on Brisbane's north side.

The festival began in 1995 as sheer celebration. The concept was developed by a broad coalition of people who shared the passion for where they lived, the beauty, the environmental strength and the wonderful wildlife that coexists in that region. These groups include key environmentalists, historical organisations, people from community organisations, arts groups and also, very importantly, the schools. There was, as with all community events, a key group of people who got together and kicked off this project. There is what we call a ginger group—in this case, very much a native ginger group. That group consists of Terry Hampson, who used to be a local Brisbane city councillor, as the chairperson, Cam Mackenzie as vice-president, Rita Collins as secretary and Phil Kelly as the festival manager. These people share a passion. As part of their passion, they were able to create a festival which now gives such joy, pleasure and education to so many of us who are able to visit the festival every two years.

The festival has been strongly supported over the years by key sponsors, such as the Brisbane City Council, their neighbour the Pine Rivers Council, and the wonderful Kedron Wavell Services Club. Over the years, the festival has raised the profile of this corridor, including through arts activities and programs in schools, community groups and the wider Brisbane community. The corridor itself has grown as farms, industries, roads and suburbs spread out from the first European settlements on the Brisbane River. In some areas of beautiful natural bushland,

there remain reminders of the landscapes that have supported Australia's earliest inhabitants. Some of the forests, parks, reserves and wetlands are located in a patchy swamp of green about 15 kilometres north of the Brisbane CBD. That is the heartland of the Mountains to Mangroves Festival.

The bushland corridor links us to our cultural heritage and connects us to the wildlife. The green spaces offer refreshing venues for walking, living, picnicking and just enjoying how fortunate we are to live in such a wonderful part of the world. Protecting and extending the communities of native plants along the corridor is a key focus of the community groups, resulting in increased populations of native birds, mammals, frogs, reptiles, fish and platypus—which is my personal favourite. There is such wide knowledge of and cohabitation with these groups of wildlife that people understand how valuable they are and learn to successfully live with these creatures rather than, as too often happens in the extension of development, allowing these creatures to become the victims of our extended development in suburbia.

The mountains to mangroves corridor is a sustaining heritage and a living gift to protect and celebrate. The festival is based on two key strategies, and these have kept the festival going since 1995. The two key strategies are: firstly, regenerating the corridor to ensure that it becomes a total wildlife corridor—and the group involved is in the process of resuming and regenerating land for this to happen; and, secondly, removing all noxious weeds from the corridor to return it to its natural state. One of the more exciting projects that operates during the activities of the festival is to see groups of community members, particularly seeing school kids colocated with people from the local aged-care centres, working together with professional help so that we understand what exactly

should be removed and what should not to clear up areas of parkland to make them more liveable and long-lasting for all of us to share.

This year's festival, which was held in July, was focused on the theme of 'cruising the corridor', with the program focusing on the very many ways that you can explore the corridor, including guided walks, cycling, bus tours, organised tree plantings and actual workshops in which we learn about the environment and how we can best preserve it. The celebrations culminate in a family festival. This year it was probably on one of the coldest days that Brisbane has seen. It was probably not cold for you, Senator Abetz, coming from Tasmania, but we Brisbanites do not like the cold very much. It was a freezing, windy day but hundreds of people turned out to enjoy the family festival and to share in Mountains to Mangroves. We had a number of people entertaining us, including people running workshops on the value of the community. The two major musical groups were the Whitlams, who came and performed for several hours, and also an old friend of mine from Darling Downs, Kev Carmody.

The festival seeks to draw together the creative energies of communities and individuals who share a commitment to enhancing the profile, appreciation and understanding of this unique corridor on Brisbane's north side, which extends from Camp Mountain in the D'Aguilar Range to Boondall Wetlands on Moreton Bay. This green corridor supports a wide range of animals and plant species. It is a great place for them to be; it is an even better place for us to live with them. The festival has become a key strategy in communicating to the broader population about local environment issues. It successfully brings together arts, culture, sport and just general enjoyment of our area, and gets across that very important environ-

mental message, because what is important about living there is making sure that we can continue to live there. I think the activity of the Brisbane City Council and the Pine River Council—

**Senator Abetz**—Great mayor in Brisbane.

**Senator MOORE**—I think both mayors work well together there. The wonderful people who work in those councils volunteer their time to come out to the range of community activities, particularly from the wild-life areas, and work with kids and with people in the parkland to make sure that they are able to enjoy this activity safely.

I think this festival is something of which we should be proud. We are and must be grateful to those organisers who got together and put it on. This festival demonstrates that you can have a successful activity which is fun but actually responds to the challenge of connecting people with their local environment. That benefits all of us. I hope that the Mountains to Mangroves Festival continues. I know it will. There is no way that that ginger group will allow it not to happen again in two years time. The children whom I met will be the very people who, over the next generation, will be able to enjoy living in the mountains to mangroves and make sure that it is not only beautiful but also safe and protected.

### **Solidarity**

**Senator HUMPHRIES** (Australian Capital Territory) (7.44 pm)—I rise tonight to commemorate the 25th anniversary of a very important strike. The strike was organised by blue-collar workers and it began on 14 August 1980. It led to an official strike committee being formed on 16 August. Strangely, the trade union which the strike gave rise to was not actually formed until September of that year and was not recognised by the government of the day until October 1980. The location of this strike was a shipyard in the

north of Poland and the trade union, of course, was Solidarity.

In the 25 years since the famous strike in the Gdansk shipyard in Poland and the founding of the Polish Solidarity union, the actions to which it gave rise have resonated all around the world. Australians are very proud of the freedoms and liberties that we enjoy, but it is worth remembering that those liberties were not then, and are not now, enjoyed universally. When Australians and many others saw what was taking place in Poland, their sense of empathy with people seeking the opportunity to express and use those freedoms that we take for granted was truly an inspiring phenomenon. Solidarity was a brief and too rare moment in time. Other democratic efforts by oppressed people around the world have achieved something of Solidarity's success—the recent orange revolution in the Ukraine is one example of that. But unfortunately we do not have to look too hard or too far from Australia's shores to find examples of where such movements have failed. The movement in Burma in recent years is one such example.

However, in August 1980 the iron gates of the shipyard in the Baltic port of Gdansk were festooned with flowers, Polish flags and posters. Pictures of Pope John Paul II were held up by those non-conformists in overalls. The once dull iron gates had been transformed by a small band of ordinary men and women into an expression of a sentiment that was soon to sweep across all of Eastern Europe.

With a double chin, a bit of a paunch and of middle height, their leader, Lech Walesa, did not have an imposing physical presence. But 25 years ago he found the character required to lead millions of people—workers and intellectuals alike—in a peaceful protest against their country's communist dictatorship. The aim was the reform of their coun-

try's archaic political and economic structures, and to gain recognition of the basic rights of workers. It was less than a month before the actions of Solidarity and the workers there led to the decision by the Polish government to give in to the demands that Solidarity had placed before them.

There had been strikes in communist Poland before that point. In the 1950s, 1960s and 1970s there had been a number of uprisings and other disturbances, over food prices, workers' rights and intellectual and personal freedoms. The Polish secret police, while possibly not as cruel and merciless as some of their counterparts elsewhere in Eastern Europe, wasted no time in brutally enforcing the will of the communist leadership. But the Polish people were able to maintain hope. Perhaps the fact that the Poles maintained hope during those long dark years came from an inbuilt resilience based on faith.

This is an opportunity to recognise a number of important characters at that time—people like Jacek Kuron—who were in a sense the serious brains behind Solidarity. Their role was to provide a sort of intellectual brute force and an educated and calculated recklessness. They had an inside knowledge of the workings of the Communist Party, its personnel and its intentions. This gave them the capability to assess realistic possibilities for political action in Poland.

We remember people like Bujak the electrician. Solidarity would not have succeeded without the support of ordinary Poles like him. In the beginning, they would organise strike committees at the factories. When martial law was imposed in 1981, they were forced underground where they organised underground committees including press and radio activities. Because of the overwhelming popular support for Solidarity, its underground leaders were able to evade the Polish

secret police for many years before they were eventually captured.

We also remember more high profile public figures who offered them support—people like Cardinal Karol Wojtyla who said to his fellow Poles: 'You are men. You have dignity. Don't crawl on your bellies.' Of course, after being a strong advocate of human rights for many years in the 1970s, Cardinal Wojtyla returned to Poland for a nine day visit in June 1979 as Pope John Paul II. At that time, the Soviet grip on Eastern Europe was as tight as ever. But something was different: the windows and balconies of the normally grim, Stalin-era apartment blocks were decorated with jubilant shrines to the Pope. Officially, the country was atheistic, but huge, adoring crowds met the Pope wherever he went. The attention given to the Pope was an intense source of embarrassment to the communist government. He added to the authorities' discomfort by reminding his fellow Poles of their human rights. The pilgrimage ended on 10 June in his beloved Krakow, where he had been archbishop for many years. One million people gathered there to hear his sermon, which was also the first religious ceremony ever carried over Poland's state-controlled television network. He told them:

You must be strong, dear brothers and sisters ... You must be strong with the strength of faith ... When we are strong with the spirit of God, we are also strong with faith in man ... There is therefore no need to fear.

Many people, including the government in the Soviet Union, initially underestimated the effect that such movements would have, not only in Poland but also elsewhere. Stalin's mocking question, 'How many divisions does the Pope command?' was later to be replaced by the observation of Mikhail Gorbachev, who gave the Kremlin's long-term enemy his due: the fall of communism, he said, would not have been possible with-

out the Pope. Lech Walesa, the founder of the Solidarity movement, also acknowledged the important role the Pope had played in this development.

That glimmer of hope that was begun by the movement in August 1980 shone briefly across Poland and the world. The darkness of course fell again not too long after that. In December 1981, under pressure from the government in Moscow and with the threat of 20,000 Red Army troops on the Polish border, the Polish government imposed martial law in a bid to crush the Solidarity movement. Solidarity was declared an illegal organisation and Lech Walesa and his trade union leaders were arrested and imprisoned. The union itself was dissolved officially in October 1982.

However, over the ensuing years the regime again relaxed its grip and, in 1988, a new wave of strikes and labour unrest spread across Poland. Prominent among the strikers' demands was government recognition of Solidarity. In April 1989, with the Russians themselves receding into their own problems, the government in Poland had no choice but to agree to legalise Solidarity and allow it to take part in free elections to a bicameral Polish parliament. In the elections of June of that year, candidates endorsed by Solidarity won all 161 seats in the lower house of the Polish parliament and 99 out of 100 seats in the newly formed Polish Senate. That is what I call a whopping majority!

**Senator Abetz**—We've still got a way to go, haven't we?

**Senator HUMPHRIES**—Yes, we look tame compared to that, don't we, Minister? Lech Walesa was elected President of Poland in December 1990 and of course the face of Poland was changed by these events. The rest is history, as they say. The tremor in Poland led to a worldwide earthquake which dislodged many totalitarian regimes in east-

ern Europe and set the world on a very different path.

It is, I think, an appropriate time to pay tribute to the brave men and women who scaled the gates of the shipyard in Gdansk at that time and set an example of non-violent activity to bring about substantial political change. The values of principle, liberty and democracy, which they stood for at that time, are values that we continue to treasure today and that have an important resonance throughout the world.

#### **Country Women's Association Drought Fund**

**Senator STEPHENS** (New South Wales) (7.54 pm)—Tonight I would like to speak briefly about the contribution of the Country Women's Association to the drought relief efforts. Earlier this evening I spoke in not so glowing terms about the audit report on the government's drought assistance, but it is very important that I do place on the record the contribution made by the Country Women's Association through their Emergency Drought Aid Fund which they administered so well during the period that it was funded.

In November 2002, the government announced that it would provide \$1 million to the CWA to establish the Emergency Drought Aid Fund. It was through that fund that the CWA across Australia provided grants to needy families in farming communities that met specific criteria. I cannot overemphasise the importance of the CWA drought fund and the assistance that it provided to country families. It was a very small but important fund that made a significant difference.

The drought fund assessment criteria that were developed by the CWA in consultation with the department were very simple. The grants were for farming families or people servicing farming areas—for example, local

shopkeepers located in EC-declared areas, areas prima facie EC-declared or awaiting EC declarations, or areas emerging from exceptional circumstances. Support was provided to families with dependent children. The number and age of dependants determined the degree of support. For example, if children were in their early teens and likely to be at a school away from home, they might have been granted a larger degree of support.

Support was also provided to families with perhaps dependent or semidependent parents, and support was provided for household expenses, such as food, vehicles, school and medical expenses, and phone and utility bills. Support for medical expenses was usually in the form of meeting gap payments or assisting with the cost of travel to and from specialists. Support was usually in the form of a voucher for food perhaps, or as a cheque to meet unpaid bills. Sometimes vouchers or cheques were supplied to local businesses to help keep local people in business. In general, payments were capped at \$1,000; however, additional support was provided where needs were assessed as being extreme, up to a maximum of \$2,000.

No-one can underestimate the importance of the contribution of this drought fund to regional communities and to the families who benefited from it, because the CWA, in its own inimitable way, was able to make payments within three days of application and never more than a week after application, which was an extraordinary, immediate response to the desperate needs of some of those farming families. As I said, it was usually in the form of a voucher or a cheque. The ANAO recognised that procedures were put in place by the CWA with a minimum of fuss and a minimum of red tape—it was a very pragmatic and appropriate response—because the fund was considered a donation to the CWA.

It is absolutely the case that the funds were used most effectively. In fact, in New South Wales, Western Australia, Victoria and Queensland, the funding ran out between February and April 2003. The \$10,000 of unspent funds from the Northern Territory and Tasmania were reallocated to these states in 2003. Ninety per cent of the total allocation of funds was spent between January and March 2003, which was much earlier than the expected 30 June 2004 end date. The average payment made was \$536. In line with the agreed criteria, most of the payments were made for those expenses that I mentioned earlier.

The concern that I had about this was that it was such an effective program—\$1 million was able to go such a long way. The frustration of reading this report is the fact that there was all of that unexpended money in this program which could have gone to a much broader support of this initiative of the Country Women's Association. I commend the Country Women's Association on the efforts that they have made. I was very pleased to see that in the latest round of funding this project has been funded again, because this is a network that delivers assistance where it is needed.

**Senate adjourned at 7.59 pm**

## **DOCUMENTS**

### **Tabling**

The following documents were tabled by the Clerk:

Defence Act—Determination under section 58B—Defence Determination 2005/29—Overseas conditions of service—post indexes and school fees.

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Consolidated statement of expenditure under paragraph 18(b), dated 9 August 2005.

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**QUESTIONS ON NOTICE**

The following answers to questions were circulated:

**South Johnstone Sugar Mill****(Question No. 561)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Can a list be provided of all meetings which the Minister, his staff, officers of his department or officers of other Commonwealth departments attended to discuss the financial situation facing the mill in 1999 and 2000.
- (2) Can copies be provided of all records, including minutes, records of meetings and file notes relating to meetings which the Minister, his staff, officers of his department or officers of other Commonwealth departments attended to discuss the financial situation facing the mill.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) To fully answer this question would require an extensive review of files to be undertaken, which is not an efficient and effective use of Departmental resources. If there is a specific meeting which is of concern, details of that meeting may be able to be supplied subject to any commercial in confidence concerns. My department does not hold records of any meetings which may have been attended by officers of other Departments.
- (2) See answer to question 1.

**South Johnstone Sugar Mill****(Question No. 562)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) What due diligence or other financial assessments of the financial state of the mill were undertaken by the department, or any agent on behalf of the department, prior to the Commonwealth agreeing to provide financial assistance to the mill.
- (2) What safeguards did the department, or any agent on behalf of the department, put in place to protect the interests of the Commonwealth and Australian taxpayers prior to agreeing to provide financial assistance to the mill.
- (3) Was the rescue package for the mill conditional on a demonstration that the mill could be made viable.
- (4) What were the predicted levels of cane processing, sugar price and cash flow forecasts the Minister relied on in forming a view that the mill could be viable and therefore justified financial assistance from the Government.
- (5) (a) What tests were made of these forecasts; (b) who undertook the tests; and (c) did the tests conclude that the assumptions in the forecast level of operation by the mill were realistic.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) The Commonwealth was provided with details of the financial circumstances of the South Johnstone Mill by CANEGROWERS and the Mill's Bank, the National Australia Bank (NAB).
- (2) The provision of the Commonwealth's assistance package was subject to a significant number of conditions, which were designed in consultation with the Australian Government Solicitor to limit the Commonwealth's potential risk exposure. Conditions were set out in a letter of 14 June 2000 from the Minister to CANEGROWERS and the National Australia Bank (NAB). They included, for example, disclosure by CANEGROWERS and the NAB of the financial circumstances of the South Johnstone Mill to the Commonwealth; a condition that suppliers to the South Johnstone Mill enter an enforceable agreement to repay the loan over 2 years on the basis of a 5% deduction from mill receipts; a requirement upon CANEGROWERS to take a second mortgage over the assets of the South Johnstone Mill and a commitment in writing from the NAB that the \$3.4 million loan to South Johnstone would be drawn down in accordance with the Mill's cash flow requirements (rather than as a single lump sum).
- (3) The Commonwealth's assistance to the Mill was provided for the purpose of allowing the then current crush in the South Johnstone area to proceed and to allow time for the mill to potentially improve its operating arrangements.
- (4) The information is commercial in confidence to the parties concerned.
- (5) The information noted at (1) and (4) was the basis for the Government's decision.

#### **South Johnstone Sugar Mill**

#### **(Question No. 563)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Did the Minister meet with the Board of the mill, cane growers and representatives of Queensland CANEGROWERS on 2 June 2000.
- (2) At that meeting did the Minister offer to underwrite the mill through Queensland CANEGROWERS to enable the 2000 crush to proceed.
- (3) When was the formal offer to underwrite the loan made and when was the underwriting facility finalised.
- (4) Did the Minister seek an independent financial assessment of the state of the mill prior to formalising the underwriting agreement; if so, who undertook that assessment and what were the findings of that assessment; if not, what was the basis on which the Minister satisfied himself that he had an accurate picture of the financial state of the mill.
- (5) Was a condition of the offer a commitment by growers supplying the mill to contribute a 5 per cent levy of their proceeds for the following 2 seasons' supply.
- (6) (a) Who represented growers in the negotiations relating to the provision of a 5 per cent levy on growers' mill payments; and (b) when were levy payments agreed to by growers.
- (7) Who signed the above agreement and what was the form of the agreement.
- (8) Was the provision of a plan to rationalise the structure of the sugar industry in the South Johnstone district a further condition of the Government underwriting a loan from the National Australia Bank (NAB) to the mill.
- (9) (a) When was that plan lodged; (b) who assessed the plan; (c) when was the plan accepted as satisfactory by the Government; (d) when was the implementation of the plan to commence; and (e) when was the implementation completed.

- (10) Can the Minister provide a copy of the plan and any reports on its implementation and effectiveness.
- (11) Was the offer to underwrite the loan from the NAB to Queensland CANEGROWERS conditional on the loan being used solely for the purpose of allowing the 2000 crush to proceed to enable the mill to either refinance or to be sold.
- (12) Was the offer made on the basis that the Commonwealth was able to satisfy itself that the suppliers' agreements to repay the loan were exclusively for that purpose and did not form any part of the assets of suppliers available to any other creditor or supplier of the mill.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) Yes.
- (2) The Minister announced support in a media release and then wrote to CANEGROWERS on 14 June 2000 formally offering support.
- (3) The Minister wrote to CANEGROWERS on 14 June 2000 advising CANEGROWERS that, subject to the fulfilment of certain conditions, the Commonwealth would be prepared to provide a loan guarantee on behalf of CANEGROWERS in respect of the loan which CANEGROWERS proposed to raise for South Johnstone Mill from the National Australia Bank (NAB). The documentation of the Commonwealth's assistance was finalised in July 2000.
- (4) The Commonwealth was provided with details of the financial circumstances of the South Johnstone Mill by CANEGROWERS and the Mill's Bank, the NAB.
- (5) The Commonwealth provided an indemnity in respect of a commitment by CANEGROWERS to repay a loan to the Mill from the NAB. A condition of the Commonwealth's indemnity was that growers repay the loan to the Mill from the NAB on the basis of a 5% deduction plus allowances from their Mill receipts from South Johnstone Mill. The loan was expected to be repaid over a 2 year period.
- (6) The Commonwealth's negotiations were conducted with representatives of CANEGROWERS. CANEGROWERS in turn undertook direct negotiations with the local cane suppliers. The Commonwealth was not directly involved in the negotiations between CANEGROWERS and local cane suppliers. The 5% deduction from mill receipts was provided for in the South Johnstone Collective Cane Supply and Processing Agreement.
- (7) See answer to question 6.
- (8) Yes. A condition applying to the granting of the Commonwealth indemnity was CANEGROWERS agreeing that it would work with its constituents and other stakeholders in the far north Queensland sugar area towards delivering to the Commonwealth a plan for rationalisation and restructuring within the whole far north Queensland sugar area.
- (9) The issues of rationalisation and restructuring within the whole Far North Queensland Region was incorporated in undertakings made by industry under Sugar Industry Assistance Package 2000. As a condition of that Commonwealth Assistance package, the Federal Government asked CANEGROWERS to work towards positioning the industry to ensure its long-term viability and to present firm proposals for comprehensive industry-wide structural reform. The lodgement of a formal plan as initially conceived and explained in (8) above, was not therefore required. The Mill did however lodge reports on its own rationalisation initiatives. These reports were provided on a commercial in confidence basis (see also answer to question 11).
- (10) See answer to question 9.
- (11) One of the conditions attaching to the provision of the Commonwealth's financial assistance was that the loan raised on behalf of South Johnstone from the NAB was to be used solely for the pur-

pose of allowing the then current crush in the South Johnstone Mill area to proceed and to allow time for the mill to rationalise its operations, including the possible refinancing and/or sale of South Johnstone Mill assets.

- (12) A further condition of the Commonwealth's financial assistance was the Commonwealth being satisfied that suppliers' agreements to repay the loan be exclusively and irrevocably for that purpose.

#### **South Johnstone Sugar Mill**

##### **(Question No. 564)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill: Can the Minister confirm that the Commonwealth paid the National Australia Bank (NAB) \$2 587 717 on 13 March 2001 as part of its financial assistance to the mill; if so, what was the basis on which the actual amount paid to the NAB was calculated.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

On 19 March 2001 payment to the National Australia Bank (NAB) was processed by the Department of Agriculture, Fisheries, and Forestry totalling \$2,591,052 under the indemnity arrangement for South Johnstone Mill. This amount was calculated on the basis of figures supplied and verified by the NAB and CANEGROWERS.

#### **South Johnstone Sugar Mill**

##### **(Question No. 565)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Did the Minister agree to provide a guarantee to the National Australia Bank (NAB) by 5 pm on 3 July 2000 in relation to a loan to Queensland CANEGROWERS to enable the mill to complete the 2000 crush.
- (2) Did the Minister meet that deadline; if not, what were the outstanding issues that caused the provision of the guarantee to be delayed.
- (3) When was the guarantee provided to the NAB in relation to the above loan.
- (4) What were the reporting requirements imposed on the mill by the Commonwealth as part of the loan underwriting arrangements.
- (5) Were the requirements complied with in full; if not: (a) what breaches of these conditions occurred; and (b) what action did the Minister take in response to these breaches.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) The Minister wrote to CANEGROWERS on 14 June 2000 advising CANEGROWERS that, subject to the fulfilment of certain conditions, the Commonwealth would be prepared to provide an indemnity on behalf of CANEGROWERS in respect of the loan which CANEGROWERS proposed to raise for South Johnstone Mill from the National Australia Bank (NAB). The documentation of the Commonwealth's assistance was finalised in July 2000.
- (2) The documentation of the Commonwealth's financial assistance was finalised on 12 July 2000 following ongoing discussions and negotiations between the various parties.

- (3) See answer to question 2.
- (4) The Commonwealth agreed to provide an indemnity in favour of CANEGROWERS to the benefit of the NAB. The Commonwealth did not enter into any direct indemnity agreement with South Johnstone Mill and hence the Mill did not itself have any direct reporting obligations to the Commonwealth.
- (5) See answer to question 4.

### **South Johnstone Sugar Mill**

#### **(Question No. 566)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 25 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Can the Minister confirm that as part of the arrangements for the provision of a guarantee for a loan to assist the mill, the National Australia Bank (NAB), Queensland CANEGROWERS and the Board of the mill agreed to withhold consent for growers to transfer to a mill other than the South Johnstone Sugar Mill unless certain conditions were met.
- (2) Can the Minister confirm that one of the conditions was that transferring growers would continue to forego 5 per cent of payments from the mill to meet the cost of the guarantee if required.
- (3) What was the required form of that agreement by which transferring growers would continue to meet their obligations to the Commonwealth.
- (4) Was this condition fully met; if so, when and in what form was the condition met; if not, what action did the Minister take in response to the failure of the responsible parties to meet that obligation.
- (5) What other conditions were placed on the NAB, Queensland CANEGROWERS and the mill in relation to the transfer of growers to other mills.
- (6) Can the Minister confirm that the Commonwealth relied on an undertaking from Queensland CANEGROWERS that farmers would enter into a binding agreement to provide 5 per cent of mill payments to repay a loan from the Commonwealth, if the guarantee was exercised, until that loan was fully paid.
- (7) Did the Government write to Queensland CANEGROWERS in January 2001 seeking confirmation that that organisation had secured an agreement with growers to incorporate the 5 per cent repayment obligation in any new cane supply and processing agreement that might be required if the ownership of the mill was transferred to Bundaberg Sugar.
- (8) Did Queensland CANEGROWERS give this confirmation in a form that was satisfactory to the Commonwealth and when was the confirmation provided; if not, why not.
- (9) If the response from Queensland CANEGROWERS was not satisfactory, did the Minister seek legal advice as to what action might be available to the Commonwealth to ensure the interests of taxpayers were properly protected; if so: (a) what was the nature of that legal advice; and (b) what action did the Minister take in response to that legal advice.
- (10) Was the rescue package for the mill, announced by the Minister in 2000, provided, subject to a number of other conditions, including: (a) the restructuring of the Board of the mill; (b) the appointment of new mill management; and (c) the appointment of Thiess to manage the mill.
- (11) Were these conditions met to the satisfaction of the Government; if so: (a) when was each of these conditions met; and (b) when and how was the Minister informed they had been met.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) Pursuant to a Deed of Undertaking dated 12 July 2000, the National Australia Bank (NAB), South Johnstone Mill and CANEGROWERS undertook to the Commonwealth not to consent to the transfer of any grower to another mill without the Commonwealth's prior consent and an acknowledgment that the 5% deduction of growers' sugar receipts would continue.
- (2) Yes - see answer to question 1.
- (3) No specific form of agreement was specified.
- (4) CANEGROWERS, Bundaberg Sugar and the receivers of South Johnstone Mill executed Deed Polls in favour of the Commonwealth pursuant to which they undertook to use their best endeavours to negotiate amendments to the Cane Supply and Processing Agreement to permit Bundaberg Sugar to continue to make the 5% deductions from amounts payable to growers. The Minister understands that these amendments were incorporated in the form of a Deed of Novation and Amendment between the relevant parties.
- (5) Bundaberg Sugar undertook that it would pay to CANEGROWERS any amounts it deducted from payments due to growers. CANEGROWERS undertook to pay to the Commonwealth any amounts it received from Bundaberg Sugar in respect of these deductions. CANEGROWERS also undertook to use its best endeavours to enforce the second ranking mortgage which it held over the assets of the South Johnstone Mill and to pay any amounts so recovered to the Commonwealth.
- (6) See answers to questions 1 and 4.
- (7) The Commonwealth through its legal advisers wrote to the solicitors for CANEGROWERS in late January 2001 seeking confirmation that CANEGROWERS would comply with its previous undertakings to the Commonwealth (see answer also to question 1).
- (8) Solicitors for CANEGROWERS provided in late January 2001 written confirmation assuring the Commonwealth that CANEGROWERS would continue to honour its undertakings to the Commonwealth and this response was in the circumstances deemed to be satisfactory.
- (9) Not applicable.
- (10) No.
- (11) Not applicable.

**South Johnstone Sugar Mill  
(Question No. 567)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Can the Minister confirm that the change of ownership of the mill to Bundaberg Sugar required the drafting of a new cane supply and processing agreement with growers.
- (2) Did that change of ownership require growers supplying the mill to recommit to the provision of 5 per cent of their mill payments to meet the conditions of the loan guarantee provided to Queensland CANEGROWERS by the Commonwealth to enable the mill to complete the 2000 crush.
- (3) Was a new agreement signed by all parties in accordance with the Commonwealth conditions for the above guarantee; if so, when was the new agreement signed; if not, what action did the Commonwealth take to protect its interests.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) The Minister understands that following the sale of the Mill's assets to Bundaberg Sugar, the Mill assigned to Bundaberg Sugar the interest in and the benefit of covenants in its current Cane Supply and Processing Agreement. It also authorised Bundaberg Sugar to continue to deduct 5% payments from growers. The Minister also understands that a Novation and Amendment Deed was entered into between South Johnstone Mill, CANEGROWERS South Johnstone Mill Suppliers' Committee, South Johnstone Mill Negotiating team and Bundaberg Sugar pursuant to which Bundaberg Sugar was to be taken to be a party to the Cane Supply and Processing Agreement. As the terms of these agreements are commercial in confidence as between the relevant parties (not including the Commonwealth) no additional details can be provided.
- (2) See answer to question 1.
- (3) See answer to question 1.

#### **South Johnstone Sugar Mill**

##### **(Question No. 568)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Did the Government receive advice from solicitors, acting on behalf of the mill, advising that the various undertakings given by the National Australia Bank (NAB) and the mill ceased to apply upon the expiry of the Canegrowers Guaranteed Facility and the enforcement of the security by the NAB.
- (2) Did the Government receive further advice from the solicitors acting on behalf of the mill, undertaking from the NAB and the mill that the receivers and managers of the mill would not be prevented from selling the mill's assets without any provision for the continued deduction of 5 per cent of growers' cane payments or the repayment of those deductions.
- (3) (a) Did the Minister seek legal advice in relation to the above statements; and (b) what was the nature of that legal advice.
- (4) What action did the Minister take following receipt of that legal advice.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) to (4) Following the appointment of receivers and managers to the South Johnstone Mill, the Commonwealth sought and obtained an undertaking from the receivers and managers appointed by the National Australia Bank (NAB) over South Johnstone Mill that, unless precluded by law from doing so, they would use their best endeavours to ensure the continued deduction of 5 per cent of growers' cane payments.

Legal advice to the Commonwealth arising from the appointment of receivers and managers to the Mill is covered by legal professional privilege and it is not the practice of my Department for this advice to be provided.

#### **South Johnstone Sugar Mill**

##### **(Question No. 569)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Did the Government enter into a Deed Poll with Queensland CANEGROWERS in 2001.
- (2) When was the Deed Poll with Queensland CANEGROWERS signed.

- (3) Did Bundaberg Sugar also enter into a Deed Poll in favour of the Commonwealth to use its best endeavours to negotiate amendments to the Collective Cane Supply and Processing Agreement to permit Bundaberg Sugar to continue to deduct from payments to growers and to pay that money to Queensland CANEGROWERS for reimbursement to the Commonwealth.
- (4) When was the Deed Poll with Bundaberg Sugar signed.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) and (2) Yes - a deed poll was executed with Canegrowers on 13 March 2001.
- (3) and (4) Yes - a Deed Poll in these terms was entered into between the Commonwealth and Bundaberg Sugar, also on 13 March 2001.

#### **South Johnstone Sugar Mill**

##### **(Question No. 570)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Can the Minister confirm that Bundaberg Sugar made payments to the Commonwealth as part of the arrangements for the provision of a guarantee for a loan to assist the South Johnstone Sugar Mill.
- (2) (a) When did Bundaberg Sugar commence making payments; (b) what was the value of the payments made by Bundaberg Sugar; and (c) when did Bundaberg Sugar cease making payments.
- (3) When payments ceased how much of the total debt to the Commonwealth was paid out.
- (4) On what basis did Bundaberg Sugar choose not to continue to make payments to the Commonwealth and what action did the Minister take in response to this decision.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) After purchasing the South Johnstone Sugar Mill, Bundaberg Sugar continued to collect the 5% grower deductions. These deductions were then forwarded to CANEGROWERS for refund to the Commonwealth.
- (2) (a) After purchasing the South Johnstone Sugar Mill's assets in March 2001. (b) As noted at (1), the 5% grower deductions were forwarded to CANEGROWERS for refund to the Commonwealth. A total of \$725, 851 had been paid to the Department of Agriculture, Fisheries and Forestry. (c) Payments ceased September/October 2001.
- (3) \$725, 851.
- (4) The decision by Bundaberg Sugar Limited to stop making payments was made independently of the Australian Government, and so cannot be answered by the Australian Government. However, the Minister sought and obtained legal advice in relation to Bundaberg Sugar's decision. Since the advice obtained involved the actions of a third party which were subsequently the subject of Supreme Court proceedings leading to a confidential settlement it is legally and commercially privileged and therefore consistent with departmental practice cannot be disclosed.

#### **South Johnstone Sugar Mill**

##### **(Question No. 571)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) When did the Minister become aware that the South Johnstone Sugar Mill Suppliers Committee had been formally appointed as the Suppliers Committee in September 2001 for the purposes of the Queensland Sugar Industry Act 1999.
- (2) Did the Minister, or his office, receive advice that discussions between the Suppliers Committee and Bundaberg Sugar relating to the Cane Supply and Processing Agreement, in particular the execution of the Deed of Novation to ensure the debt to the Commonwealth was repaid, were not progressing.
- (3) Did the Minister, or his office, receive advice that neither Bundaberg Sugar nor Queensland CANEGROWERS were confident that the Deed of Novation would be approved and signed by all four members of the Suppliers Committee.
- (4) Can the Minister confirm that the Deed of Novation was not signed by all four members of the Suppliers Committee.
- (5) What action did the Minister take to protect the interests of Australian taxpayers following receipt of this advice.
- (6) Can the Minister confirm that as a result of the failure of Queensland CANEGROWERS and Bundaberg Sugar to get the Deed of Novation properly endorsed by growers, Bundaberg Sugar placed levy funds from growers in a special trust fund.
- (7) Can the Minister confirm that the Commonwealth advised solicitors representing Queensland CANEGROWERS that unless the endorsement of the Deed of Novation and the amended Cane Supply and Processing Agreement was forthcoming it would take action to recover the outstanding funds from Queensland CANEGROWERS.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) to (7) These matters were the subject of the confidential settlement which was reached between all parties in Supreme Court proceedings in Queensland. Accordingly no comment on these issues can now be provided. Legal advice to the Minister's department is legally professionally privileged and cannot be made available.

**South Johnstone Sugar Mill  
(Question No. 572)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Did Bundaberg Sugar approach the Minister, or his office, prior to the 2001 election, seeking agreement to provide a grant to growers supplying cane to the mill or to forgive loan monies still owed as part of the arrangements entered into with the Commonwealth to provide financial assistance to the mill in 2000; if so: (a) how was the request made; (b) to whom was it made; and (c) what was the response.
- (2) Did Bundaberg Sugar place payments due to the Commonwealth in a special trust fund while these negotiations took place.
- (3) What was the Minister's response to the request for a special grant to growers or forgiveness of the loan provided by the Commonwealth.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) No.
- (2) Yes Bundaberg Sugar placed all payments due to the Commonwealth in a special trust account.
- (3) See (1) above.

**South Johnstone Sugar Bill**  
**(Question No. 573)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Was the Commonwealth a party to the settlement between cane farmers, Bundaberg Sugar, the mill and others in relation to the Commonwealth loan to the mill in 2000 and the repayment of that debt by suppliers to the mill.
- (2) Did the Commonwealth make an offer to the parties to settle the matter on 7 May 2003; if so: what was nature of that offer and was that offer accepted.
- (3) As a condition of the offer to settle the matter, did the Commonwealth require agreement from all suppliers and that requisite releases be obtained from all parties to the dispute.
- (4) Did all suppliers to the mill agree to the terms of the settlement; if not, how many suppliers did not sign the agreement.
- (5) What impact did the failure of all affected growers to agree to the settlement have on its status.
- (6) Are those suppliers who did not agree to the terms of the settlement entitled to recover funds withheld from their payments from the mill as part of the loan arrangements entered into by the Commonwealth and Queensland CANEGROWERS.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) Yes
- (2) An offer was again made to the parties on 8 May 2003 and to all growers not represented by the Applicant on 12 May 2003. The offer was that the Commonwealth would retain all grower deductions made to date, comprised of monies repaid to the Commonwealth plus monies held in the Bundaberg Sugar Limited Trust Account with interest, totalling approximately \$1.59 million. The Commonwealth also offered to write off unpaid monies of approximately \$1.03 million. The offer was rejected.
- (3) The Commonwealth did not require agreement from all suppliers. A threshold of suppliers responsible for 90% of the value of the total deductions made by growers was deemed both practical and acceptable.
- (4) and (5) These matters were the subject of the confidential settlement which was reached between all parties in Supreme Court proceedings in Queensland. Accordingly no comment on these issues can now be provided. Legal advice to the Minister's department is legally professionally privileged and cannot be made available.
- (6) This is a matter for suppliers to consider, not the Commonwealth.

**South Johnstone Sugar Mill**  
**(Question No. 574)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Can the Minister confirm that, as a condition of supporting the sale of the mill to Bundaberg Sugar in 2001, the Commonwealth sought and obtained undertakings from Queensland CANEGROWERS, Bundaberg Sugar and the receivers of the mill to ensure that growers would continue to repay the indemnity provided by the Commonwealth to Queensland CANEGROWERS to enable the mill to complete the cane crush in 2000.
- (2) (a) In what form was the assurance from each of the above parties sought; (b) in what form was the assurance from each of the above parties given; and (c) in each case, when was the assurance given.
- (3) (a) What action did the Minister take to ensure that the form of the commitment from each of the above parties protected the interests of the Commonwealth by legally requiring that suppliers repaid monies owed to the Commonwealth; and (b) in each case, when was that action taken.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) Following the appointment of receivers and managers to the South Johnstone Mill the Commonwealth sought and obtained an undertaking from the receivers and managers that, unless precluded by law from doing so, they would use their best endeavours to ensure the continued deduction of 5 per cent of growers' cane payments.
- (2) These assurances were sought from each of CANEGROWERS, Bundaberg Sugar and the receivers of South Johnstone Mill who executed Deed Polls in favour of the Commonwealth pursuant to which they undertook to use their best endeavours to negotiate amendments to the Cane Supply and Processing Agreement to permit Bundaberg Sugar to continue to make the 5% deductions from amounts payable to growers. These amendments were to be incorporated in a form of Deed of Novation and Amendment.
- (3) The Minister sought legal advice with respect to the undertakings of the parties and was satisfied that in the circumstances every effort had been made to secure their commitment.

#### **South Johnstone Sugar Mill**

#### **(Question No. 575)**

**Senator McLucas** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 April 2005:

With reference to the South Johnstone Sugar Mill:

- (1) Did the Minister offer to forgive any part of a loan provided by the Commonwealth to Queensland CANEGROWERS as part of an assistance package for the mill; if so: (a) when did the Minister make the offer; (b) what was the amount of debt owed to the Commonwealth at the time the offer was made; and (c) what was the reason for the offer to forgive a debt to the Commonwealth.
- (2) If an offer was made by the Minister to forgive the above debt, what conditions were attached to the offer.
- (3) Was the payment of funds collected from cane growers but held in a solicitor's trust account by Bundaberg Sugar to the Commonwealth a condition of the offer to forgive the debt to the Commonwealth; if so, what actions did the Minister take, or what advice did he seek, in relation to the legality of the withholding of the funds from payments to cane growers supplying cane to the mill.
- (4) If the Minister sought advice about the legality of collecting the payments, from whom did he seek advice and what was the form of that advice.
- (5) What action did the Minister take in response to that advice.

**Senator Ian Macdonald**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) Yes, an offer was made on 8 May 2003, however this was not part of an assistance package. The amount of debt outstanding was approximately \$1.03 million. The reason for making the offer was to respond to a proposal from the parties and so attempt to reach a settlement before the matter became the subject to possibly protracted and costly legal proceedings.
- (2) The conditions were that the Commonwealth would retain all grower deductions made to date, comprised of monies repaid to the Commonwealth plus monies held in the Bundaberg Sugar Limited Trust Account with interest, totalling approximately \$1.59 million. The Commonwealth also offered to write off unpaid monies of approximately \$1.03 million.
- (3) No. The funds held in the Trust Account pre-dated any decision to forgive the loan balance. The Minister did seek legal advice on the withholding of these funds at the time. The advice to the Minister is the subject of legal professional privilege (see answer to question 4).
- (4) The Minister sought legal advice regarding the loan underwriting arrangements, including the 5% grower deductions, from the Australian Government Solicitor and through the AGS from Senior Counsel from the Victorian Bar and was satisfied with that advice.
- (5) The Minister proceeded in accordance with the advice received.

**Defence: Staff**

**(Question No. 651)**

**Senator Chris Evans** asked the Minister for Defence, upon notice, on 4 May 2005:

For each of the financial years 2000-01 to 2004-05 to date, can the following information be provided for the department and/or its agencies:

- (1) What were the base and top level salaries of Australian Public Service (APS) level 1 to 6 officers and equivalent staff employed.
- (2) What were the base and top level salaries of APS Executive level and Senior Executive Service officers and equivalent staff employed.
- (3) Are APS officers eligible for performance or other bonuses; if so: (a) to what levels are these bonuses applied; (b) are these applied on an annual basis; (c) what conditions are placed on the qualification of these bonuses; and (d) how many bonuses were paid at each level, and what was their dollar value for the periods specified above.
- (4) (a) How many senior officers have been supplied with motor vehicles; and (b) what has been the cost to date.
- (5) (a) How many senior officers have been supplied with mobile phones; and (b) what has been the cost to date.
- (6) How many management retreats or training programs have staff attended.
- (7) How many management retreats or training programs have been held off-site.
- (8) In the case of each off-site management retreat or training program: (a) where was the event held; and (b) what was the cost of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.
- (9) How many official domestic trips have been undertaken by staff and what was the cost of this domestic travel, and in each case: (a) what was the destination; (b) what was the purpose of the travel; and (c) what was the cost of the travel, including a breakdown of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.
- (10) How many official overseas trips have been undertaken by staff and what was the cost of this travel, and in each case: (a) what was the destination; (b) what was the purpose of the travel; and (c) what was the cost of the travel, including a breakdown of: (i) accommodation, (ii) food, (iii) alcohol, (iv) transport, and (v) other costs incurred.

- (11) (a) What was the total cost of air charters used, and (b) on how many occasions was aircraft chartered, and in each case, what was the name of the charter company that provided the service and the respective costs.

**Senator Hill**—The answer to the honourable senator's question is as follows:

- (1) (2) and (3) Senator Abetz, as the Minister representing the Minister Assisting the Prime Minister for the Public Service, will respond on behalf of all ministers.
- (4) For each of the financial years 2000-01 to 2002-03, 2003-04 (to 18 Feb 04) and 2004-05 (to 31 May 05), the following information is provided:

Year	No. of Vehicles	Cost (m)
2000-01	234	(i)
2001-02	236	(i)
2002-03	248	(i)
2003-04	207 *to 18 Feb 04	(ii)
2004-05	213 *to 31 May 05	\$2.072m *to 31 May 05(iii)

Notes:

- (i) Defence is not able to devote the considerable time and resources that would be required to provide accurate data concerning SES and ADF vehicle costs prior to 2004-05.
- (ii) The number of vehicles issued to Senior Executive Service (SES) and Australian Defence Force (ADF) Star Rank officers for the period 2000-01 to 2003-04 was provided in a response to a question arising from the Additional Estimates Hearings of 18 February 2004. This information was calculated using Fringe Benefits Tax information as Defence's vehicle supply contractor does not provide Defence with historical data on the vehicles supplied to senior officers. It is not possible to reconstruct from available data an accurate full year figure for 2003-04.
- (iii) In 2004-05, a database was established to capture information and costs associated with vehicles issued to SES and ADF Star Rank officers.
- (5)

Year	No. of Senior Officers supplied with a mobile phone(i)	Cost(ii)
2000-01	219	Not available(iii)
2001-02	245	\$40,848
2002-03	225	\$59,012
2003-04	225	\$38,359
2004-05	243	\$43,913

Notes:

- (i) The number of SES and ADF Star Rank officers provided with a mobile phone during the particular financial year.
- (ii) The cost represents the actual purchase price of new and replacement phones, associated accessories, installation of hands free car kits, and maintenance of phones issued during the particular financial year.
- (iii) 2000-01 predates the current contract for provision of mobile phones. It is not possible to derive the cost of provision of mobile phones to senior officers in that financial year.
- (6), (7), (8), (9) and (10) See my response to (1).

- (11) Data on Defence usage of charter aircraft for domestic travel is not held centrally nor is the break down of information available from Defence's financial management systems. Defence is not able

to devote the considerable time and resources that would be required to manually collate a response.

**Minister for Foreign Affairs and Minister for Trade: Overseas Travel**  
**(Question Nos 713 and 715)**

**Senator Chris Evans** asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 4 May 2005:

For each financial year since 2000-01 to 2004-05 to date:

- (1) (a) What overseas travel was undertaken by the Minister; (b) what was the purpose of the Minister's visit; (c) when did the Minister depart Australia; (d) who travelled with the Minister; and (e) when did the Minister return to Australia.
- (2) (a) Who did the Minister meet during the visit; and (b) what were the times and dates of each meeting.
- (3) (a) On how many of these trips was the Minister accompanied by a business delegation; and (b) can details be provided of any delegation accompanying the Minister.
- (4) Who met the cost of travel and other expenses associated with the trip.
- (5) What total travel and associated expenses, if any, were met by the department in relation to: (a) the Minister; (b) the Minister's family; (c) the Minister's staff; and (d) departmental and/or agency staff.
- (6) What were the costs per expenditure item for: (a) the Minister; (b) the Minister's family; and (c) the Minister's staff, including but not necessarily limited to: (i) fares, (ii) allowances, (iii) accommodation, (iv) hospitality, (v) insurance, and (vi) other costs.
- (7) What were the costs per expenditure item for each departmental and/or agency officer, including but not necessarily limited to: (a) fares; (b) allowances; (c) accommodation; (d) hospitality; (e) insurance; and (f) other costs.
- (8) (a) What was the total cost of air charters used by the Minister or his/her office or department; and (b) how many occasions did the Minister or his/her office or department and/or agency charter aircraft, and in each case, what was the name of the charter company that provided the service and the respective costs.

**Senator Hill**—The Minister for Foreign Affairs, on behalf of himself and the Minister for Trade, has provided the following answer to the honourable senator's question:

I consider that the preparation of answers to the questions placed on notice would involve a significant diversion of resources and, in the circumstances, I do not consider that the additional work can be justified.

**Community Development Employment Projects Scheme**  
**(Question No. 912)**

**Senator Chris Evans** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 19 May 2005:

For each of the financial years 2001-02, 2002-03, 2003-04 and 2004-05 to date, how many participants were there in the Community Development Employment Projects Scheme and of those participants how many were: (a) Indigenous; and (b) non-Indigenous.

**Senator Abetz**—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

Financial Year	Total Participants	Indigenous	Non-Indigenous
2001-02	48,346	44,791	3,555
2002-03	49,753	45,901	3,852
2003-04	49,667	45,794	3,973
2004-05	48,300	44,550	3,750

Data prior to 1 July 2004 was collected by the Aboriginal and Torres Strait Islander Services and the Aboriginal and Torres Strait Islander Commission.

### World Bank and Asian Development Bank

#### (Question No. 972)

**Senator Allison** asked the Minister for Finance and Administration, on notice, on 21 June 2005:

- (1) What input does the Government provide to the World Bank and the Asian Development Bank to seek an increase in their lending for microfinance, and increased targeting of this lending to the poorest people.
- (2) Does the Government have any information on annual lending levels for microfinance by the Asian Development Bank, as well as its total portfolio for microfinance.
- (3) In 2004, the President of the Asian Development Bank wrote to parliamentarians indicating the bank was undertaking a review of its microfinance strategy; has this review been completed.

**Senator Hill**—On behalf of the Minister for Finance and Administration, the answer to the honourable senator's question is as follows:

- (1) Australia seeks to influence World Bank and Asian Development Bank microfinance lending and targeting by contributing to the development of the Banks' Country Strategy Papers. We provide input during microfinance strategy reviews and during the design phases of new microfinance strategies. Australia also comments directly on proposals through our representatives on the Board of the ADB and World Bank.

We also engage in cofinancing opportunities. For example, AusAID and the ADB are cofinancing the PNG-ADB microfinance and employment project contributing \$1.5 million to this US\$20.5 million project. Our support of \$1.5 million to the World Bank sponsored Consultative Group to Assist the Poor (CGAP) is another important element in our support for microfinance. CGAP plays a key role in building a stronger worldwide microfinance industry including through institutional capacity building, human resource development, policy dialogue and the promotion of best practice principles.

- (2) Annual lending by the Asian Development Bank for microfinance activities varies each year, but has averaged nearly US\$64 million per year since 1997. As of December 2004 the ADB's total microfinance portfolio was US\$510.69 million. This includes US\$352.81 million of loans from ADB's concessional window of funds - the Asian Development Fund (ADF), and US\$151.38 million from its commercial window of funds - Ordinary Capital Resources (OCR).
- (3) The review of the ADB's Microfinance Development Strategy (MDS) has been deferred pending the completion of a number of microfinance related projects. The MDS was approved in 2000. From 2000 to 2004, ten microfinance loan projects totalling US\$350 million and sixteen projects with microfinance components of about US\$131 million were approved. Only one of these projects is complete and the remainder are at various stages of implementation.

**Defence: Grants**  
**(Question No. 986)**

**Senator O'Brien** asked the Minister for Defence, 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 Hill**—The answer to the honourable senator's question is as follows:

A search of the records of the Department of Defence has not identified any grant or payment of the nature referred to in the question.

**Foreign Affairs and Trade: Grants**  
**(Question No. 987)**

**Senator O'Brien** asked the Minister representing the Minister for Foreign Affairs, 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 Hill**—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

To obtain the information requested would involve a significant diversion of resources and in the circumstances I do not consider the additional work can be justified.

**United States: Bureau of Reconstruction and Stabilization**  
**(Question Nos 1018 and 1019)**

**Senator Allison** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 7 July 2005:

- (1) What knowledge does the Government have of the US Department of State's new Bureau of Reconstruction and Stabilization.
- (2) Is it the case, as reported in the 4 July 2005 issue of the journal *The American Conservative*, that this new department is charged with surveillance of 25 countries which are candidates for military attack and reconstruction as 'market democracies'.
- (3) Is it the case, as reported, that capacity and contracts are being developed in the US for three full-scale simultaneous destruction/reconstruction operations in different countries.

- (4) Have any talks or other correspondence been exchanged between the United States of America (US) and Australia with regard to these plans; if so, what, if any, agreement has been reached about Australia's involvement in these projects.
- (5) Can the Government provide an assurance that no Australian troops will be involved in either destruction or reconstruction activities with the US.

**Senator Hill**—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

- (1) Our Embassy in Washington routinely liaises with the Office of the Co-coordinator for Reconstruction and Stabilisation to share information on recent and ongoing US and Australian efforts to assist post conflict societies. To this end the embassy has facilitated recent visits to the office by Australian experts on these efforts, namely members of the Joint Standing Committee on Foreign Affairs, Defence and Trade; senior representatives of the Australian Federal Police; and senior AusAid officials.
- (2) The stated mission of the Office of the Coordinator for Reconstruction and Stabilisation is to lead, coordinate and institutionalise US Government civilian capacity to prevent or prepare for post-conflict situations, and to help stabilise and reconstruct societies in transition from conflict or civil strife, so they can reach a sustainable path toward peace, democracy and a market economy.
- (3) This is not what we understand the purpose of the Bureau of Reconstruction and Stabilization to be.
- (4) Refer to Question Three
- (5) The Government does not speculate on hypothetical scenarios.