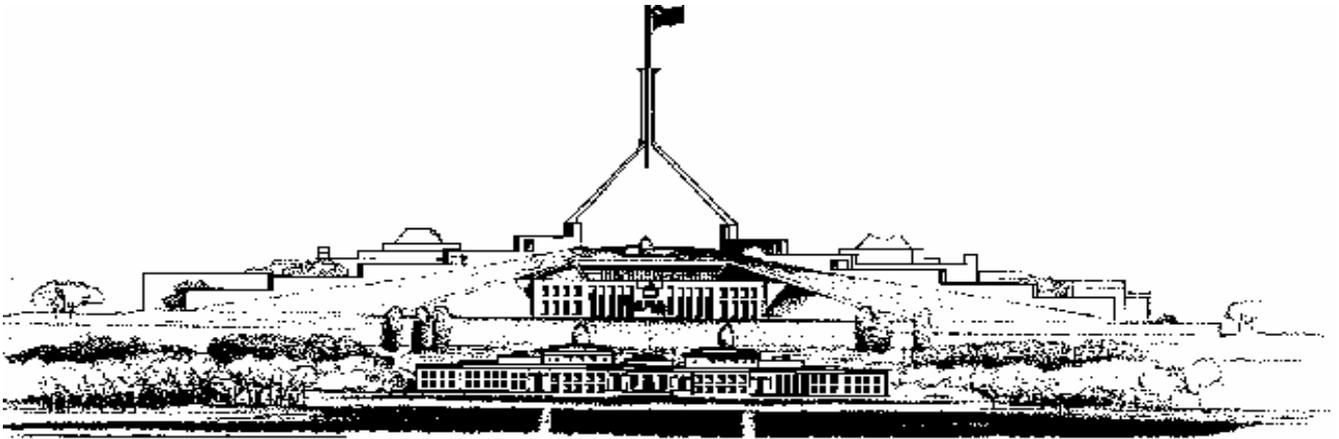




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

No. 3, 2006

MONDAY, 27 MARCH 2006

FORTY-FIRST PARLIAMENT
FIRST SESSION—FIFTH PERIOD

BY AUTHORITY OF THE SENATE

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SITTING DAYS—2006

| Month | Date |
|-----------|-------------------------------|
| February | 7, 8, 9, 27, 28 |
| March | 1, 2, 27, 28, 29, 30 |
| May | 9, 10, 11 |
| June | 13, 14, 15, 19, 20, 21, 22 |
| August | 8, 9, 10, 14, 15, 16, 17 |
| September | 4, 5, 6, 7, 11, 12, 13, 14 |
| October | 9, 10, 11, 12, 16, 17, 18, 19 |
| November | 6, 7, 8, 9, 27, 28, 29, 30 |
| December | 4, 5, 6, 7 |

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**FORTY-FIRST PARLIAMENT
FIRST SESSION—FIFTH 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. Nicholas Hugh Minchin

Deputy Leader of the Government in the Senate—Senator the Hon. Helen Lloyd Coonan

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. Nicholas Hugh Minchin

Deputy Leader of the Liberal Party of Australia—Senator the Hon. Helen Lloyd Coonan

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

Deputy Leader of The Nationals—Senator the Hon. John Alexander Lindsay (Sandy) Macdonald

Leader of the Australian Labor Party—Senator Christopher Vaughan Evans

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

Leader of the Australian Democrats—Senator Lynette Fay Allison

Leader of the Australian Greens—Senator Robert James Brown

Leader of the Family First Party—Senator Steve Fielding

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

Nationals Whip—Senator Nigel Gregory Scullion

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

Australian Democrats Whip—Senator Andrew John Julian Bartlett

Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate

Members of the Senate

| Senator | State or Territory | Term expires | Party |
|--|--------------------|--------------|-------|
| Abetz, Hon. Eric | TAS | 30.6.2011 | LP |
| Adams, Judith | WA | 30.6.2011 | LP |
| Allison, Lynette Fay | VIC | 30.6.2008 | AD |
| Barnett, Guy | TAS | 30.6.2011 | LP |
| Bartlett, Andrew John Julian | QLD | 30.6.2008 | AD |
| Bishop, Thomas Mark | WA | 30.6.2008 | ALP |
| Boswell, Hon. Ronald Leslie Doyle | QLD | 30.6.2008 | NATS |
| Brandis, George Henry | QLD | 30.6.2011 | LP |
| Brown, Carol Louise ⁽⁴⁾ | TAS | 30.6.2008 | ALP |
| Brown, Robert James | TAS | 30.6.2008 | AG |
| Calvert, Hon. Paul Henry | TAS | 30.6.2008 | LP |
| Campbell, George | NSW | 30.6.2008 | ALP |
| Campbell, Hon. Ian Gordon | WA | 30.6.2011 | LP |
| Carr, Kim John | VIC | 30.6.2011 | ALP |
| Chapman, Hedley Grant Pearson | SA | 30.6.2008 | LP |
| Colbeck, Hon. Richard Mansell | TAS | 30.6.2008 | LP |
| Conroy, Stephen Michael | VIC | 30.6.2011 | ALP |
| Coonan, Hon. Helen Lloyd | NSW | 30.6.2008 | LP |
| Crossin, Patricia Margaret ⁽³⁾ | 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 ⁽²⁾ | VIC | 30.6.2008 | LP |
| Forshaw, Michael George | NSW | 30.6.2011 | ALP |
| Heffernan, Hon. William Daniel | NSW | 30.6.2011 | LP |
| Hogg, John Joseph | QLD | 30.6.2008 | ALP |
| Humphries, Gary John Joseph ⁽³⁾ | 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 ⁽³⁾ | 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 | LP |
| 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, Hon. Santo ⁽¹⁾ | QLD | 30.6.2008 | LP |
| Scullion, Nigel Gregory ⁽³⁾ | NT | | CLP |
| Sherry, Hon. Nicholas John | TAS | 30.6.2008 | ALP |
| Siewert, Rachel | WA | 30.6.2011 | AG |
| Stephens, Ursula Mary | NSW | 30.6.2008 | ALP |
| Sterle, Glenn | WA | 30.6.2011 | ALP |
| Stott Despoja, Natasha Jessica | SA | 30.6.2008 | AD |
| Troeth, Hon. Judith Mary | VIC | 30.6.2011 | LP |
| Trood, Russell | QLD | 30.6.2011 | LP |
| Vanstone, Hon. Amanda Eloise | SA | 30.6.2011 | LP |
| Watson, John Odin Wentworth | TAS | 30.6.2008 | LP |
| Webber, Ruth Stephanie | WA | 30.6.2008 | ALP |
| Wong, Penelope Ying Yen | SA | 30.6.2008 | ALP |
| Wortley, Dana | SA | 30.6.2011 | ALP |

- (1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.

PARTY ABBREVIATIONS

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

Heads of Parliamentary Departments

Clerk of the Senate—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—H R Penfold QC

HOWARD MINISTRY

| | |
|---|---|
| Prime Minister | The Hon. John Winston Howard MP |
| Minister for Trade and Deputy Prime Minister | The Hon. Mark Anthony James Vaile MP |
| Treasurer | The Hon. Peter Howard Costello MP |
| Minister for Transport and Regional Services | The Hon. Warren Errol Truss MP |
| Minister for Defence | The Hon. Dr Brendan John Nelson MP |
| 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, 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 Affairs | Senator the Hon. Amanda Eloise Vanstone |
| Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women's Issues | The Hon. Julie Isabel Bishop MP |
| Minister for Families, Community Services and Indigenous Affairs | The Hon. Malcolm Thomas Brough MP |
| Minister Assisting the Prime Minister for Indigenous Affairs | |
| 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 and Deputy Leader of the Government in the Senate | 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. Eric Abetz |
| Minister for the Arts and Sport | Senator the Hon. Charles Roderick Kemp |
| Minister for Human Services | The Hon. Joseph Benedict Hockey MP |
| Minister for Community Affairs | The Hon. John Kenneth Cobb MP |
| Minister for Revenue and Assistant Treasurer | The Hon. Peter Craig Dutton MP |
| Special Minister of State | The Hon. Gary Roy Nairn MP |
| Minister for Vocational and Technical Education and Minister Assisting the Prime Minister | The Hon. Gary Douglas Hardgrave MP |
| Minister for Ageing | Senator the Hon. Santo Santoro |
| 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. Bruce Frederick Billson MP |
| Minister for Workforce Participation | The Hon. Dr Sharman Nancy Stone MP |
| Parliamentary Secretary to the Minister for Finance and Administration | Senator the Hon. Richard Mansell Colbeck |
| Parliamentary Secretary to the Minister for Industry, Tourism and Resources | The Hon. Robert Charles Baldwin MP |
| Parliamentary Secretary to the Minister for Health and Ageing | The Hon. Christopher Maurice Pyne MP |
| Parliamentary Secretary to the Minister for Defence | Senator the Hon. John Alexander Lindsay (Sandy) Macdonald |
| Parliamentary Secretary (Trade) | The Hon. De-Anne Margaret Kelly MP |
| Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs | The Hon. Andrew John Robb MP |
| Parliamentary Secretary to the Prime Minister | The Hon. Malcolm Bligh Turnbull 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 to the Minister for Agriculture, Fisheries and Forestry | The Hon. Sussan Penelope Ley MP |
| Parliamentary Secretary to the Minister for Education, Science and Training | The Hon. Patrick Francis Farmer MP |
| Parliamentary Secretary (Foreign Affairs) | The Hon. Teresa Gambaro MP |

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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Monday, 27 March 2006

The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 2.30 pm and read prayers.

REPRESENTATION OF SOUTH AUSTRALIA

The PRESIDENT (2.31 pm)—I inform the Senate that Senator Hill resigned his place as a senator for the state of South Australia on 15 March 2005. Pursuant to the provisions of section 21 of the Constitution, the Governor of South Australia was notified of the vacancy in the representation of that state caused by the resignation. I table a facsimile copy of the letter of resignation and a copy of the letter to the Governor of South Australia.

Senator MINCHIN (South Australia—Leader of the Government in the Senate) (2.31 pm)—by leave—I am sure all senators will join with me in congratulating Robert Hill on what I think is a very well deserved appointment by the government as Australia's next Ambassador to the United Nations. I am sure many senators look forward to enjoying Robert's hospitality on their next visit to New York.

QUESTIONS WITHOUT NOTICE

Workplace Relations

Senator WONG (2.31 pm)—My question is to Senator Minchin, Leader of the Government in the Senate. Does the minister recall his remarks to the HR Nicholls Society in which he begged forgiveness that the Howard government's extreme industrial relations changes did not go far enough? Is it not the case that the industrial relations changes, which take effect today, have already removed protection from unfair dismissal and crushed Australian workers' ability to bargain for better pay and conditions? Given his recent comments, can the minister

now explain how much further he wants to go? Which of the few remaining rights does the minister now want to strip off Australian workers?

Senator MINCHIN—I thank Senator Wong for her question. Indeed I do recall having a very convivial evening with my friends at the HR Nicholls Society. A most enjoyable evening it was indeed. Of course, the HR Nicholls Society is well known for its long campaign to reform Australia's industrial relations system to give workers more choice and more freedom in the workplace and to advance the cause of ordinary Australian workers by removing the shackles of the outdated, antiquated and old regulated industrial system that we inherited from the Labor Party.

Indeed, our focus on this issue is a reflection of the fact that on this side of the chamber we are focused on policies that seek to advance the interests of ordinary working Australians. I point to the extraordinary improvement in real wages that has occurred under this government: a substantial improvement in real wages for ordinary Australians under the policies put into place by this government and against the opposition of the Labor Party. There was no improvement in real wages whatsoever under the Labor Party, because of its antiquated approach to this issue of industrial relations—a most important issue in terms of Australia preparing itself for the 21st century to ensure that we can maintain a strong economy able to sustain high growth, high jobs, low unemployment and increasing real wages. So we make no apology for the very sensible reforms which begin today and which herald a new era of economic reform for this country.

I think it is a signal of how moderate our changes are that the HR Nicholls Society and others think that we should have gone further. We have not gone as far as they and

others think we should. We think our proposals, and the package that comes into force today, are very moderate and reasonable and take account of the fair interests of all workers but ensure that they can have choice in the workplace that will enable them to improve their wages and working conditions.

The Labor Party has to understand, like Mr Blair understands, that this is a whole new world. It is an extraordinary fact that when these changes take full effect Australia will still have a more regulated workplace than either Mr Blair's United Kingdom or Helen Clark's New Zealand. Both of those leaders, Labour prime ministers, were sensible enough when they came into office not to roll back the reforms made to their industrial relations arrangements by their Conservative and National predecessors respectively. They, as enlightened Labour leaders, recognised the virtues of the changes brought in by their conservative predecessors. The changes that they made, and which those Labour leaders have kept, have ensured that New Zealand and the United Kingdom have enjoyed sustained high growth and high living standards. This government is committed to ensuring that this country continues to have high living standards for Australians. We are very proud of the changes that come into place today.

Senator WONG—Mr President, I ask a supplementary question. I again refer the minister to his speech in which he indicated the need for another wave of industrial relations reform. Can the minister indicate which of the few remaining rights of Australian employees not removed by the government's current extreme industrial relations laws he proposes to target in the future? Will it be sick leave, minimum wage, annual leave, hours of work or parental leave? How many more Australian workers, in addition to the four million who have lost their unfair dismissal rights today, will have their right to

challenge an unfair dismissal removed in the future? Minister, are there any rights for Australian workers that the Howard government is not prepared to destroy?

Senator MINCHIN—We do have in progress preparation for the introduction of legislation to protect independent contractors from the ravages of the trade union movement, and we will proceed with that. It is an amazing fact that there are now more independent contractors in this country than there are union members, and the Labor Party ought to wake up to the changes going on in the workplace. We will proceed with that legislation, but the Prime Minister has made it clear that we will not be taking any further major changes to the next election.

Cyclone Larry

Senator IAN MACDONALD (2.37 pm)—My question is to the Minister for Finance and Administration, representing the Prime Minister, and it relates to Cyclone Larry, which devastated the coast of part of my home state of Queensland this time last Monday. In asking this question, I indicate to the people of Innisfail and the Atherton Tableland the understanding and support of the parliament of Australia in their predicament at the current time. As a northerner, I was very gratified at the speed of the response that the Howard government showed to the calamity and I ask you to update the Senate on the assistance that is being made available to the people devastated by Cyclone Larry.

Senator MINCHIN—I thank Senator Ian Macdonald very much for that question and acknowledge his long-held interest in the affairs of North Queensland and his great representation in this place of the people of North Queensland. I think I speak for all senators in sharing the concern Senator Ian Macdonald has expressed for the people of Far North Queensland affected by what is a terrible natural disaster. It includes the peo-

ple who have lost their houses and their jobs. There are farmers who have lost their entire crops. There are businesses that have lost their premises and, indeed, their whole livelihoods.

Some members in the other place and senators here will have seen the devastation up there for themselves. Others of us can only look on in dismay at the pictures of destroyed houses, wrecked schools and banana plantations completely and utterly flattened. There is always a silver lining, and we see great hope in the resilience of ordinary Australians in the face of these calamities and in the way local communities have pulled together to extend a helping hand to those in need. We acknowledge the great work of our troops, the police, emergency services, nurses, electricity workers and others involved in helping with this massive clean-up.

We welcome the appointment by the Queensland government of Peter Cosgrove to coordinate the relief effort. We, for our part, will be working hand in hand with the Queensland government and Peter Cosgrove's team to do everything we can to help the victims of Cyclone Larry. As the Prime Minister has announced, the initial Commonwealth contribution will be in excess of \$100 million, with more to come as necessary. Forty million dollars will go to Queensland in line with our natural disaster relief arrangements. That will help relieve personal hardship and assist urgent efforts to rebuild public infrastructure. More funding will be made available under relief arrangements if required.

We are providing *ex gratia* assistance of \$1,000 an adult and \$400 a child for people whose homes were destroyed or are uninhabitable. Payments of \$10,000 are available to small businesses and farmers to help re-establish themselves. Six months of income support and concessional loans of \$200,000

are also available to affected small businesses and farmers. The Prime Minister announced yesterday that we will reimburse the excise on diesel and petrol used for electricity generation during this crisis. Our Centrelink staff are in the region manning one-stop shops to make sure the assistance gets to people as quickly as possible. We will be as generous as we need to be to help this region bounce back, which I am sure it will.

As finance minister, I think this is a demonstration of why it is important that we manage our federal budget sensibly and keep a healthy surplus. It means that the government is in a position to respond generously when our fellow Australians and, indeed, our neighbours, like Indonesia in the tsunami, have been hit by these natural disasters. The people of North Queensland—and I would ask Senator Ian Macdonald and others from that region to pass this on—can be assured that our government will continue to do whatever it takes to get this region back on its feet as quickly as possible.

Migrant Workers

Senator McEWEN (2.41 pm)—My question is to Senator Vanstone, Minister for Immigration and Multicultural Affairs. Is the minister aware that some unscrupulous Australian employers are rorting the Howard government's skilled migration visas to bring in foreign workers at the expense of local workers? In particular, is the minister aware of two meat factories operating in South Australia, one in Murray Bridge, which has taken on a large number of unskilled migrant workers at the expense of locals, and another in Naracoorte, which has replaced Australian workers with unskilled Chinese workers? Isn't it the case that, following complaints to the department of immigration, an investigation confirmed that workers are not engaged in skilled work and are being paid less than they should? Has the minister taken any ac-

tion to stop the abuse of these visas by the companies in question? Why is the minister allowing this visa class to be exploited by unscrupulous employers to trade off Australian jobs and exploit foreign workers?

Senator VANSTONE—I thank the senator for the question. The senator is simply repeating what I believe is a campaign of untruths and innuendo in relation to a 457 visa, otherwise known as a business long stay. This is a fabulous visa. It helps Australia in a time of economic boom, because we have got some skills shortages. Companies in Australia who want to be able to keep going at an appropriate pace when they strike a peak in their business or they get an opportunity to take a bigger contract need to be able to bring people in from offshore to help them cope with that work and therefore keep going to prosper and grow and, guess what: to therefore protect Australian jobs. A skills shortage puts industry at risk. Meeting that skills shortage protects industry and ipso facto protects Australian jobs.

Unions have been making a number of false claims. I hasten to add that, on any occasion where a claim is made that this visa is being misused, it will be investigated, the people will be dealt with and, in all probability, they will lose their right to further sponsor workers. Let me give you some examples of the type of wording that is being used: the senator said 'foreign workers' as if Australia in a global world with global trade can somehow only have Australian workers, not trade overseas, not allow our kids to go overseas and work, because that is the price you pay if you do not want people coming here to work. It follows on the claims made by Mr Burke, the immigration spokesperson for the opposition—

Senator Chris Evans—Mr President, I rise on a point of order on relevance. The minister was asked a specific question. I

know she was not in the chamber when it started but I will ask you to refer her back to the question. It related to two specific issues in South Australia, her own state, and while she sought to make a very general contribution about skills shortages under the Howard government, I think you ought to bring her back to the question.

The PRESIDENT—The minister has over two minutes left for her answer, and I am sure the minister did hear the question and I would remind her of it.

Senator VANSTONE—Thank you, Mr President. The question goes squarely to the use of 457 visas, which is what I am commenting on. Following up the xenophobic claim of 'foreign workers coming here', we want Australians to be able to go and get jobs overseas, and we should be able to accept other people coming here. It works both ways. We heard their spokesperson talking about bringing in people from Beirut, Bombay and Beijing—and it was not a question of needing alliteration, because if you wanted to you could have said 'workers coming from Blackpool, Brighton and Bristol'. But, no, the opposition have chosen consistently to refer to places in the Middle East, the subcontinent and Asia, referring to foreign workers and trying to cause some concern. Let us have a look at one of the claims. Let us just go directly to one of the claims. There was a claim published about Halliburton, a company operating in mining in South Australia.

Senator Chris Evans—Mr President, I rise on a point of order. The minister is making no attempt at all to answer the question. If she wants to have a tee-off against the opposition spokesman she ought to come in and debate bills. She never comes into the chamber and debates issues when they are on. But this is question time and she ought to be drawn back to the question.

The PRESIDENT—Order! In fact, I thought I just heard the minister say she was going to answer a point that was made regarding the question.

Senator Chris Evans—That is not what she said at all.

The PRESIDENT—I do not think there is a point of order.

Senator VANSTONE—Quite the opposite, Mr President.

Opposition senators interjecting—

The PRESIDENT—Order!

Senator VANSTONE—That is exactly what you heard. What I indicated, if I can continue, is that I would go directly to one of the allegations raised.

The PRESIDENT—Yes, exactly.

Senator VANSTONE—Because I was asked if I was aware of the allegations raised that this visa was being misused. One of the allegations related to Halliburton, and the Australian Workers Union claimed that people were brought here from Indonesia to dig ditches and were paid \$40 a day. The *Advertiser*, on the strength of what Labor told them, said ‘Slave labour for \$40 a day: imported workers treated poorly’. The record was corrected by Halliburton on the same day. These workers were not digging ditches but were employed to supervise coiled gas tubing operations in oilfields, a very important industry to Australia.

Senator Kemp interjecting—

Senator Wong interjecting—

The PRESIDENT—Order, Senator Kemp! Senator Wong!

Senator Chris Evans—Mr President, I rise on a point of order. This is a complete abuse of question time—a complete abuse. The minister is making no attempt at all to answer the question. She is now answering an allegation apparently made in a newspa-

per. She was asked specifically about two South Australian cases. She has had about four minutes and has not come at all to those issues. I would ask you to protect the integrity of question time and ask her to answer the question.

The PRESIDENT—There have been a lot of interjections from both sides of the chamber. I would remind the minister of the question. I remind her she has 29 seconds left to complete her answer.

Senator VANSTONE—I was asked was I aware of allegations, Mr President. The salaries paid to these workers were not \$40 a day; they were in excess of \$60,000. The bonuses were \$40 to \$80 a day. These claims have been repeated, of course, on TV and radio, and only recently by Greg Combet, on the ABC yesterday—not just some paper but the leader of the ACTU repeating these claims he must know to be false. Any claims of misuse of this visa will be properly investigated.

Senator McEWEN—Mr President, I ask a supplementary question. Isn't it the case that, following complaints to the department of immigration, an investigation of the South Australian situation confirmed that the workers are not engaged in skilled work and are being paid less than they should be paid? Doesn't it show that the Howard government is unwilling and unable to properly police the use of this visa? Isn't it the case that the department does not conduct any proper investigation to ensure companies applying for these visas have made reasonable attempts to employ Australian workers? Won't this get worse as the Howard government's extreme industrial relations changes permit employers to unfairly sack Australian workers without sanction, allowing them to replace Australians with foreign workers on low wages?

Senator VANSTONE—You do not have to be as bright as a blown globe to figure out

that if allegations are made they will be investigated. Of course, Senator, they will be investigated.

Opposition senators interjecting—

The PRESIDENT—Order!

Senator VANSTONE—I do not have advice as to the outcome of the investigations to which I think the senator might be referring, but I do have advice in relation to Haliburton, which is one of the claims that was made by the union movement. And that proves—

Opposition senators interjecting—

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

Senator VANSTONE—That shows, Mr President, that when the time is taken for the investigation to take place, when the Department of Employment and Workplace Relations do an assessment and when an occupational health and safety assessment is done, they come up with a clean bill of health. Now, there will be cases where that will not happen. It does happen that you catch people out, in all fields of endeavour, doing the wrong thing. We did that last year: we caught people out and we have dealt with them and we will continue to do it. (*Time expired*)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I would like to welcome a distinguished former senator for Queensland, Len Harris, back to the chamber. As you can see, nothing has changed since you left!

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Employment

Senator BRANDIS (2.50 pm)—My question is to Senator Abetz, Minister representing the Minister for Employment and Workplace Relations. How is the Howard gov-

ernment moving to create even more jobs and even higher wages for Australian workers? Is the minister aware of any alternative policies?

Senator ABETZ—Can I thank Senator Brandis for his question and acknowledge his longstanding interest in job creation in this great nation. Mr President, today the Howard government's Work Choices legislation comes into effect—legislation which we on this side of the chamber firmly believe is in the interests of this nation and of working Australians and their families. We believe this because this is the sort of updating of the century-old IR system which both the employees and employers of this country have been crying out for. By enshrining flexibility and the right of employees and employers to sit down and negotiate working conditions which best suit them—protected, importantly, by a minimum safety net—both the workers and employers of this nation will be better off. In addition, the Work Choices abolition of the Keating government's failed social experiment of unfair dismissal laws for small businesses, while retaining protection against unlawful dismissals, will create thousands of new jobs in this country, as evidenced by study after study, survey after survey.

It has been a while since I have had an IR question but, of course, it is something that I look forward to. I thought we might have another 'Who said it?' Who said this about the now former unfair dismissal regime: 'Currently what you get is a sort of ambulance-chasing activity?' No takers? I will give them a clue. It was somebody who did not seek to intervene in the proposed unfair dismissal of the member for Hotham. Have you got it? It was Mr Beazley himself. As late as last Friday—only three days ago—he made those comments about the now previous unfair dismissal laws, those laws that the Labor Party voted to keep on 42 separate

occasions. What we have is Mr Beazley and the Australian Labor Party acknowledging the problems of the unfair dismissal laws. So on Friday, having previously said Labor Party policy was 'rip-up', the son of roll-back—it was going to rip up all the industrial relations changes—he announced his new unfair dismissal laws. It was only back to the future for Mr Beazley. Having noted in his speech all the problems associated with the regime which we have now overturned for small businesses, he then says and acknowledges that Labor will simply reinstitute that same failed regime.

The Australian people and the Australian workers deserve a lot better from Mr Beazley and those who seek to be the alternative government of this nation. Sure, the unfair dismissal changes are good for small business—and Mr Beazley is on record as saying, 'We have never pretended to be a small-business party'—but it is indisputable that these laws that we have changed are also good for job creation. Surely the Australian Labor Party could at least bring itself to say we are pro job creation. But, because they are so beholden to the trade union movement, they are unable to say even that. On this, the occasion of the beginning of the Howard government's Work Choices legislation, I commend the legislation to the Australian community and look forward with confidence to the job creation and wages growth that will result. (*Time expired*)

Internet Safety

Senator CONROY (2.54 pm)—My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Can the minister confirm that the Australian Communications and Media Authority, ACMA, has identified more than 2,000 overseas websites containing prohibited internet content, including disturbing images of child pornography and sexual vio-

lence? Does the minister maintain her claim that Labor's plan to require ISPs to filter out pornographic content for households, schools and libraries would cost around \$30 million per year? Given that the government is sitting on a surplus in excess of \$14 billion, can the minister explain to Australian parents why she thinks \$30 million is too much to pay to block access to websites identified by ACMA as containing prohibited content?

Senator COONAN—I thank Senator Conroy for the question. The government takes the view, quite frankly, that it is not the expense of a potential solution to this problem that is the barrier. If in fact we could be certain that the kind of proposal that Labor has put up would actually deliver a better outcome, that would be something that the government would seriously consider. We have not rejected the possibility of having ISP server level filtering. We have in fact looked at it three times. On each occasion, it has not been found to be effective. The point about it is that, before you would impose mandatory filtering on ISPs, some of whom are very small businesses, you would want to be absolutely certain that it would be effective. The point about it is that the government is very serious about protecting families from offensive content. The issue is not so much where you filter but making sure that the filtering that you do do is as effective as you can get it. This government is prepared to do whatever it takes to protect Australian children from inappropriate internet content.

As most in the chamber would be aware, the government has a comprehensive three-pronged strategy for protecting children on the internet. That is made up of three things: legislation, regulation and of course education of parents and of children. PC based filtering does remain, in our view, the most effective technical solution for blocking unwanted content. However, the government

would never completely rule out ISP level filtering, and we will continue to look at it because, as technology changes, some of the real difficulties that currently accompany ISP level filtering may in fact be better addressed. We continue to review this technology, but I say to the Senate and indeed to Senator Conroy that ISP level filtering remains an inadequate solution that misses content, does not block all kinds of content available over the internet and of course is unable to be properly adapted. For instance, what might be suitable for a 17-year-old is certainly not suitable for a five-year-old, and there is no way with ISP filtering to be able to tailor-make the kind of internet experience that people wish to have.

While I understand industry's concerns about the impact on internet performance and costs, I stress again that this is not the issue. The issue is what is most effective and not where the content is blocked. As I understand Mr Beazley's statements about filtering, which he continues to make about every six months or so—he talks about it as some new policy position—they seem to be based on the Cleanfeed system in use on a very small and controlled list of child porn sites in the United Kingdom. It does not remove all adult content or even make the internet child-safe.

As I have said, the government has looked at alternative ISP level filtering technology three times—first of all in 1999 and most recently in a NetAlert trial in Launceston. The final report of this research will be released very shortly but the initial findings demonstrate that even the best-performing filter in the trial missed a quarter of the content on a small pre-prepared list of sites and all server-level filters tested had a major impact on network performance, with the performance degrading even more on faster connections. The government is of the view that, until the technology improves, PC

based filters remain the most effective. (*Time expired*)

Senator CONROY—Mr President, I ask a supplementary question. Has the minister seen comments by her Liberal Party colleague Senator Barnett that the cost of a mandatory filtering scheme could be seen as a small price to pay to protect our children? Is she also aware that he has said 'there is a broad view within the coalition that as a government we should do all that can be done to protect our children'? Can the minister explain why she has failed to do all that she can to stop sickening internet content from entering Australian homes? Does the minister believe that her lack of action is supported by her coalition colleagues?

Senator COONAN—I do not know whether Senator Conroy was listening, because it seems that most of the points that Senator Joyce was talking about are things that the government has under very serious consideration. Obviously, Labor has no idea as to the efficacy of filtering at network level. We know that Labor have been caught out and are on the back foot over this issue. We know that they ridiculed the government's proposals a couple of years ago to do PC based filtering. Labor attacked ISP based filtering. Even Senator Conroy acknowledged only last week that this system would not block everything and that there would still be ways around it. We have to find a sensible solution that protects our children, educates our parents and gives the very best outcome the technology can deliver. And Labor's solution does not do that.

Commonwealth Games

Senator McGAURAN (3.01 pm)—My question is to the Minister for the Arts and Sport, Senator Kemp. Will the minister inform the Senate about the achievements and benefits of the Commonwealth Games that concluded in Melbourne last night?

Senator KEMP—I thank my colleague Senator McGauran for that very important question. I will say it in just a few words: as the Secretary-General of the Commonwealth Games said, Melbourne was ‘simply the best’. There is no question that the 2006 games were a great sporting event with many world-class performances. In particular, I am sure I speak for all senators in congratulating the Australian team for their performance and for being on top of the medal table. They demonstrated the breadth and depth of our sporting talent across a very wide range of Commonwealth Games sports.

What a record of achievement the games had: 1.6 million tickets were sold, the games were seen by a TV audience of over one billion people, 15,000 volunteers made the games a huge success and those who followed the Queen’s Baton Relay will note that it was the world’s longest and most inclusive relay.

The success of the 2006 Commonwealth Games was due to the skills and hard work of many Australians over a very long period of time. I would like to congratulate the Melbourne 2006 Commonwealth Games Corporation for organising what was a first-rate sporting event. Ron Walker—a great friend, I might say, of the Bracks government, Stephen Conroy; the Bracks government were very pleased to keep Ron Walker in that job, and rightly so—and his team can be extremely proud of the games and the team he led. The Australian government has been very pleased to work in partnership with the Victorian government and the M2006 Corporation and contribute to the success of these games.

As was the case in Sydney, the heroes of these games were often the volunteers, who demonstrated a sporting spirit in giving their time and skills so generously. It was a selfless band of, as I mentioned, some 15,000

people. They really helped make the games a success. That shows you how important volunteers are to running a top class sporting event.

I would like to congratulate all our competitors for the very courageous performances that they put in. I congratulate the Australian Sports Commission for the important role that they, through their grants program through the AIS, played in helping to prepare the Commonwealth Games team. We can all be proud of the Australian medal haul of 221, including 84 gold. We can also be very proud of the way our athletes represented themselves and Australia with dignity, dedication and sportsmanship. By any measure, the 2006 Commonwealth Games were a great success. We can look forward, I believe, with confidence to future Australian sporting success.

International competition, as we all know, is getting stronger and stronger. We must be prepared to invest to maintain our level of high performance. I can convey to the Senate that the Melbourne Commonwealth Games were a spectacular success and a great credit to the city, to Victoria and to Australia.

Mr David Hicks

Senator ALLISON (3.05 pm)—My question is to the Minister representing the Minister for Foreign Affairs. Is the minister aware that the British government has had all of its alleged prisoners of war repatriated from Guantanamo Bay, that the Australian citizen David Hicks has now been a prisoner at Guantanamo Bay for four years, that the United States recently refused the United Nations full access to the prison and that the British Prime Minister, Tony Blair; the German Chancellor, Angela Merkel; the Secretary-General of the United Nations, Kofi Annan; and leading international jurists have all condemned Guantanamo Bay? What efforts have the government made in the light of

Prime Minister Blair's condemnation of the facility to secure the release of Mr Hicks? How long will the government allow Mr Hicks to remain a prisoner of the American forces at Guantanamo Bay?

Senator COONAN—I thank Senator Allison for the question. In dealing with matters to do with Mr Hicks over past months the government has emphasised to the US administration the need for Mr Hicks's case to be resolved as expeditiously as possible, consistent with the interests of justice. We expect Mr Hicks to face charges overseas. Like all Australians, the government appreciates that that is not necessarily the approach of all governments. But that is the approach that the government has consistently maintained in respect of the detention of Mr Hicks.

But it is fair to say that the problems of delay are a matter of concern to us. The latest stay, which was made some time ago, as Senator Allison would be aware, is the result of an application by Mr Hicks himself. In November 2005, the United States district court granted a stay of Mr Hicks's military commission proceedings. The stay is likely to remain in place until the United States Supreme Court issues its final decision in the case of *Hamdan v Rumsfeld*. Earlier delays in Mr Hicks's trial were caused by continuing challenges in the United States domestic courts as to the legality of the military commission process by the United States domestic courts.

The government is aware that amendments to the United States National Defence Authorisation Act may affect the rights of foreign detainees to appeal to the United States federal courts. The amendments provide that the United States Court of Appeals for the District of Columbia Circuit has exclusive jurisdiction to hear appeals from any final decision issued by the military commis-

sion. At this stage, it is unclear what effect these provisions will have on the current Supreme Court proceedings or Mr Hicks's military commission. As to Mr Hicks's application for United Kingdom citizenship, the government takes the view that that is entirely a matter for Mr Hicks and the United Kingdom government.

Senator ALLISON—I ask a supplementary question, Mr President. Prime Minister Blair said today in the House that Australia and Great Britain shared fundamental values, including freedom. Would the minister explain how the Australian values of freedom, justice and fairness are the same as the British values of freedom, justice and fairness? How is it that the British Prime Minister fought for the freedom of his citizens in Guantanamo Bay while Mr Hicks languishes in Guantanamo Bay?

Senator COONAN—I am not going to, on behalf of the foreign minister, engage in some quantitative or qualitative comparison between this government and the United Kingdom. I repeat my previous answer to Senator Allison that Mr Hicks's application for United Kingdom citizenship and the course it might take is a matter for both Mr Hicks and the United Kingdom government and certainly not the Australian government.

Aged Care

Senator HUMPHRIES (3.09 pm)—My question is to the Minister for Ageing, Senator Santoro. Will the minister inform the Senate of the outcomes of the recent meeting of the minister's Aged Care Advisory Committee, which of course focused on the important issue of abuse of the elderly in aged care facilities? Is the minister aware of any alternative views on this issue?

Senator SANTORO—Before starting my answer, I thank Senator Humphries for his question and I also commend Senator Humphries for the magnificent job he is do-

ing as chair of the relevant Senate legislation committee. I particularly want to commend that committee, which is under the stewardship of Senator Humphries, for the very bipartisan and considered manner in which they are going about their job—and I am talking about senators on that committee from both sides of this chamber.

As I said in answer to a question from Senator Forshaw on 27 February in this place, I undertook to inform this chamber of the outcomes of the 14 March ministerial advisory committee. As a result of this meeting, I will be taking a submission to federal cabinet in the near future outlining measures to build up arrangements that are already in existence to help eliminate the abuse of the elderly within Australia's aged care facilities. It was an extremely worthwhile and very constructive meeting. As I have outlined in the Senate previously, it was attended by a broad representative group of people who work within the aged care sector. I felt very reassured to have that calibre of people offering me quality advice in terms of the contentious issues in question.

The advisory committee at the end of it all expressed general support, I thought, for the following initiatives: a uniform system of police checks for workers in the aged care industry, an increase in unannounced spot checks for aged care facilities, a review of the current complaints resolution scheme and enhanced training for all aged care staff in relation to knowledge and awareness of abuse of the elderly and how to deal with complaints. One of the very interesting aspects of that meeting was in relation to the issue of mandatory reporting. At the end of the process, I thought the committee was significantly divided on the issue. I must admit that came to me as a surprise, and I have expressed that surprise publicly. Some members of the committee requested additional research and information in relation to

the effectiveness of mandatory reporting schemes in other jurisdictions, including overseas jurisdictions. I have asked for some further research and for the existence of current literature to be brought to my attention.

I would also like to express my appreciation for the advice that I have received from members of the Aged Care Advisory Committee since that meeting. Many of them have provided feedback following their deliberations on that day, and they have been very good in terms of elaborating on some of the ideas and views that they expressed.

The Senate may also be interested to know that I have now written to my state colleagues—and I should emphasise that my state ministerial colleagues are all members, unfortunately, of the Labor Party—asking them to meet with me. The majority of them have replied in the affirmative that they will be coming to a meeting with me and they have also expressed a view that they wish to go about the business in a very considered manner. That meeting will in fact take place in Canberra on 10 April.

Since that meeting, I have received many submissions from carers, relatives, advocacy groups, providers and other professionals within the aged care industry. I have also spoken with a number of residents, including some who have been abused, and I have drawn much strength and determination from that in terms of my desire to continue to do the job that has to be done. Again, I reiterate my belief that the vast majority of aged care facilities within Australia are safe places for our elderly citizens to be in and that they are run by dedicated, ethical and totally committed people who look after the elderly as if it is their sacrosanct duty. (*Time expired*)

Senator HUMPHRIES—Mr President, I ask a supplementary question. Could the minister further explain to the Senate the alternative views on which he was about to

elaborate and explain why he will not be adopting those alternative views about this issue?

The PRESIDENT—I cannot allow that supplementary question. It does not conform with the standing orders.

The *Jian Seng*

Senator LUDWIG (3.14 pm)—My question is to Senator Ellison, Minister for Justice and Customs. How does the minister explain the sudden appearance near our northern shores of the 80-metre ghost ship *Jian Seng*? How is it that an unmanned tanker, drifting aimlessly, can penetrate the Howard government's weak border protection system totally unchallenged? Why did the Howard government take almost a full day to intercept the ghost ship? Can the minister confirm whether this was part of the support fleet for the flotilla of illegal fishing vessels that are plundering our fish stocks? How did this unmanned tanker manage to outsmart the Howard government in the zone targeted for illegal fishing?

Senator ELLISON—Firstly, I can say that Coastwatch sighted this vessel on 8 March with a group of other vessels 100 nautical miles north of the north-west cape of Cape Wessel. This vessel came to the attention of Coastwatch and a flight was dispatched. It was located and the *Storm Bay* was despatched to intercept this vessel, which was drifting at that stage, although it was not known whether or not the vessel was abandoned. The *Storm Bay*, as I understand it, arrived during darkness alongside the vessel mentioned and, due to the fact that it was night-time and having regard to the safety of the officers on board, a decision was made to stay alongside but not board the vessel and to do so at first light in the morning, when it would be safe to do so. That was not a delay which was in any way inappropriate. It was entirely appropriate in the circumstances to

delay any boarding until the daylight hours, and that was done. The vessel was ascertained to be abandoned. It was thought to have been under tow but to have broken its tow, and it was consequently drifting.

What this does demonstrate is that we have in place aerial and maritime surveillance to intercept a vessel in these circumstances, and that was done. In fact, looking at what we have done for Customs since this government came to power, we have increased by just under 90 per cent the funding under the previous Labor government. Investigations are continuing in relation to this matter, which will now be conducted by the Australian Maritime Safety Authority. They will take responsibility for recovering the vessel. This demonstrates yet again that we have adequate measures in place for border protection in this country.

If Senator Ludwig is advocating some sort of coastguard, he might want to tell us which version he wants, because there have been five proposed over the years by the opposition. Which one is he proposing? In fact, defence experts have criticised such a notion as being a duplication of assets and the establishment of a further bureaucracy. That is the problem with a coastguard. It would be cannibalising our Navy and our Customs maritime fleet and imposing a further bureaucracy, which would be costly and inefficient. In this case, we will continue to monitor the situation. We have air surveillance, maritime surveillance and unprecedented measures to our north looking after Australia's borders, which the previous Labor government never had.

Senator LUDWIG—Mr President, I ask a supplementary question. How many days was the vessel in Australian waters before it was intercepted, and when will the minister admit that under the Howard government our border security has become the laughing

stock of South-East Asia? If there are now some 13,000 illegal vessel sightings in our waters, when will the minister act to stop the plunder of our seas? When will the Howard government really get serious about border protection by building a dedicated national coastguard?

Senator ELLISON—I was in Singapore and the Philippines last week, and I can tell Senator Ludwig that there is great respect for border protection in this country—so much so that they want us to help them. They are asking us to help them set up border control measures in the region. We are doing it in Indonesia, Malaysia and the Philippines. We are helping the Singaporeans. This country is held in high regard for border protection and security. Senator Ludwig, when he takes his trip in a short while, ought to listen, and listen carefully, to what these countries say, because they will be praising the efforts of this country. They are asking us to help them because they have such a high regard for our border control.

Tarkine Wilderness

Senator BOB BROWN (3.20 pm)—My question is to the Minister for the Environment and Heritage. I draw the minister's attention to the astonishing vandalism of this nation's ancient art heritage on the Tarkine coast of Tasmania in the last three months, where vandals have moved in with rock drills and drilled crosses and faces over ancient Aboriginal petroglyphs estimated to be as old as Stonehenge. I ask the minister what action the Commonwealth has taken over the last three months to ensure that the vandals responsible are tracked down and what action the minister will insist be taken to make sure that no stone is unturned in protecting these petroglyphs, which just five years ago a little further up the coast were daubed with swastikas.

Senator IAN CAMPBELL—It is very good to get a question about the Tarkine. This government, of course, as Senator Brown knows, put in place a historic agreement with the Tasmanian government to not only give the Tarkine the most substantial level of protection that magnificent forest has ever had but also ensure that the very important forestry based jobs were made secure. Again, it demonstrates that you can have policies that create historic and very important levels of protection for Australia's natural environment but also, very importantly—as Senator Brown has referred to in his important question—for heritage, particularly the unique heritage of Australia's Indigenous culture. The references that Senator Brown makes are disturbing, particularly after hearing the most eloquent speeches by our Prime Minister and particularly the British Prime Minister in the other place earlier today in relation to—

Senator Forshaw—Your Prime Minister didn't even mention climate change. What are you talking about?

The PRESIDENT—Order, Senator Forshaw!

Senator IAN CAMPBELL—I was referring to Senator Brown's description of inscriptions of Nazi symbols on parts of the Australian landscape. I think anyone who knows about the history of that regime and the use of Nazi symbols could only regard the placing of those sorts of symbols on, and the desecration of, bits of Australian natural heritage as a very sad reflection on those very sad individuals. I will take up the references that Senator Brown has made. It sounds to me on the face of it that they may well be issues that come under the control of the Tasmanian government. But I will not pass the buck; I will look into the issues that he has raised and make sure we get a full response.

Senator BOB BROWN—Mr President, I ask a supplementary question. I ask the minister if he will discover why he was not acquainted with this sacrilege to Aboriginal heritage in Tasmania. Will he acquaint himself with the broken-hearted feeling amongst Aboriginals about what has happened yet again to their heritage? Will he discover from the Lennon Labor government in Tasmania why, three months after this vandalism, no police action was taken until I wrote to the police commissioner?

Senator IAN CAMPBELL—I will not jump to judgment. These are very important issues that Senator Brown has raised. He says that he has raised it with the Tasmanian police commissioner and he reinforces my intuition that it is in fact a matter that the state government should be dealing with. Could I put on the record that the Australian government has worked very productively with the Tasmanian government on putting in place what we regard as incredibly important protection for Tasmania's environment and doing it in a way that protects jobs, protects agriculture, protects forestry workers' jobs and balances that against historic levels of protection for biodiversity and for these forests. I will follow it up, as I have promised to do, and report back to the Senate.

Oil for Food Program

Senator KIRK (3.25 pm)—My question is to the Minister for Justice and Customs, Senator Ellison, and follows on from his earlier answers to questions concerning AUSTRAC and its knowledge of the AWB kickback scandal. Does the minister recall saying on 8 February 2006 that AUSTRAC was assisting the Cole commission? Given that AUSTRAC is now cooperating with the Cole commission, can the minister explain why it refused to help the Volcker inquiry that exposed how the Howard government facilitated the channelling of \$300 million in

kickbacks to Saddam Hussein's regime? Did the minister order AUSTRAC not to cooperate with the Volcker inquiry? If so, on what basis? Is it any wonder that Mr Volcker found that the Howard government was 'beyond reticent, even forbidding' when it came to searching for the truth?

Senator ELLISON—As I have said, AUSTRAC has signed an MOU with the Cole inquiry and is assisting the Cole inquiry. In relation to the Volcker inquiry, that was a totally different situation. AUSTRAC was not able, under its legislative framework, to provide information to that inquiry. The Cole commission of inquiry is one set up in Australia and one which AUSTRAC can enter into an MOU with. I did not instruct AUSTRAC in any way in relation to its dealings with the Volcker inquiry. The decision in relation to the Volcker inquiry was made by AUSTRAC itself and was done within its legislative framework.

Senator KIRK—Mr President, I ask a supplementary question. Minister, do you agree with AUSTRAC's claim that it was unable to assist the UN inquiry because the UN is not a country? Can the minister now identify for the Senate what section of the Financial Transaction Reports Act 1988 precludes AUSTRAC from sharing information with the UN inquiry? Isn't it actually the case that this was just another lame excuse for the Howard government to turn a blind eye to the truth?

Senator ELLISON—Sections 25 and 27 of the Financial Transaction Reports Act 1988 include secrecy and access provisions that protect financial transaction reports information from dissemination other than to prescribed personnel and agencies involved in the enforcement of Commonwealth, state and territory laws. That protection is an important part of ensuring that the privacy of individuals' and entities' financial transac-

tions is maintained and that financial transactions reporting information are not released for use in a manner that is inconsistent with the act. That answers the question.

Media

Senator FIERRAVANTI-WELLS (3.28 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. Will the minister update the Senate on the options being considered by the government to bring Australia's media industry into the digital age? Is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Fierravanti-Wells for the question and for her longstanding interest in the state of Australia's media. On 14 March 2006, I am very pleased to say that I released a discussion paper outlining a range of options for reform of Australia's media industry to help it meet the looming digital challenge. Anyone who follows these issues with any particularity is well aware that traditional media services are constantly being challenged by new digital technologies and that new players are emerging with content, services and delivery platforms that no-one could have even dreamt about 10 years ago.

For consumers, these changes can mean new sources of information and entertainment. For the industry, of course, they mean a range of new challenges and opportunities. To ensure that consumers can make the most of these new sources and that industry can meet these new challenges, the regulatory regime imposed by the government certainly needs to be revisited. We must consider models which move away from simply controlling market structures—who can enter and what they can do once they get there—and allow for some efficiencies of scale and scope for existing industry players whilst encouraging new entrants, new investment

and new services. The package under consideration would introduce new and innovative services and gradually relax regulatory restraints on the industry whilst at the same time protecting diversity. Consumers will, of course, benefit from enhanced digital services while the industry will enjoy new opportunities.

Whatever form the media reforms take—because this is just a discussion paper—the government is committed to ensuring that important consumer safeguards remain to ensure live and local voices in rural and regional communities and to continue to ensure there is diversity in the media industry in Australia. Despite the comments from some in the opposition, the role of the internet in the diversity equation simply cannot be overlooked—it simply has altered the way in which the market in media works. Some argue that the internet does not add diversity because some of the most popular sites on the internet are owned by companies that operate in the traditional media. We must not confuse, however, diversity with popularity. Diversity of opinion is about having a variety of news and views available and accessible; it is not about trying somehow or other to drive people to particular new sources, and nor do all sources have equal audiences.

Whilst the government has continued to develop policy and to consult widely on these issues, Labor of course has been up to its neck doing other things. It has been up to its neck in a failed purge of sitting ALP members. While the government has been out encouraging public debate on these issues, Labor has been desperately fighting off—

Opposition senators interjecting—

The PRESIDENT—Order! The minister has the call.

Senator COONAN—I was saying that while the government have been out there

consulting, of course we know what Senator Conroy has been doing. He has been desperately fighting off calls for him to be dumped from the ALP leadership team. The Australian people simply deserve better from the opposition than a horse-and-buggy attitude to the media. Labor claim to be in favour of diversity when it comes to media but certainly not when it comes to the Labor Party. Labor claim the government will centralise power in the media industry, but that is about what they have been doing over the last couple of months, especially Senator Conroy. So the issues are going to be vital for a vibrant future culture— (*Time expired*)

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

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

Workplace Relations

Senator WONG (South Australia) (3.33 pm)—I move:

That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) and the Minister for Immigration and Multicultural Affairs (Senator Vanstone) to questions without notice asked by Senators Wong and McEwen today relating to changes to industrial relations.

We saw today, yet again, the Howard government's extreme approach to industrial relations. What was confirmed yet again is that their ideological blinkers will not let them be swayed in their determination to impose further reductions in the rights which are afforded to Australian workers. We know this because Senator Minchin, the Leader of the Government in the Senate, said in his speech to the HR Nicholls Society:

We do need to seek a mandate from the Australian people at the next election for another wave of industrial relations reforms.

And today in the Senate, on a day when four million or more Australian workers will lose their right to challenge an unfair dismissal, this minister refuses to indicate which of the few rights remaining under this government's extreme laws will be in this government's gun sights in the future. We have a situation where this government has already pared down Australians' fragile rights to a bare minimum. What we want to know is: will it be sick leave? Will it be parental leave? Will it be the concept of a minimum wage? Will it be hours of work? Will it be annual leave? Or will it be all of them—will they all be up for grabs?

What we saw today is Senator Minchin again describing this as a moderate and reasonable package and saying that Australia will still have a more regulated system than a number of other countries. If what he is referring to is the United States, I say: thank goodness for that. We in this country, until this government came to power, have always opposed the American social model: the concept of the working poor and the sort of dog-eat-dog situation in workplaces that we fear will come under this legislation. So what we think was confirmed again in question time today is that there is more to come. What we saw was Minister Minchin refusing to rule out which of the few rights which remain will in fact not be targeted by this government in the future.

On top of that, Senator Vanstone, in an extraordinary flight of fancy in answer to a question from Senator McEwen, did not address the issue of the workers in South Australia at Murray Bridge and at Naracoorte but went off on a discussion of a whole range of other issues associated with visas. I say this at the outset: there is nobody in the Labor Party who is opposed to foreign workers coming into Australia if—I stress if—that is appropriate. What we say is: you do not abuse and rort a visa process to allow un-

scrupulous employers to employ foreign workers when Australians could be employed. You do not allow a situation where a skilled visa is used to essentially cut the cost of labour through the exploitation of foreign workers, wherever they might be from, who are performing jobs which do not comply with the visa classifications. What was put to Senator Vanstone in relation to the so-called skilled visas for the workers identified by Senator McEwen is that her own department had suggested they were not in fact doing skilled work.

So what is facing Australian workers under this government? First, there is a situation where this government does not ensure that unscrupulous employers do not rot a visa process such that it simply deprives an Australian of a job they would otherwise legitimately have had. But, more importantly, we have had clearly articulated by the Leader of the Government in the Senate in his speech to the HR Nicholls Society that there is more to come.

What we do know is this: what if we have a situation where an employer unfairly dismisses employees and replaces them with people on a so-called skilled visa? First, we can have absolutely no confidence that there will be any rights to remedies for the workers involved. We know that what this government has done is to remove unfair dismissal rights from four million Australian workers. Second, do we have any confidence whatsoever that DIMA will ensure that the visa has been appropriately applied? Do we have any confidence that the Minister for Immigration and Multicultural Affairs will ensure that skilled visas are in fact used to bring in skilled workers where there is a skills shortage in Australia? Because our concerns are that that is not the way they are being utilised by a number of employers. The meshing of a number of Howard government policies will make jobs for Australians more

insecure and will reduce their rights at work, and the worst thing about this is that we know from Senator Minchin, the Leader of the Government in the Senate, that there will be more to come. (*Time expired*)

Senator RONALDSON (Victoria) (3.38 pm)—I find it fascinating that here we are back after a three-week break and we have an opposition that again is just absolutely, totally devoid of any policy input into this country at all—not one single word. This debate is characterised by a comment allegedly made at a dinner meeting. Did we hear one word today about protecting Australian workers? Did we hear one word today about an acknowledgement of the fact that strong economic growth is the quickest and simplest way to protect Australian workers? Why is it that the Australian Labor Party seems totally incapable of cutting its ties with the union movement, which invariably involves the destruction of workers' rights in this country, but instead promotes the trade union movement?

There is nothing clearer in my view, nothing clearer at all, than to look at what has happened in relation to real wages in this country since 1996 to see who has got the policies right in relation to Australian workers. There has been a 16 per cent plus increase in real wages since 1996 compared to 1.2 per cent for the 13 years when the Australian Labor Party was last in government. It seems to me that the ALP continues to treat Australian workers as fools because, I tell you what, there is not one Australian worker who will forget the recession of the 1990s—the recession we had to have. No amount of regulation protected the jobs of those workers; no regulation protected those jobs.

I remember in my home city of Ballarat two in three shops in the main street were closed. No regulation protected the jobs of the workers in those shops. What lost those

jobs for those Australian workers was the inability of the Australian Labor Party to run a strong economy and the inability of the Australian Labor Party to bring in appropriate reforms to make sure we maintained a strong economy and therefore maintained jobs growth. Since 1996 there have been 1.7 million new jobs created in this country. That is what this government is doing for the Australian worker and part of that process has been reform—industrial relations reform. I remember after the last round the Chicken Littles came out and said the world was going to collapse—the world as we knew it was going to collapse. What have we seen since? Low inflation, unemployment down to about five per cent and strong jobs growth. That is the outcome of those last reforms: a strengthened economy and a strengthened opportunity for Australian workers.

I noticed that in the *Bendigo Advertiser* today, the very, very marginal member for Bendigo was talking about industrial relations reform. Remember, we have to go back to the last two days. This is Chicken Little and the world is just about to collapse; the world as we know it will collapse because of these IR reforms, apparently. This is what the member for Bendigo said:

“It will be a slow burn,” the Opposition MP said. “It won’t be for 12 or 18 months that workers look back and see that their wages and conditions have been reduced.”

Australian workers know exactly what their wages and conditions are. Australian workers know exactly what has happened to their wages and conditions under this government. If the Australian Labor Party spent less time trying to remove people such as Ann Corcoran, a hardworking local member, from politics—if they spent less time trying to remove the Ann Corcorans of this world—and actually did something about policy development then they would be substantially

stronger. The Australian Labor Party owes Ann Corcoran— (*Time expired*)

Senator McEWEN (South Australia) (3.43 pm)—I rise today to support the motion to take note of answers to questions that were provided by Ministers Vanstone and Minchin. Today is a red letter day for the Howard government, we have to say, because finally today it gets to impose on Australian workers an industrial relations agenda that is so extreme that even the ultra-extremist HR Nicholls Society is critical of it. All of the government ministers’ finest rhetoric and quotes cannot disguise the reality of more than 1,000 pages of legislation and regulations—more than 1,000 pages that will undo more than 100 years of struggle by the workers of this country to build an Australian workplace system based on the notion of a fair go for everyone. It was a system that had as its centrepiece the independent Australian Industrial Relations Commission. It was a system that had as its starting point industrial awards that guaranteed all employees a fair wage and which meant that employers were not forced to reduce wages to give themselves an advantage against their competitors.

It was a system that gave employees who were unfairly dismissed the right to challenge their termination of employment and seek redress. It was a system that allowed the states to have their own industrial relations systems, systems that were by and large simple for employers and employees to use. It was a system that enabled unions, through test cases, to apply for changes to working arrangements that benefited all workers and their families, not just union members. Let us not forget that it was unions, in 120 years of struggle, who fought for paid annual leave, paid sick leave, maternity leave, paternity leave, redundancy pay and a plethora of other workplace benefits. The legislation that comes into effect today is a shameless attack

on the ability of unions to continue to do that work on behalf of all Australians and their families. As we know from Senator Minchin's comments to the HR Nicholls Society, there are people in the government who do not think the legislation has gone far enough and who want to implement an even more extreme agenda to send us further down the path of the American system of low pay, no security, take it or leave it workplace arrangements.

It is a very curious thing that a government that engages endlessly in rhetoric about freedom, choice, individual rights and doing away with third party interference has today implemented an industrial system that has a centralised federal government on front and centre stage, a government that will now be able to wield power to veto arrangements that employers and employees may want to willingly enter into. The hypocrisy of the government's legislation is astounding. It is a curious thing indeed that the government that talks about reducing the ability of third parties to interfere in workplace arrangements has just imposed on the employers of Australia a whole gamut of regulatory organisations and government bodies that can legitimately meddle in an employer's affairs, even if the employer does not want them there.

That is just an extension of the extremism and out-of-control ideology that we have seen from this government—and they call us centralists; they call us communists! You have to ask! I can only assume that the government ministers who spoke today think they will be able to dupe the Australian workforce with their weasel words and their rhetoric. I do not think that will work. Australian workers were not duped by the \$21 million Work Choices booklet, five million of which still remain stored in warehouses in Sydney and Brisbane at a cost of \$8,000 a month to the Australian taxpayer. They were not duped by that and I do not think they will

be duped by the words that we have heard here today.

The meatworkers at Teys abattoirs in Naracoorte in South Australia certainly will not be duped. They have already seen what can happen when an out of control government's legislative agenda enables them to be forced to sign AWAs when they really want to be under a collective agreement. They have seen what happens when an uncaring, incompetent Minister for Immigration and Multicultural Affairs allows her department to bring in foreign labour to do the work of Australians for lower wages. The workers at Teys Brothers will not forget, just as we on this side will not forget. Those Teys workers should be applauded for standing up on behalf of all Australian workers to try and defend—*(Time expired)*

Senator McGAURAN (Victoria) (3.48 pm)—I want to assure Senator McEwen that I have not—and I do not know of any of my colleagues who have—called her a communist. The wall fell down a long time ago. Rest assured, Senator McEwen, we do not accuse you of communism at all. We say, though, that you and those on the other side are out of date old socialists. There is a slight difference. You are defending an old, regulated, centralist system of the early 1900s. That is what we accuse you of: a protectionist attitude to defend your union masters. We quite understand that you have to come in here. Your preselections depend on that, and the latest round of preselections in Victoria is evidence of it. It is evidence of just how the union movement controls your preselections.

We understand you have to come in here, as desperate as you are, trying to throw up haunting scenarios that may occur under the new industrial relations laws. But as Senator Ronaldson said—and he put it as plain as day; you ought to go out and market test what he said—the Australian public, let

alone the Australian workers, know the results of the first round of industrial relations reforms in 1996. They are not going to be scared by you ever again. Under any analysis, the first round of reforms in 1996—having introduced Australian workplace agreements, the Employment Advocate and those sorts of first introductions—was more extreme, if you like to use that word, and more reforming than this one. Yet what have we seen? We have seen that the results are on the board, the jury is in and the proof is in the pudding. Regardless of the rhetoric you ran in that time, you cannot defend the score on the board. We have an employment rate of around five per cent, the lowest in some 30 years.

What is the essence of any government policy? What does every portfolio actually boil down to? It boils down to the employment rate. Employment is the true acid test of a government. It is something that, when you were in government, you failed miserably at, setting records of unemployment. This government is setting records of low unemployment. You had a million unemployed at your peak; we have some 500,000 to 600,000 unemployed—five per cent. My point is that that is the test of any government. It is the essence of any industrial relations system that gets people employed. Workers have, over the past 10 years, enjoyed real wages growth. It is not just employment that they are achieving, but also real wages growth. So their standards of living have improved. Those dual figures prove beyond doubt that the first tranche of industrial relations reforms in 1996 was a success, yet you come in here and run the same old arguments against this second tranche of industrial relations reforms. It simply will not wash out there, whatever market testing you seek to do.

This new reform process is a continuation of the government's earlier reform. It is an

integral part of maintaining the productivity, modernisation and flexibility of our economy. It is integral to all other reforms that we have introduced economically. Again I say that the score is on the board—not just in the unemployment rate but also in low interest rates. They do not just come about. That just does not happen because you have a booming economy, you are selling your minerals to China and therefore you have that cascading effect. A government has to work at managing its economy. At all points it has to reform. Surely a rigid, inflexible and out-of-date industrial relations system is the first port of call for reform.

The core principles were outlined by the Leader of the Senate when he was answering questions—they are to improve the conditions of individual workers, and that has been done; to increase the flexibility and meet the changing needs of the modern economy and of families and individuals; and, of course, to improve the productivity of individual workers and business. What do we hear from the Labor Party? Should they get into government, they will revert all of these reforms back to the old industrial relations system. (*Time expired*)

Senator WORTLEY (South Australia) (3.53 pm)—I rise to contribute to the debate taking note of answers provided by Minister Vanstone on alleged misuse of 457 visas approved by the Department of Immigration and Multicultural Affairs and also to the answers provided by Senator Minchin. I speak about this issue on a day that should see a black armband on every working Australian and a ring of shame around the Howard government for its extreme industrial imposition on working Australians. Today we observed the introduction of an industrial relations system that sees more than four million Australians lose their job security. We see a system that exposes millions of Australians to unfair dismissal and millions of hardworking

Australians to uncompromising and unchallenging conditions.

The working men and women of Australia may well say: 'At least I can still rely on the award safety net. At least my boss cannot impose an individual contract on me. At least I can still collectively bargain. At least I will not lose my overtime.' Well, that changed today. Today the rights of working men and women in Australia have been drastically reduced. Gone are the unfair dismissal rights for workplaces with fewer than 100 staff. Ninety-five per cent of businesses in my home state of South Australia have 100 or fewer staff. Gone also are the rights to pursue unfair dismissal for workers who are dismissed for genuine operational reasons. One must ask the question: who determines what genuine operational reasons are? Gone are the significant role and powers of the independent Australian Industrial Relations Commission through the transfer of control of collective agreements to the Office of the Employment Advocate.

Workers are confused about the changes. Perhaps they should ask Senator Minchin to explain them to them. While he is doing that, he can explain why he is part of a government that is implementing a system that is grossly unpopular with the people of this country. He did give us a small insight the other day, when he openly stated that most Australians 'don't agree at all with anything we're doing on this.' He said, 'We have minority support.' This statement contravenes the Prime Minister, who claims that the government majority in this chamber gives him a mandate from the Australian people to do as he pleases.

The government is using today as a measuring stick for the public to gauge how the new law will affect them. The Prime Minister wants working Australians to disregard the constant warnings not only from the un-

ion movement but also from independent study groups, academics and even some in the business community. The Prime Minister is likening today to a 'sky is falling' scenario. In fact, Senator Ronaldson referred to that earlier. It is a sentiment being echoed by Peter Vaughan from Business SA, who also claims that we should ignore the rhetoric—the world will not end today, he says.

For some Australian workers—for example, some workers in South Australia—the sky is caving in today. At the meatworks in Naracoorte in South Australia workers have for some weeks been locked out by their employer. Today workers have been allowed to return to work. The employer withdrew the lockout. But, when the workers returned to work, gone were their skilled jobs and gone was the pay they received for them. The company has placed them in labouring jobs, not their previous skilled positions. The union representing them, the AMIEU, has been informed that these workers will be receiving up to \$400 less pay per week than they previously received.

This is just the beginning of the effect of the Howard government's extreme and uncaring attitude, leading to the changes to the industrial relations laws which we see implemented today. The sky is caving in on these workers in Naracoorte, on their job security and on their guaranteed wage, which translates to putting food on the table and paying their bills and medical expenses—the necessities of life. On the issue of the 457 visas, Minister Vanstone said that all allegations of abuse of this visa would be investigated and this applies to the workers at Naracoorte. Minister Vanstone was written to in January. Another letter was written in February. But there was no reply. DIMA did go out and inspect both—(*Time expired*)

Question agreed to.

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 Fielding** (from 123 citizens).

Family Law

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

The petition of the undersigned shows:

That it is not in the best interests of the child or the community for the Family Court to deny the children equal time with both parents following a separation.

Your petitioners ask/request that the Senate:

Amend the Family Law legislation so that the Family Court will order that children have equal time with both parents unless one of the parents is able to prove to the satisfaction of the court that there is a genuine risk of violence or child abuse, or that the parents mutually agree to an alternate parenting plan.

by **Senator Fielding** (from 20 citizens).

Health

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

This petition of certain citizens of Australia draws to the attention of the Senate, the crisis in the medical workforce due to the neglect of the Howard Government.

Your petitioners therefore ask the Senate to:

- Increase the number of undergraduate university places for medical students,
- Increase the number of medical training places, and
- Ensure Australia trains enough professionals to maintain the quality care provided by our hospitals and other health services in the future.

by **Senator Hogg** (from 20 citizens).

Petitions received.

NOTICES

Withdrawal

Senator WATSON (Tasmania) (3.59 pm)—On behalf of the Standing Committee on Regulations and Ordinances and pursuant to notice given on the last day of sitting, I now withdraw business of the Senate notice of motion No. 1 standing in my name for eight sitting days after today and notice of motion No. 1 standing in my name for 10 sitting days after today.

Presentation

Senator Heffernan to move on the next day of sitting:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on annual reports tabled by 31 October 2005 be extended to 10 May 2006.

Senator Heffernan to move on the next day of sitting:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 29 March 2006, from 4.30 pm to 6.30 pm, to take evidence for the committee's inquiry into the administration by the Department of Agriculture, Fisheries and Forestry of the citrus canker outbreak.

Senator Mason to move on the next day of sitting:

That the time for the presentation of the report of the Finance and Public Administration Legislation Committee on the 2005-06 additional estimates be extended to 30 March 2006.

Senator Hutchins to move on the next day of sitting:

That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 28 March 2006, from 4.15 pm, to take evidence for the committee's inquiry into naval shipbuilding in Australia.

Senator Brandis to move on the next day of sitting:

That the time for the presentation of the following reports of the Economics Legislation Committee be extended to 30 March 2006:

- (a) 2005-06 additional estimates; and
- (b) annual reports tabled by 31 October 2005.

Senator Chapman to move on the next day of sitting:

That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 29 March 2006, from

5 pm to 7.45 pm, to take evidence for the committee's inquiry into corporate responsibility.

Senator Ludwig to move on the next day of sitting:

That the Senate—

- (a) notes:
 - (i) the devastating impact that Cyclone Larry has had on the area of far north Queensland and the loss and hardship that this has inflicted on local residents, and
 - (ii) with pride the tenacity and spirit of citizens in the affected region in rebuilding their communities;
- (b) expresses its appreciation for all the hard work of:
 - (i) volunteers,
 - (ii) emergency service workers, and
 - (iii) Army personnel;
- (c) expresses its thanks for the financial assistance from:
 - (i) members of public, and
 - (ii) the business community;
- (d) welcomes the appointment of General Peter Cosgrove and his team in heading the relief operation, and thanks them for their contribution;
- (e) expresses its solidarity with those Queenslanders affected; and
- (f) recognises the good work of state, local and federal governments and calls on those governments to continue assistance until this region is rebuilt and prosperous.

Senator Bartlett to move on Thursday, 30 March 2006:

That—

- (a) the Senate notes that:
 - (i) for much of the 20th century, respective Australian state and territory legislation established government control over the lives of many Indigenous Australians,
 - (ii) in relation to financial affairs, state and territory governments:

-
- (A) controlled the employment, earnings and entitlements of many Indigenous people,
 - (B) did not always provide written evidence of dealings on their monies,
 - (C) were legally responsible for the trust accounts into which private monies were placed, and
 - (D) did not always pay Indigenous people the full amount of earnings to which they were legally entitled,
- (iii) research to date shows that in some cases significant sums have yet to be repaid, and
 - (iv) publicly available evidence also shows that some Indigenous Australians suffered physical, sexual and financial abuse at the hands of employers and officials designated to protect their interests; and
- (b) the following matters be referred to the Community Affairs References Committee for inquiry and report by the last sitting day of 2006:
 - (i) the approximate number of Indigenous workers in each state and territory whose paid labour was controlled by government,
 - (ii) the financial arrangements regarding their wages, such as the cash component of the wage; what procedures were implemented to ensure the wage was paid; what proportion of the wage was withheld under government control; what were the constraints on workers accessing their savings; how could workers verify dealings on their monies; and when were they given free control of their accounts,
 - (iii) what effective security did governments initiate to safeguard Indigenous wards from physical, sexual and employment abuses; how did governments respond to reported abuses; and were the best interests of wards prioritised in government employment policies,
 - (iv) how were intercepted wages and savings safeguarded from fraud by employers, government agents and mission personnel; were governments warned that workers' wages or savings were at risk of fraud or loss; and how did governments respond to recommendations for tighter security of workers' funds,
 - (v) did governments impose levies and taxes on Indigenous monies under their control in addition to federal income tax; what was the quantum, purpose and duration of such levies; were Indigenous people informed of these levies; and were the levies properly applied,
 - (vi) to what extent did governments control the distribution to Indigenous beneficiaries of maternity allowances, child endowment, pensions, workers compensation, inheritances and estates; were these entitlements distributed in full to all beneficiaries; did governments delegate distribution of maternity allowances, child endowment and pensions to other parties such as protectors, pastoralists or missions; what procedures did governments put in place to ensure these delegates passed on the full entitlement to beneficiaries; and what is the incidence of any misappropriation of these entitlements,
 - (vii) what trust funds did governments establish from Indigenous earnings, savings and entitlements; how were these funds secured against losses by fraud, negligence or misappropriation; what was the extent of investment of trust funds and to whose profit; to what extent did investment programs disadvantage trust beneficiaries; did governments receive warnings or advice regarding misuse of trust funds; and how did they respond,
 - (viii) what investigations have states and territories undertaken into official management of Indigenous monies during the 20th century; what commitment
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have the states and territories made to disclose this evidence to the individuals or descendants who were denied written record of dealings on their own monies; what is the extent of current databases and what resources are applied to make full discovery of financial management of private monies available to individuals and descendants; what funding has been applied to compile databases as a resource to contest legal action by aggrieved parties; and whether all financial records should be controlled by a qualified neutral body to ensure security of the data and equity of access,

- (ix) what commitments are state and territory governments making to quantify wages, savings and entitlements missing or misappropriated under official management, and to compensate the persons or descendants of all those who endured financial loss and/or physical or sexual abuses; and what is the responsibility of governments to repay or compensate those who suffered physically or financially under 'protection' regimes,
- (x) what mechanisms have been implemented in other jurisdictions with similar histories of Indigenous protection strategies to redress injustices suffered by wards, and
- (xi) whether there is a need to 'set the record straight' through a national forum to publicly air the complexity and the consequences of mandatory controls over Indigenous labour and finances during most of the 20th century.

Senator Siewert to move on the next day of sitting:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on water policy initiatives be extended to the last sitting day in June 2006.

Senator Santoro to move on the next day of sitting:

That, on Tuesday, 28 March 2006:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
- (b) the routine of business from 7.30 pm shall be government business only; and
- (c) the question for the adjournment of the Senate shall be proposed at 11 pm.

Senator WATSON (Tasmania) (3.59 pm)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that 15 sitting days after today I shall move:

That the Broadcasting Services (International Broadcasting) Guidelines 2005 made under section 121FP of the Broadcasting Services Act 1992, be disallowed.

I seek leave to incorporate in *Hansard* a short summary of the matters raised by the committee.

Leave granted.

The document read as follows—

Broadcasting Services (International Broadcasting) Guidelines 2005

These Guidelines remake the previous Guidelines with amendments made necessary by the replacement of the Australian Broadcasting Authority with the Australian Communications and Media Authority.

Subclause 2.2(3) permits the making of a program that seriously offends a cultural sensitivity, incites hatred, or vilifies persons on certain grounds, if the matter is 'a fair report' or 'a comment'. The Committee sought advice on whether the second term should be amended to read 'a fair comment'. The Minister responded that the Australian Communications and Media Authority (ACMA) has advised that it was 'not aware of the Australian Broadcasting Authority's intention regarding the original drafting of the Guidelines in 2000' and that the omission of 'fair' in relation to comment was either 'accidental' or 'a conscious decision to create a different rule for the Guidelines'. In light of this advice, the Committee has sought further clarification of the position of clause 2.2.

Senator Milne to move on the next day of sitting:

That the Senate—

- (a) notes that:
- (i) Prime Minister John Howard has recently equivocated on the export of uranium to India, in spite of the fact that India is not a signatory to the Nuclear Non-Proliferation Treaty, and
 - (ii) India has a well-developed, active and secret program to outfit its uranium enrichment program and circumvent other countries' technology export control efforts, according to a recently-released report by the United States of America (US) based Institute of Science and International Security; and
- (b) calls on the Australian Government to rule out the export of uranium to India and to use its membership of the Nuclear Suppliers Group to block the proposed US-India nuclear technology agreement.

COMMITTEES

Finance and Public Administration Legislation Committee

Extension of Time

Senator EGGLESTON (Western Australia) (4.01 pm)—by leave—On behalf of the Chair of the Finance and Public Administration Legislation Committee, Senator Mason, I move:

That the time for the presentation of the report of the Finance and Public Administration Legislation Committee on the provisions of the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005 be extended to 28 March 2006.

Question agreed to.

Corporations and Financial Services Committee

Meeting

Senator EGGLESTON (Western Australia) (4.02 pm)—by leave—On behalf of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services, Senator Chapman, I move:

That the Parliamentary Joint Committee on Corporations and Financial Services be author-

ised to hold a public meeting during the sitting of the Senate today, from 5 pm till 8.30 pm, to take evidence for the committee's inquiry into corporate responsibility.

Question agreed to.

Australian Crime Commission Committee Meeting

Senator EGGLESTON (Western Australia) (4.02 pm)—by leave—On behalf of the Chair of the Parliamentary Joint Committee on the Australian Crime Commission, Senator Ian Macdonald, I move:

That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 28 March 2006, from 3.30 pm till 5 pm, to take evidence for the committee's examination of the Australian Crime Commission annual report 2004-05.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, proposing the reference of a matter to the Employment, Workplace Relations and Education References Committee, postponed till 29 March 2006.

General business notice of motion no. 298 standing in the name of Senator Stott Despoja for today, proposing the introduction of the Privacy (Equality of Application) Amendment Bill 2005, postponed till 9 May 2006.

General business notice of motion no. 334 standing in the name of Senator Bartlett for today, relating to sexual assault on children in Australia, postponed till 28 March 2006.

General business notice of motion no. 368 standing in the name of Senator Stott Despoja for today, relating to the Convention on the Elimination of All Forms of Dis-

crimination Against Women, postponed till 28 March 2006.

General business notice of motion no. 393 standing in the name of Senator Stott Despoja for today, relating to Mr David Hicks, postponed till 28 March 2006.

TASMANIAN FORESTS

Senator WATSON (Tasmania) (4.04 pm)—I move:

That the Senate—

- (a) notes that the Tasmanian Labor Government and Forestry Tasmania, in allowing major control of plantation softwood to be held by one operator, have been negligent in failing to ensure ongoing contracts for pine resources to pine processors in north east Tasmania; and
- (b) calls on the Lennon Labor Government to use its influence to encourage Rayonier Tasmania to negotiate reasonable commercial contracts for future supply of pine resources with Auspine Limited without delay, in order to assist in the future planning of the company and to foster continued employment stability in north east Tasmania.

Question agreed to.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT—Pursuant to standing orders 38 and 166, I present documents listed on today's *Order of Business* at item 11 which were presented to the President, the Deputy President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised. In accordance with the usual practice and with the concurrence of the Senate I ask that the government responses be incorporated in *Hansard*.

The list read as follows—

Committee Reports

1. Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Account—Report—Examination of annual reports 2004-2005 (received 21 March 2006)
2. Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Account—Report, together with Hansard record of proceedings and documents presented to the committee—Operation of native title representative bodies (received 21 March 2006)
3. Community Affairs Legislation Committee—Report, together with Hansard record of proceedings and documents presented to the committee—Provisions of the Family Assistance, Social Security and Veterans' Affairs Legislation Amendment (2005 Budget and Other Measures) Bill 2006 (received 24 March 2006)
4. Legal and Constitutional Legislation Committee—Report, together with Hansard record of proceedings and documents presented to the committee—Provisions of the Family Law Amendment (Shared Parental Responsibility) Bill 2005 (received 24 March 2006)

Government responses to parliamentary committee reports

1. Community Affairs References Committee—Report—Poverty and financial hardship—A hand up not a hand out: Renewing the fight against poverty (received 7 March 2006)
2. Joint Standing Committee on Foreign Affairs, Defence and Trade—Report—Review of the Defence annual report 2003-04 (received 23 March 2006)

Government documents

1. Foreign Investment Review Board—Annual report 2004-05 (received 14 March 2006)
2. Department of Communications, Information Technology and the Arts—Reports on reviews of the Digital Television Regulatory Framework (received 23 March 2006)

Report of the Auditor-General

Report no. 34 of 2005-06—Performance Audit—Advance Passenger Processing: Department of Immigration and Multicultural Affairs (received 16 March 2006)

Returns to order

1. Statements of compliance with the continuing order of the Senate of 20 June 2001, as amended on 27 September 2001 and 18 June, 26 June and 4 December 2003, relating to lists of contracts are tabled by:
 - Department of Defence (received 3 March 2006)
 - Department of Families, Community Services and Indigenous Affairs (received 7 March 2006)
 - Agencies within the Veterans' Affairs portfolio (received 21 March 2006)
2. Statements of compliance with the continuing order of the Senate of 30 May 1996, as amended on 3 December 1998, relating to indexed lists of files are tabled by:
 - Australian Public Service Commission (received 2 March 2006)
 - Defence portfolio (received 3 March 2006)
 - Agencies within the Families, Community Services and Indigenous Affairs portfolio (received 7 March 2006)
 - Agencies within the Agriculture, Fisheries and Forestry portfolio (received 8 March 2006)
 - Agencies within Treasury portfolio (received 9 March 2006)
 - Agencies within Finance and Administration portfolio (received 10 March 2006)
 - Australian Research Council (received 23 March 2006)
 - Department of Education, Science and Training (received 23 March 2006)
 - Department of Communications, Information Technology and the Arts (received 23 March 2006)

Ordered that the reports of the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Account, the Community Affairs Legislation Committee, and the Legal and Constitutional Legislation Committee be printed.

The government responses read as follows—

Government response to: Senate Community Affairs References Committee Report on poverty and financial hardship

“A hand up not a hand out: Renewing the fight against Poverty”

December 2005

Introduction

This Government has demonstrated a long and ongoing commitment to improving the well-being of all Australians. The Government is also committed to an Australian community that supports fairness, opportunity and reward for effort. Therefore, the inquiry by the Senate Community Affairs References Committee into Poverty and Financial Hardship was of particular interest to the Government.

In responding to the report of the Committee, the Government acknowledges the significant contribution made by community organisations and individuals in the preparation of the more than 250 submissions provided to the Committee and in appearing as witnesses.

The Government recognises the underlying concern for the well-being of Australians that motivated these submissions and values the significant contribution made by many of the organisations in delivering services and support to those Australians who are vulnerable and facing hardship.

The Committee's report comprised a majority report by Senators Hutchins, Lees, McLucas and Moore and a minority report by Senators Knowles and Humphries. In accordance with the Senate's resolution, this response addresses the findings of both these reports. The two reports draw significantly different conclusions from the evidence presented to the Committee.

The minority report of the Committee commences by noting that its members had no option but to

view the majority report and its recommendations “not as a serious attempt to enhance existing successful strategies but rather a shallow, naïve and purely political attempt to condemn the government of the day. This is a sad outcome for those for whom this inquiry was initiated” (page 444).

The Government agrees with these sentiments and is disappointed with the way that the majority members failed to make any attempt to work with the minority members of the Committee to develop a bipartisan approach to the important questions being considered by the Committee.

The Government’s disappointment with the approach of the majority members to the drafting of the report has been compounded by the nature of the majority members’ recommendations. The Government considers that the diverse and numerous recommendations included in the majority report represent a grab bag of ideas that lack any cohesiveness or coherence. In many cases the majority report recommends significant increases in expenditure without attempting to demonstrate how these proposals would actually help those in the community who were the focus of this report, and without costing the proposals or identifying how they could be funded.

This approach by the majority devalues all the hard work and thought that went into the drafting of the submissions provided to the Committee.

Many of the recommendations would involve policies that, if implemented, could only be funded by major tax increases, by major reductions in expenditure on other Commonwealth programs or by unsustainable budget deficits.

The majority members’ recommendations revolve around policies that have not worked in the past, rather than proposing policies that would actually assist those in need. Even where the majority members identify a goal for a policy, the report produces little, if any, evidence that the policy will in fact assist in achieving that goal.

By basing their recommendations on unsuccessful policies, the recommendations of the majority members unreasonably raise community expectations—both that such programs are feasible, and that they would have the impact the majority report implies they will.

The Government’s response to the report of the Committee comprises three sections:

- The Government’s commitment to building a strong and resilient economy which will continue to deliver increased levels of well-being across our society and opportunities for all Australians to contribute to and benefit from this; and a sustainable welfare system which both supports this and secures these gains in the face of demographic change;
- An overview of the Government’s policies to address the issues identified in the reports, highlighting the Government’s achievements to date, and its commitment to continue addressing social disadvantage; and
- The Government’s responses to the recommendations of the majority and minority reports.

Attachment A to this response provides a detailed review of the analysis presented in the majority report. It demonstrates that the case presented by the majority members of the Committee is both faulty and misleading. **Attachment B** provides more details of Indigenous policies and programs as these represent a critical element of the Government’s strategy to address disadvantage.

The Government’s achievements and commitment to addressing social disadvantage

This Government has a strong record on and commitment to improving the well-being of all Australians and to addressing social disadvantage by assisting and supporting people in establishing their own goals, making their choices, accepting responsibility and taking advantage of opportunities.

The Government has an important responsibility to provide an environment where people can both make and take these opportunities. This responsibility is complemented by an important and ongoing role, which the Government shares with other governments and the community, in providing assistance to those facing hardship and disadvantage. This is undertaken within the framework of an equitable understanding of the obligations of all members of the community. In supporting choice and opportunity, it is not our role to tell

people how to live their lives, nor can governments guarantee outcomes.

A job is not only fundamental to an individual's ability to generate well-being for themselves and their family, but is also the best form of protection against hardship and disadvantage. The most positive step that can be taken to enable people to get jobs and alleviate hardship and disadvantage is to maximise the sustainable rate of economic and employment growth and to provide opportunities to participate in the benefits of this growth. Social welfare is generated by a strong and growing economy.

This is best achieved by:

- Macro-economic policies consistent with low inflation and interest rates;
- Micro-economic policies that reduce structural unemployment and generate the productivity growth essential to underpinning higher living standards;
- Workplace relations policies conducive to sustainable employment growth through the development of a more productive and flexible workforce;
- Policies in areas such as taxation, social welfare, mutual obligation, industry and small business entrepreneurship, education and training and employment assistance; and
- Increasing participation in the workforce through appropriate incentives for work, education and training whilst ensuring an appropriate balance between incentives, assistance and obligations.

The success of the Government to date is clear. Australia has been one of the world's best performing developed economies with annual average GDP growth since the March quarter 1996 of 3.6 per cent—amongst the highest of countries in the OECD. The Australian Economy is now in its 15th consecutive year of growth and the 2005–06 Budget projections were for solid Gross Domestic Product (GDP) growth to continue, at 3 per cent in 2005–2006 and growth of 3.5 per cent in 2006–07 and 2007–08.

This economic growth has delivered:

- Almost 1.7 million new jobs have been created between March 1996 and June 2005.

An additional 807,000 men and 887,300 women have jobs today, an increase of over 20 per cent in the number of working Australians. More than half these new jobs are full-time;

- An unemployment rate in June 2005 of 5.0 per cent. This is the lowest rate of unemployment recorded in Australia since November 1976, that is, the lowest for more than 28 years; and
- A more than halving of long-term unemployment, and a reduction of 72.2 per cent on its peak under Labor;
- Strong earnings and income growth as real earnings reflect higher productivity, as support for families has increased, and as taxation is less intrusive;
- Average full-time adult total earnings have increased, to February 2005, by 19.5 per cent in real terms, that is after taking account of changes in prices;
- The incomes of families with children have been further boosted by the Government's increased levels of support to families; and
- ABS reports that the real average equivalised incomes of low-income households increased by 11.6 per cent between 1995–96 and 2002–03.

Continuing reforms are essential to ensure that these gains are maximised, and that as a nation Australia can address future challenges, including responding to demographic change. The comprehensive 'Welfare to Work' package introduced in the 2005–06 Budget along with ongoing workplace reform is critical to creating a sustainable economy and welfare system for the future. These reforms tackle the goals of lifting workforce participation and reducing welfare dependency while maintaining a strong safety net for those who need it.

They are reforms that both complement, and are complemented by, our other initiatives including: support for families; our commitment to improving education and training; labour market reforms and support for older Australians.

While achieving higher levels of economic participation is fundamental to improving and ex-

tending well-being, the Government recognises that an effective social safety net is important for those unable to work, and those who have retired after spending their lives in the workforce and raising families. Our commitment to the safety-net is clearly demonstrated by our decision, for the first time in Australia, to legislatively commit to maintaining the pension at 25 per cent of Male Total Average Weekly Earnings. This means that Australian pensioners—in particular, aged pensioners—have had their pensions adjusted not only for increases in costs, but in line with the improvements in living standards enjoyed by those in work.

Policies for the Future

While the majority members of the Committee looked to the past, this Government has been working to implement the policies this nation needs for the future.

The Government's 2005–06 Budget is built around shaping a sustainable future by maintaining strong productivity growth, increasing labour force participation and adopting policies which continue to address future budgetary pressures.

It was a budget that continues to demonstrate the Government's commitment to taxation reform, to support for families and to the development of a more sustainable welfare system.

It builds upon the Treasurer's consultation paper *Australia's Demographic Challenges* prepared in response to the findings of the Government's 2002 Intergenerational Report. This report concluded that, as a consequence of the expected increases in expenditures on health, aged care, education, pensions and other areas associated with the forecast structural changes in Australia's population, government expenditures are projected to exceed revenues by 5 per cent of GDP by 2041–42.

Although the implications of this finding were recognised in the discussions of the minority report, this does not appear to have been an issue considered by other members in their preparation of the majority report. This is of concern, not just because of the challenge of meeting future demands on Government resources to meet the needs of an ageing population, but also because these requirements represent a real constraint on

what government can do in other areas. Similarly lacking in the majority members' report was any coherent approach to tackling welfare dependency, or to addressing the importance of flexible workplace relations to maximising employment growth and employment opportunities and to maintaining and improving our standard of living.

'Welfare to Work'—Building a sustainable Welfare System

An ongoing focus of the Government is to increase labour force participation and reduce reliance on income support among working age people. It is essential that all people of working age are given the maximum encouragement to increase self-reliance in accordance with their capacity and to reduce their welfare dependency. This means not just expecting people on unemployment benefits to move from welfare to work but expanding the focus to all people of working age who are on income support and who have some capacity to work, including sole parents and people with disabilities.

Supporting and encouraging people to move from welfare to work involves providing the right balance of incentives, participation requirements and assistance. Providing the right incentives means ensuring there are immediate financial returns from moving from welfare to work, while participation requirements encourage people to undertake activities that will enable them to find work. Employment assistance needs to provide the right help for people in getting sustainable employment.

The Government's 'Welfare to Work' package announced in the 2005–06 Budget invests \$3.6 billion to increase workforce participation of parents, mature age people, people with a disability and very long term unemployed people. The reforms introduce new requirements, supported by increased investment in employment assistance, training, rehabilitation and other support programs, as well as changes to payment arrangements. These important reforms will provide clear incentives for people of working age to move from welfare to work, including new and expanded services to help people into employment.

The reforms seek to change the focus of people's work capacity to look at what they can do rather than what they cannot do. Of the 2.6 million

working age people currently receiving income support, only around one in six have job search requirements, and only around one in ten parents in jobless families are required to look for work as a condition of their payment.

Improved participation not only offers these individuals and families improved levels of well-being while they are of working age, but also, through enhanced retirement savings, helps them to retain those improved levels of well-being in retirement. Earlier participation in the workforce by parents with children can also assist with their on-going participation after their children grow up and are no longer dependent.

Parents' employment is not just important to enable families to achieve an improved standard of living but also for the many other benefits it provides—to their own self-esteem and for the future prospects of their children. This can be seen clearly in the initial results of research using the Longitudinal Survey of Australian Children that is being conducted by the Australian Institute of Family Studies for the Australian Government.

In this survey parents reported positively on the role of employment in their lives and that of their families:

- 70 per cent of parents agreed that work made them feel more competent;
- 84 per cent considered that their working had either a positive or a neutral effect on their children; and
- Most disagreed with a statement that family time was less enjoyable because of work.

The 'Welfare to Work' package provides financial incentives to work, particularly incentives that encourage parents and people with disabilities to work part time. This includes a new, generous income test and taper rate for Newstart Allowance to help income support recipients keep more of their income from working.

The package introduces changes to income support arrangements to reflect the increased requirements for parents and people with disabilities to seek work. However, the measures ensure that people of working age continue to receive important benefits that assist in overcoming financial hardship and disadvantage. People with a disability and single parents who receive the new

enhanced Newstart Allowance will maintain eligibility for the Pensioner Concession Card.

A New Workplace Relations System

Productivity growth is central to Australia's future well-being because it ensures increasing real wages, while at the same time keeping inflation and interest rates low and employment growth strong.

The workplace relations system plays a very important role in improving the productive performance of Australian enterprises. The Workplace Relations Act 1996 ('the WR Act') provided a framework for cooperative workplace relations, giving primary responsibility for determining matters affecting the employment relationship to the employer and employee at the enterprise level. Enterprise bargaining has provided workers and employers with greater flexibility in negotiating working conditions and has helped to ensure that wage rises are underpinned by productivity improvements. This is important for Australian business to operate competitively in global markets.

The end result is strong, sustainable wage increases closely linked to productivity improvements at the workplace level. The vast majority of employees now rely on formal and informal workplace agreements for their pay setting, with only 20 per cent of Australian employees reliant on awards in May 2004. Australian companies with enterprise agreements have achieved high productivity and growth rates, and there is evidence to suggest that the adoption of workplace bargaining contributed to productivity growth in the 1990s^{2,3,4}. Australia's productivity growth has increased markedly over the last nine years from both historical and international perspectives.

The importance of these policies has been highlighted by the OECD⁵, which reported that:

- "The resilience of the [Australian] economy to shocks has been improved by reforms which have made the labour market more adaptable to rapid changes in the economic environment and has permitted the economy to work closer to potential over time as a result"; and
- "The move to decentralised bargaining was underpinned by fundamental changes to the

former exceptionally rigid and legalistic award system. Less adversarial labour relations and greater labour flexibility are likely to have ... contributed to the observed acceleration in productivity in Australia over the past ten years or so".⁶

There is a strong contrast between the recommendations of the majority of the Committee and the policies that are needed to support participation and improved outcomes. The majority of the Committee was firmly wedded to the concept that all Australians want a full-time job—with those jobs provided under a 'one size fits all' industrial relations system. It is clear, however, that this does not reflect the diversity of choices Australians want. Many Australians, particularly working mothers and full-time students, prefer casual and/or part-time employment because of the flexibility it offers.

Casual and part-time employment also provides an important first rung on the employment ladder for the long term unemployed, the low skilled and people who have experienced disadvantage. The Australian Bureau of Statistics (ABS) February 2004 Labour Mobility Survey found that, of those persons who had changed their employment status during the year, 61.0 per cent had made the transition from part-time work to full-time work. In addition, casual employees receive a loading, commonly between 20 and 30 per cent, to compensate them for not receiving paid leave entitlements.

The WR Act provides employers and employees with choices encompassing all forms of employment, including greater access to regular part-time employment. The provisions are intended to encourage a more appropriate balance in the mix of employment types by providing employers and employees with improved access to their preferred arrangements by removing arbitrary restrictions.

The role that workplace reform has played in improving and sustaining our economic performance cannot be overstated. The workplace relations system is still complex, however, with bureaucratic rules and regulations, and there is scope for further improvements to simplify the system, making it even more flexible, accessible and effective.

The new reforms recently announced by the Government will further encourage negotiation of conditions of employment at the workplace through agreements, while retaining a genuine safety net. The new workplace relations system will contain a single set of rules for minimum terms, conditions, awards and agreements. Key planks of the new system are outlined below.

- The current adversarial process for setting minimum wages and conditions will be replaced by the Australian Fair Pay Commission (AFPC). This will establish a better balance between fair pay and employment, and ensure minimum wages operate as a genuine safety net for agreement making;
- Key minimum conditions of employment will be set out in legislation. These, together with the minimum wages set by the AFPC, will form the Australian Fair Pay and Conditions Standard. The Standard will provide genuine protection for all Australian workers and drive continued jobs growth through easier access to workplace bargaining;
- Agreement making will become streamlined, simpler and less costly, making it simpler to bargain at the workplace level;
- Further award simplification will ensure that awards provide a true safety net of minimum conditions, and a task force will be established to rationalise existing awards and award classification structures;
- The Government will create a national system for unfair dismissals, exempting businesses that employ up to 100 employees from unfair dismissal laws, and exempting small businesses from making redundancy payments. Employees will continue to be protected from dismissal on discriminatory grounds such as race, sex, and pregnancy; and
- The Government will work towards a more streamlined and efficient unified national workplace relations system.

The Government's proposed reforms will maximise economic growth and employment opportunities so as to maintain and improve our standard of living in the increasingly globalised economy.

Importantly, they will create additional employment opportunities for unemployed Australians.

Providing Support and Opportunities

These initiatives build upon the significant policies and programs that we have already put in place to provide support and opportunities to Australians, and address disadvantage. Key areas include:

- Support for Australian Families;
- Education and Training;
- Health;
- Employment services; and
- Homelessness.

Providing Support and Opportunities: Support for Families and children

The goal of assisting Australia's families and the children who live in them is at the heart of our social policies. Families are not only the single most important building block of social stability, but they also have the responsibility for the physical, moral and social development of Australia's children and as such play a critical role in determining the capacity of these children to take advantage of opportunities throughout their lives, and in building their resilience to factors and events which might otherwise lead to disadvantage and hardship.

Supporting families with children

Families are diverse with a wide variety of caring and working arrangements. This Government recognises that support to families must be sufficiently flexible to provide for that diversity.

Through substantial reform of the family payments system, the Government has provided greater assistance to families in a way that supports their choices about caring and work responsibilities. In July 2000, as part of *A New Tax System*, the Government introduced the Family Tax Benefit (FTB), which is structured to ensure substantial assistance for families when they need it, for example, when one parent is providing primary care for children, and also to ensure sufficient rewards from work for parents who combine family and work responsibilities. Each year FTB benefits around 2.1 million families with 4 million children. In all, since coming to office, the

Government has increased total assistance to families by over \$6 billion a year.

Since 2000, the Government has built upon the FTB initiative to further enhance assistance to families. As part of the 2004–05 Budget, FTB Part A has been increased by \$600 a year, paid as a supplement at the end of the year. An increase in the rate of FTB Part B was brought forward to 1 January 2005. The loss of income that families can experience when a child is born was addressed with the introduction of a new Maternity Payment. The Maternity payment is currently \$3,079 and will increase to \$4,000 in July 2006 and to \$5,000 in July 2008.

The success of these changes has been illustrated by analysis undertaken by NATSEM⁷ that concluded: "The results presented here clearly show that average real incomes did rise between 1997–98 and 2004–05 for Australian families with children in the bottom income quintile".

Specifically the study showed that:

- The average real disposable income for the poorest 20 per cent of families increased by 18.5 per cent from 1997–98 to 2004–05;
- This strong growth, which is similar to that experienced by middle income families, is attributed to the real increase in family payments provided by this Government; and
- The 2004 Budget changes alone raised the average income of the bottom 20 per cent of families by approximately 5 per cent.

In addition to increased assistance, the Government has improved rewards from work. Changes to the FTB Part A and Part B income tests ensure that rewards from work are improved with families now able to earn more before their family assistance payments are reduced. From July 2004, the withdrawal rate for the first FTB Part A taper and for Part B reduced from 30 per cent to 20 per cent, significantly reducing effective marginal tax rates. From 1 July 2006, around 400,000 families will receive an average increase of \$24 a fortnight as a result of an increase in the FTB Part A income free area, from \$33,361 as at 1 July 2005 to \$37,500. More generally, the 'Welfare to Work' package announced in the 2005–06 Budget provides support for Australians to make the move into employment. This will reduce the number of

children who grow up in families where they do not have a parent in work, ensuring better outcomes for children and for the enhanced economic and emotional wellbeing of parents.

Separation and divorce can have significant financial and emotional impacts within families. In recognition of this, the Government will provide \$397.2 million over four years to implement a package of major reforms to the family law system including establishment of a national network of 65 Family Relationship Centres. These Family Relationship Centres will provide information, advice, referral and dispute resolution services to help prevent family separation, or help family members deal with separation. The reforms also aim to assist separated parents to develop parenting agreements that promote the involvement of both parents in their children's lives, reduce the impact of parental conflict on children and reduce the emotional costs to families of separation.

Childcare

Childcare is an integral component of this Government's policies to support families and economic participation. The Government's support for parents to access childcare is important to allow parents to participate in the labour market, assist families to achieve a work and family balance, and provide opportunities for child development. In the six years to 2004–05, the Government has spent \$9.5 billion on child care, more than double the amount spent in Labor's last six years in office, and has further allocated some \$8.5 billion supporting child care to 2008–09.

With an increase in the number of places of over 80 per cent since 1996, across all service types, a record number of over 770,000 children now use professional childcare services. The introduction of Child Care Benefit in 2000 ensured that childcare became more affordable for parents.

This support for child care has also been significantly boosted through the 2004 election commitment of around \$1 billion to 2008–09 with the introduction of the 30 per cent Child Care Tax Rebate. The 2005–06 Budget included a further \$266 million over four years to provide an additional 87,800 child care places and additional fee assistance for 52,000 low income families to assist families with the transition from welfare to work.

Australia is a world leader in quality assurance for the child care industry and this is achieved by the Australian Government's significant investment in the delivery of quality assurance systems in Long Day Care, Family Day Care and Outside School Hours Care Services. The aim of quality assurance is to enable children in child care to have positive experiences, which foster all aspects of their development. The quality framework provides high quality benchmarks in Child Care Benefit approved services.

The National Childcare Accreditation Council is funded by the Australian Government (currently around \$10 million per year) to develop, implement and administer the three quality assurance systems in Australia. As well, the Australian Government funds professional support providers to assist services to implement quality assurance.

Early Childhood

In 2001, the Australian Government established an interdepartmental taskforce on early childhood to strengthen whole-of-government approaches to early childhood policy and programs. The National Agenda for Early Childhood is a key component of this work. This Agenda is a blueprint for future national investment in children's early years and, reflecting the aim of promoting collaboration across levels of government and with other key stakeholders, was developed with wide consultation. Four priority areas for action have been identified: healthy young families, early learning and care, supporting families and parenting, and child-friendly communities. The *Stronger Families and Communities Strategy 2004–2009* has a specific early childhood focus aligned with the National Agenda and represents a significant new commitment in this area—a clear demonstration of this Government's priorities.

Under the Strategy the Australian Government is allocating around \$490 million over the next five years for local initiatives that intervene early to help families, children and communities at risk.

To underpin this holistic approach to early childhood, the Government has funded two groundbreaking longitudinal studies of children to establish a comprehensive, contemporary and Australian understanding of the experiences and outcomes for children. The Government is also providing significant financial support to the Aus-

lian Research Alliance for Children and Youth to facilitate collaboration between research, policy and practice. These activities, and indeed much of the work on the National Agenda for Early Childhood, are important long-term investments—investments in policies and practices that seek to address problems at their roots—not just ‘Bandaïd’ responses when the problems emerge.

A similar commitment to a long-term focus on child development has been demonstrated by the Government’s recent funding of a \$10 million chair in child protection at the University of South Australia.

While mainstream preschool education is the responsibility of State and Territory Governments, the Australian Government also plays an important role, principally in supporting the participation of Indigenous children in preschool education through the Indigenous Education Strategic Initiatives Programs for which \$11.4 million was provided in 2003.

Providing Support and Opportunities: Education and Training

Education and skill levels underpin the productivity of the Australian workforce, and the capacity of people to participate in a rapidly evolving workforce over their lifetime. Higher skills and educational levels help in the creation of knowledge, ideas and technological innovation. As the world around us continues to change rapidly, especially with technological change, efficient and effective post-compulsory education and training systems will become more important. Current and future workers will need to improve and continually update their skill levels. Poor educational achievements, on the other hand, are very strongly associated with lifetime disadvantage, including higher levels of hardship, and poorer health and other outcomes. Initiatives already taken by the Government have included testing and reporting of literacy and numeracy skills, improving the quality of teaching and moving towards a common national curriculum and starting age.

This Government recognises that access to education plays a critical role in addressing disadvantage. It is committed to quality schooling for all Australian students, regardless of the school they attend, with every child being given the chance to

find and achieve their potential through choice and opportunity. This commitment is underpinned by a \$33 billion package for government and non-government schools across the nation to be provided over the 2005-08 quadrennium and supported by the Government’s national priorities in schooling that will require education authorities and schools to commit to:

- National consistency in schooling—with implementation by 2010 of a common school starting age and common testing standards in key subjects by 2008;
- Better reporting to parents with ‘plain English’ school reports, including an assessment of each child’s achievement reported against national standards, and relative to the child’s peer group;
- Making values a core part of schooling, including requiring schools to fly the Australian flag;
- Ensuring that information is available to parents about a school’s performance;
- Greater autonomy for school principals;
- Creating safer schools by implementing the National Safe Schools Framework in all schools; and
- A common commitment by schools to physical activity, with all primary and junior secondary students to participate in at least two hours of physical education each week.

The key program for supporting the most educationally disadvantaged school students is the Literacy, Numeracy and Special Learning Needs Program (LNSLN). Over the 2005–08 quadrennium, this program will provide an estimated \$2.1 billion to support the most educationally disadvantaged students. These include students from a low socio-economic background, those who face geographic isolation, students with a disability or learning difficulty, those with a language background other than English, and those with an Aboriginal or Torres Strait Islander heritage. The Schools Grants element of LNSLN will contribute over \$1.8 billion nationally over this period to government and non-government education authorities. This funding provides additional assistance for the most educationally disadvantaged students in schools.

The allocative mechanism for the Schools Grants element includes a socio-economic disadvantage component that is applied to 38% of funding. This mechanism examines the distribution of socio-economic disadvantage between Government, Catholic and Independent schools. The mechanism uses information from the Index of Relative Socio Economic Disadvantage, the Index of the ABS Socio-economic Indexes for Areas in conjunction with ABS Census school enrolment data. Allocations for each education authority are derived from calculations at the national level of the distribution of the 500,000 most disadvantaged students between sectors. The remaining portions of Schools Grants funding are allocated using a Language Background Other Than English mechanism, numbers of students with a disability in a sector and sector size.

In addition, the Government has in place programs designed to overcome particular barriers to learning such as the English as a Second Language Program, the Students with Learning Difficulties initiative and the Country Areas Program.

To improve the literacy and numeracy standards of all Australian children, and to strengthen the role of parents in their child's education, a national Tutorial Voucher Initiative has been introduced as a pilot program.

This Government has already had considerable success in expanding opportunities for young Australians and others to access further education and training through initiatives such as:

- The Career Planning Program, which assists parents returning to work and mature age workers to establish or redefine their employment, education and training goals and develop career management, research and decision making skills;
- The Increasing Vocational Learning Opportunities for Indigenous Students initiative is providing 2,300 Indigenous secondary school students with vocational learning opportunities based on local industry options; and
- The Vocational Education and Training (VET) Priority Places Program provides VET training places for people with a disability, parents returning to work and older

workers. Funding for this program resulted from the State and Territory Governments' rejection of the 2004–2006 Australian National Training Authority Agreement and ceased to be separately available from 30 June 2005. These funds have now been rolled into the Australian Government's offer to the States and Territories for a new Commonwealth-State Training Funding Agreement for 2005–2008.

VET is an area of 'shared responsibility' arrangements for vocational education and training between the Australian Government and the States and Territories. Under these arrangements, the Australian Government contributes funds to State and Territory Governments (some \$1.15 billion in 2004–05) who, in turn, have responsibility for their training systems. This includes delivery of training for and to those who are disadvantaged. Initiatives include:

- Australia's National Strategy for Vocational Education and Training 2004–2010, which was agreed by Australian and State and Territory Government Ministers of training, aims to be inclusive of people facing barriers to learning due to age, unemployment, cost, disability, language, literacy and numeracy;
- A range of programs to assist disadvantaged groups in VET. This includes the New Apprenticeships Access Program, which aims to assist disadvantaged groups, who have barriers to employment, with pre-vocational training and other forms of assistance; and
- Clients with literacy and numeracy difficulties are assisted through the Language, Literacy and Numeracy Program, which assists job seekers with these difficulties to improve their literacy and numeracy skills.

In the 2005–06 financial year the Australian Government will spend a record \$2.5 billion on vocational and technical education, including an additional injection of over \$280.6 million for a suite of new initiatives designed to address skill needs, particularly in the traditional trades. The funding package for 2005–06 includes:

- \$120 million to extend entitlement to the Youth Allowance, Austudy and ABSTUDY to New Apprentices to ease the financial

burden they face in the initial years of training; and

- \$65.4 million to establish 24 Australian Technical Colleges in regional and metropolitan locations with skills needs to provide quality education and trade training for senior secondary students.

The Australian Government also believes that all Australians must have equal opportunities to access higher education. This principle is central to the higher education reforms, and reflects the Government's commitment to ensure that no student is prevented or deterred by a lack of financial means from accessing their chosen education course. Important components of this approach include:

- The option for eligible students to defer their student contribution or tuition fees through the new Higher Education Loan Program and repay them later through the taxation system. This ensures students are not prevented from participating in higher education if they are unable to pay their student contributions or fees up-front and that higher education remains free at the point of entry;
- Targeted support for university students from low socio-economic backgrounds through Commonwealth Learning Scholarships. These provide around \$2,000 a year to assist with education costs and about \$4,000 a year to help with accommodation costs. By 2008, the Government will have committed \$327 million for about 40,000 new scholarships for this program; and
- The Higher Education Equity Support Program. This assists higher education institutions to promote and enhance access and academic outcomes for disadvantaged students. In 2005, over \$10 million will be allocated to institutions, based on enrolments, retention and success of students from low socio-economic status (SES) backgrounds with a weighting to low SES students from rural and isolated areas. This formula acknowledges the importance of low SES as a prevailing indicator of disadvantage, while factoring in the additional disadvantage

faced by low SES students from rural and isolated areas.

In addition to the already discussed New Apprenticeships Access Program and the Language, Literacy and Numeracy Program that assist disadvantaged groups in vocational education and training, the Australian Government also funds the Workplace English Language and Literacy Program, which assists workers to improve their English language and literacy skills to meet the demands of their current and future employment.

The Government's training policies have seen the number of apprentices almost triple, from 140,000 in 1995 to over 380,000 by the end of 2004. Similarly, changes to higher education policies, particularly the *Our Universities: Backing Australia's Future* reform package, will result in the creation of almost 36,000 new places in the higher education sector by 2008. These policies complement strategies to reform the labour market and to promote higher levels of participation, especially by income support recipients.

School to work transitions

Joint activities between the Australian and State and Territory Governments to support 'at risk' teenagers to stay at school or better manage the transition into full-time employment not only help raise labour force participation, but will increase the resilience of these young people and reduce the risk of poor labour market attachment leading to future hardship. The Government is committed to supporting young people aged 13 to 19 years to achieve a successful transition through school, and from school to further education, training and work. This commitment is demonstrated through initiatives such as:

- The Structured Workplace Learning Program provides senior secondary students with structured learning opportunities in the workplace;
- The Jobs Pathway Program which provides focused, individual assistance to young people at risk of not making a smooth transition through school, and from school to further education, training, or employment opportunities and active participation in the community;

- The Partnership Outreach Education Model Pilot provides 13–19 year olds who have become disconnected from mainstream education, and often their families and communities, with comprehensive and flexible learning opportunities to start achieving the educational, life and employability skills needed for autonomy in work and community life;
- The Enterprise Education Action Research project which supports students to apply their learning in real life situations and understand the realities of the wider world outside the school environment;
- The development of an ‘e-portfolio’ website allows Australians of all ages the opportunity to record their employability skills in an electronic record for presentation to future employers;
- The development of the Australian Network of Industry Career Advisers initiative to better prepare young people for study and work and assist students to understand study and work options through career information, advice, support and planning; and
- The Mentor Marketplace program, which expands mentoring opportunities through new mentoring activities and successful existing projects, assists young people aged 12 to 25 years to stay connected to family and community, education, training and the workplace.

Providing Support and Opportunities: Health

The Government has also identified improving health as important to achieving higher levels of participation, with the Treasurer raising the question as to whether there was a need to focus resources on addressing ‘health’ rather than ‘illness’. As with education, such a focus also has positive ramifications for addressing hardship as this is often associated with poor health as well as being provoked or magnified by unhealthy lifestyles, including substance abuse.

To assist in understanding these issues, for the past four years the Australian Government has been supporting the Health Inequalities Research Collaboration which has been active in developing an evidence base on the causes of, and effective responses to, health inequalities. This is im-

portant to understanding how socio-economic factors, individual biology and behavioural and socio-cultural interactions can affect health.

The most recent research, released in the Australian Institute of Health and Welfare report *Health Inequalities in Australia: Mortality*, shows a narrowing of differences in the absolute death rate between the least and most disadvantaged groups. The narrowing of the gap in health outcomes between lower and higher socio economic groups testifies to the quality of Australia’s health system.

Government health services are aimed at improving health outcomes for the entire Australian population. Initiatives in child health, Indigenous health, and across the major health priority areas, target specific ‘at risk’ populations such as Indigenous and rural communities. Further, the Government’s focus on national health priority areas, such as diabetes, cancer and cardiovascular disease, has strengthened the focus on prevention and early intervention in chronic disease management.

In 2002 the Australian Government introduced improved assessment arrangements for people with a disability. These arrangements focus on work capacity and identifying services and supports that may help people with a disability participate in the workforce. Such arrangements have been successful in assisting people with a disability to improve their work capacity.

Under the new ‘Welfare to Work’ measures announced in the 2005–06 Budget, job seekers will benefit from improved assessment arrangements. From 1 July 2006, job seekers with significant participation barriers will have a comprehensive face-to-face assessment with a contracted work capacity assessor. Assessments will be conducted by a range of medical and allied health professionals such as rehabilitation counsellors, occupational therapists and psychologists.

The assessment will be a positive, holistic exploration of a job seeker’s participation barriers, work capacity and the nature of interventions and assistance needed to improve current and future work capacity.

Providing Support and Opportunities: Employment services reform

Well targeted and practical employment assistance plays a vital role in giving people a clear pathway to employment. The Government has introduced a number of reforms to employment services to ensure people have access to the best services to help them find a job.

In 1998, the Government introduced Job Network, a diverse national network of private and community organisations contracted by the Government to deliver employment services and get unemployed people into jobs. The development of Job Network represented a move from an overly bureaucratic and inefficient service provider (the Commonwealth Employment Service) to a flexible system that delivers employment services tailored to the needs of individual job seekers.

The Government's 'Australians Working Together' (AWT) package, introduced in 2001, was developed to further support participation by people of working age on income support. The package is explicitly designed to meet the needs of particular disadvantaged groups including mature-age job seekers, Indigenous job seekers, people with a disability, and parents. The AWT package introduced measures such as:

- The Working Credit which encourages people to take up full-time, substantial part-time or irregular casual work by allowing them to keep more of their income support payment while working;
- Centrelink Personal Advisers;
- The Personal Support Program which helps people with severe or multiple obstacles to obtain a job;
- More disability employment assistance, rehabilitation and vocational education and training places for people with disabilities;
- An additional 9,200 Language, Literacy and Numeracy places for parents, mature age workers and jobseekers, and a fortnightly supplement to assist with the costs associated with participating in the Language, Literacy and Numeracy program; and
- The Career Planning Program to assist parents and carers returning to work and mature

aged jobseekers to determine their employment, education and training goals and develop career management and decision making skills.

The 'Active Participation Model', introduced in July 2003, has delivered improved outcomes for job seekers. Under the 'Active Participation Model', a single Job Network member assists the job seeker for the entirety of their unemployment duration and coordinates an integrated service.

The positive outcome (employment and/or education/training) rates achieved in the year to end September 2004, three months after leaving assistance included:

- 74 per cent for Job Placement services;
- 53 per cent for Intensive Support customised assistance; and
- 61 per cent for Intensive Support job search training.

The 'Welfare to Work' package introduced in the 2005-06 Budget further expands and improves employment services to assist parents, people with a disability, mature aged and very long term unemployed people into employment.

- Eligible parents and mature aged job seekers will receive a new employment service in Job Network, Employment Preparation, which will provide tailored assistance for people with no recent work experience;
- People with a disability will benefit from improved assessment processes under new comprehensive Work Capacity Assessments, supported by more services in Disability Open Employment Services, Vocational Rehabilitation and the Personal Support Program; and
- Very long term job seekers may be eligible for Wage Assist, a wage subsidy program in Job Network that will assist them to attain sustainable employment.

In the package, financial incentives support the expanded and improved services in Job Network. Newstart Allowance will have a more generous income test and taper rate to improve incentives for people to take up paid employment, particularly part-time employment for parents and people with a disability.

Providing Support and Opportunities: Homelessness

Homelessness represents a major threat to well-being, and while it may have many causes, it brings with it real disadvantage.

The National Homelessness Strategy (NHS) demonstrates the Australian Government's leadership on the significant issues of homelessness. The NHS links the Government's wide range of responses and programs that support people at risk of or experiencing homelessness. These programs include:

- The Supported Accommodation Assistance Program (SAAP). On 1 June 2005, the Australian Government made a final SAAP V offer to State and Territory SAAP Ministers. In this reconfigured offer, the Australian Government is providing \$932 million in overall funding. Of this, \$892 million will go directly to State and Territory Governments in program funding and around \$40 million will be directed to an Innovation and Investment Fund. Under this new offer, the total funds available to the SAAP sector will increase to \$1.77 billion over the life of SAAP V.
- The Innovation and Investment Fund will provide a total of \$120 million of SAAP V funds to develop better SAAP service responses to the three strategic directions of SAAP V identified in the National Evaluation of SAAP IV—better pre-crisis intervention, better service system linkages, especially for families and children and better post-crisis transition assistance.
- Household Organisational Management Expenses Advice Program. This program works with families who are at risk of becoming homeless, providing them with assistance before they get into crises. It builds on the success of its predecessor program, the Family Homelessness Prevention Pilots (FHPP). The evaluation of the FHPP found that, as a result of assistance provided to families, 90 per cent of participants were able to remain in their homes, or obtain alternative housing. In addition, there was a 50 per cent rise in employment and educational participation of adults who identified these as goals;
- Reconnect, an early intervention program that reconnects young people who are homeless, or at risk of homelessness, with their families, education, training, employment and community;
- The Job Placement, Employment and Training Program that assists this group to overcome personal and social barriers and engage more fully in the life of their communities and achieve greater social and economic participation; and
- The Transition to Independent Living Allowance that assists young people who leave the care and protection of State and Territory Governments to make a successful transition to independent living. The 2005–06 Budget included extended funding of \$10.6 million over the next four years of the program.

Homeless people also gain particular benefit from a range of mainstream programs. These include the Personal Support Program, which assists people with multiple non-vocational barriers to employment.

These types of programs have been successful in helping people even when they face very severe disadvantage.

Response to majority report recommendations

As noted in the introduction the Government does not consider that the report of the majority members of the Committee adequately or appropriately responded to the issues before the Committee.

In many places the analysis presented in the majority report is both faulty and misleading. It uses data selectively and with little regard for known problems and limitations. In particular, it fails to identify the degree to which the issues it focuses on are primarily the consequences of policies implemented in the late 1980s and early 1990s.

Indeed, in a number of cases, the data it uses to justify its conclusions relate entirely to the period of the previous Labor Government, yet it seeks to attribute these poor outcomes to the current Government and the policies this Government has put in place.

The selective use of data in the majority report also obscures the more important question of

which policies work. This is a pity, because the clear evidence shows that the policies of the Howard Government are improving the welfare of Australians through responsible economic and social policies that have been developed to provide opportunity, choice and reward. Attachment A considers some of these data in more detail.

The Government refutes the underlying claim of the majority report that disadvantage has continued to grow in Australia; rather this Government has delivered:

- Strong economic growth, with annual average GDP growth of 3.6 per cent—amongst the highest of countries in the OECD;
- Employment growth of almost 1.7 million jobs between March 1996 and June 2005, with the number of full-time and part-time jobs increasing by 925,100 and 787,700 respectively;
- Falling joblessness. The unemployment rate has fallen from 8.2 per cent when the Howard Government came into office to a June 2005 rate of 5.0 per cent, the lowest rate since November 1976. This represented 23 consecutive months of an unemployment rate below 6.0 per cent.
- Strong earnings and income growth. Average full-time adult total earnings have increased between February 1996 and February 2005 by 19.5 per cent in real terms, that is after taking account of changes in prices. In addition, the ABS has reported that the real average equivalised incomes of low-income households increased by 12 per cent between 1995–96 and 2002–03;
- Taxation reforms which have provided massive increases in support for families and will ensure that 80 per cent of Australian taxpayers pay a top marginal tax rate of 30 per cent or less—allowing them to keep a fairer share of the rewards of their efforts;
- The combination of growing earnings, increased support for families and taxation reform has resulted in major boosts to the household income of families with children;
- It is estimated that the real disposable income of a single income earner couple family with children in receipt of a wage equal to

Average Weekly Ordinary Time Earnings will have increased by 29.5 per cent between 1996–97 and 2006–07. Lone parents with no employment income will have received a gain of 27.6 per cent over the same period; and

- The tax and family assistance reforms in essence will mean that a single income couple family with children will not pay net tax in 2006–07 until their income reaches \$44,950.

The majority report makes 95 recommendations. The Government notes that while a number of these largely express support for existing policies and programs, many others recommend major increases in expenditure without attempting to either cost these proposals, or identify how they could be funded.

Some of the recommendations are simply a call to reintroduce unsuccessful policies from the past or would lead to policies that will not be able to deliver the results that the majority report implies they can.

The minority members of the Committee describe the recommendations as “not a serious attempt to enhance existing successful strategies” and “shallow, naïve and purely political”.

The Government agrees with this finding of the minority report. As a result, the Government does not consider that it is in the interests of the Australian community, or for the future well-being of those Australians who are facing hardship and poverty, to adopt the recommendations put forward by the majority members.

The majority report placed particular emphasis on their proposals for a poverty summit, (recommendation 94), and the adoption of poverty targets and a poverty agency (recommendation 95).

These recommendations were also specifically discussed in the minority report. This said:

The Government senators cannot accept a National Poverty Summit (Recommendation 94) will achieve anything more than has been achieved with this committee....

People who call for a summit ignore the tremendous effort made by community and other groups already, in their regular and important submis-

sions to and consultations with Government. (Page 451)

and that:

The Government Senators believe that it is appropriate for government to take responsibility for policies and to be accountable. Therefore, we cannot agree that it would be either wise or necessary to adopt a recommendation (No. 95) of the Labor Party to establish a statutory authority. This would only remove the sense of responsibility of others, and the functions that such a body could perform are already being undertaken. (Page 447)

The Government endorses these views.

Poverty summit

As observed by the minority members of the Committee, a poverty summit would neither solve nor resolve anything.

They noted that the many different interest groups identified in the recommendation have been active in public debate over many years and that their views and strategies are already well known by the Government and in the broader community. The Government already gives careful consideration to the range of ideas put forward by these groups, including in their submissions to the Government in the lead up to the annual Budget deliberations.

Anti-poverty agency

The minority report highlighted three key concerns with this recommendation:

- From the perspective of responsible and accountable Government, the functions proposed for this body are not appropriate. The responsibility for developing, implementing and monitoring social policy is not a function that should be delegated to a statutory authority or unit;
- Although the concept of poverty benchmarks appears to be superficially appealing they are, in reality, of limited value at best, and indeed may well be counterproductive to effective policies. The minority members highlight that, while income poverty measures suggest that poverty can simply be reduced by increasing welfare payments, overcoming disadvantage and hardship requires much more. They also note that the adoption of

simple benchmarks and targets can result in policies being directed at simply improving performance against these, rather than tackling the real problems and causes of hardship and disadvantage; and

- That most of the other functions proposed for the authority are already being undertaken.

The Government agrees with these arguments.

The majority report bases its proposal for an anti-poverty agency on what it considered was a need for independent research and for the establishment of poverty targets. As discussed below the Government does not believe that substantive cases for these were advanced.

Social Policy Research

In advancing this recommendation the majority report ignores the substantial research that is being undertaken on these matters already. This Government is committed to evidence based policy making and to the research that is vital to this approach. To support this, research into many aspects of disadvantage, social well-being and community development is being undertaken and commissioned by Government departments and research institutes, by community organisations and in universities.

The magnitude of the research that is funded or undertaken by the Government is significant. For example, research spending by the Department of Family and Community Services (FaCS) is over \$17 million, including research into the causes and impacts of financial stress and hardship. Much of this funding is provided to external bodies including: the Social Policy Evaluation, Analysis and Research Centre and the Family and Community Health Unit, both at the Australian National University and the Social Policy Research Centre (SPRC) at the University of New South Wales. DEWR have a similar arrangement with the Melbourne Institute of Applied Economic and Social Research.

In addition the Government has been making major investments in longitudinal surveys that allow the comprehensive study of the life events and circumstances of Australians, and the way these influence outcomes for them and their children. Longitudinal data are essential to answer many of the questions facing policy makers and

researchers on the experiences of people and how and why people respond to economic and social change. For instance, the longstanding Longitudinal Surveys of Australian Youth program, funded by the Australian Government, has shown the importance of sound literacy and numeracy skills gained at school, for achieving positive outcomes for young people, and for their ability to adapt to a changing world. In the 2004 Budget the Government committed a further \$22.9 million over the next 4 years to ensure the continuation of the Household Income and Labour Dynamics Australia (HILDA) Survey. The funding effectively guarantees that the survey will continue until at least 2008.

Poverty and financial hardship are not just about income. There is a range of many and complex reasons why people experience hardship and disadvantage, including physical and mental health problems, drug addiction, problem gambling, poor education, domestic violence and family breakdown. Research has shown that the roots of many problems in adolescence and adulthood, including physical and mental health problems, antisocial behaviour and poor educational and occupational outcomes, can be found in early childhood. By tracking children over time, researchers can gain a better understanding of how, why and when children embark on pathways leading to positive or less positive outcomes, and where and when are the best times to help children move onto better pathways. The data derived from the Longitudinal Study of Australian Children in which the Australian Government is investing \$20.9 million over 9 years will assist in understanding these issues. Other longitudinal studies are being conducted into Indigenous Children and Women's Health.

A feature of much of this research is that the studies are managed by leading research institutions. The Government believes that the diverse conduct and ownership of research in these areas is crucial to a well informed public debate. This strategy is reflected in the Government's National Research Priorities that include the goal of 'strengthening Australia's social and economic fabric'. Examples of the type of work being supported under these priorities is a five year Australian Research Council (ARC) Discovery Grant and Professorial

Fellowship that has been awarded to Peter Saunders of the SPRC, and a five year ARC Linkage Project being undertaken by SPEAR that will shed new light on the causes underlying the transmission of welfare dependence from one generation to the next.

Given the Government's clearly articulated social policy research priorities and the range of research currently underway in the areas of poverty and hardship, there is no need for the establishment of a statutory authority to undertake a similar function. There is similarly no need for an authority to commission research into poverty and its impacts when so many independent researchers are already utilising the government-funded longitudinal data sources such as HILDA to investigate these research questions.

Poverty targets

The second main argument of the majority report relates to the identification of poverty targets. This argument is again weak, and carries with it a strong risk of policies being misdirected to the pursuit of illusory and artificial targets—rather than addressing real and important problems.

Many of the limitations of poverty measures and targets have been identified in the minority report. The Government members noted in their report the experience of the adoption of poverty benchmarks in Ireland. In that country incomes have increased very rapidly as a result of the strong economic growth the country has experienced. As a result of these and other policies 'consistent poverty'—their benchmark—fell from 14.5 per cent to 5.0 per cent between 1994 and 2000. However, over the same period, relative income poverty—the very measure the majority members of the Committee attempt to use to estimate poverty levels in Australia—shot up from 15.6 per cent to 22.0 per cent, despite marked increases in the living standards of those people being classified as poor.

This example clearly shows the limitation of poverty measures, and the extent to which 'success' or 'failure' is simply a choice of the indicator. It is also an important context for determining the validity of claims about the effectiveness of statutory anti-poverty agencies.

The minority report also noted that the situation in the United Kingdom was far from being as simple as presented in the majority report and in some submissions. Although the United Kingdom Government announced their anti-poverty targets in early 1999, in April 2002, some three years after having established the target, they then decided to conduct a consultation and development program to determine how in fact child poverty should be measured. This process was long and drawn out concluding in December 2003 with an announcement of a range of definitions, but a significant lack of clarity as to how these would be used.

RESPONSE TO MINORITY REPORT RECOMMENDATIONS.

The minority report made 8 recommendations; these are considered below:

Recommendation 1:

The Government Senators recommend that initiatives that assist the transition from welfare to work continue to be developed and implemented. These initiatives should include those that:

- address the hurdles confronted by the unemployed
- improve job readiness
- address onsite and job-centred training

In particular, the hurdles of language, literacy and numeracy should be identified as priorities.

Government initiatives should continue to be evaluated and funding directed to those initiatives delivering outcomes for those facing hurdles to employment. (Page 455)

Response:

The Government accepts this recommendation and notes that this recommendation is consistent with the major reforms already put in place by the Government in these areas.

As addressed in the body of this response, employment services reform has helped people of working age on income support move from welfare to work. Employment services in Australia are targeted at people who are at most disadvantage in the labour market. Job Network delivers employment services that improve job readiness, addresses individual barriers to unemployment

and assists people of working age make the transition from welfare to work.

The 'Active Participation Model', introduced in July 2003, further assisted people of working age move from welfare to work through reforms to Job Network and better integrating employment assistance. Job seekers progress through a continuum of assistance, which may include onsite training, based on their duration of unemployment and level of disadvantage. A major innovation of the 'Active Participation Model' is the Job Seeker Account, a quarantined pool of funds that can be used by a Job Network member to purchase goods or services for eligible job seekers to address their individual needs and help them secure employment. The Job Seeker Account can be used by Job Network members for job centred training for individual job seekers.

The 'Welfare to Work' package announced in the 2005-06 Budget represents the next major step in assisting people of working age on income support to move from welfare to work. The new measures introduce increased requirements, supported by financial incentives to increase the rewards from working and increased services. As discussed previously, parents, mature aged people, people with disabilities and very long term unemployed people will benefit from increased employment services in Job Network, Disability Open Employment and vocational rehabilitation.

Disability Open Employment services and vocational rehabilitation services assist people with a disability who require ongoing support or rehabilitation to find and maintain employment. As part of the 'Welfare to Work' changes, the Government announced an additional 20,600 places in Disability Open Employment services, and an extra 41,600 Vocational Rehabilitation places.

In addition to employment services, the New Apprenticeships Workforce Skills Development Program aims to increase the number and range of New Apprentices in training and address supply and demand training issues, particularly in industries prominent in rural and regional Australia. The strategy provides assistance to support and expand the participation of Indigenous people in formal and nationally recognised training programs.

The Government also announced in the package that it will work with business to improve workplace flexibility and develop more effective transitions into work. The new initiatives target growth industries where there are strong job prospects and provide assistance to develop innovative recruitment, employment and retention strategies to increase the employment of parents, mature aged people, people with disabilities and very long term unemployed people. In particular, two schemes will be expanded to help the employers of people with disabilities. The Workplace Modifications Scheme will be expanded at a cost of \$29 million over four years. The Wage Subsidy Scheme will also be expanded by \$12 million over four years.

The evaluation of labour market programs informs the continual improvement in employment services. A comprehensive evaluation of the AWT package⁸ is due to be completed by June 2006. The evaluation will report on the overall effectiveness of the initiatives in the package on improving economic and social participation and reducing income support reliance for working-age income support recipients.

Recommendation 2:

The Government Senators recommend that we do not return to unnecessary government intervention in the form of outdated labour market programs, which were proven to be unsuccessful in the 1970's and would be a retrograde step to implement now.

The Government continue to introduce further reforms, which increase labour market flexibility while maintaining a safety net. (Page 459)

Response:

The Government accepts this recommendation.

International and Australian research suggests that participation requirements and assistance tailored to individual circumstances and capacity, coupled with incentives that ensure rewards from working, are successful in helping people improve their prospects of employment. In addition, the minimum wage should not be so high as to limit the job opportunities of lower skilled job seekers. It is for these reasons that this Government initiated welfare reform.

The Government's policies have been successful in reducing unemployment in Australia. Since the Government came into power in 1996, the unemployment rate has fallen from 8.2 per cent in March 1996 to 5.0 per cent in June 2005.

As has already been discussed in the context of employment services reform, and Recommendation 1 of the minority report, employment services are delivered through Job Network. Unlike previous arrangements under the Labor Government, Job Network does not offer 'one size fits all' employment services. Individualised service delivery is a key feature of the current measures, including Intensive Support customised assistance and the Personal Support Program. The 'Active Participation Model' has delivered excellent outcomes for job seekers. In 2004, a total of around 630,600 placements were recorded by Job Network and Job Placement Organisations, an increase of 51 per cent on the previous 12 months and a new annual record. Furthermore, over 169,000 long term jobs were achieved for disadvantaged job seekers and those unemployed for longer than three months, more than double the previous year.

A key issue in assisting job seekers, particularly the disadvantaged and low-skilled, to find employment is to ensure that they are not priced out of the labour market by high minimum wages. Currently, minimum wages are set annually through an adversarial process involving unions, employers, governments and other interested organisations before the Australian Industrial Relations Commission. The Commission does not specifically consider the needs of the unemployed for a job when determining the level of increase.

The Government therefore proposes to substantially reform the process for setting minimum wages in Australia, as discussed above. Under the new arrangements there will be a stronger focus on the employment prospects of job seekers. The Government will establish a new body—the Australian Fair Pay Commission (AFPC)—to set minimum wages, guided by parameters set in legislation. The AFPC will conduct an investigative rather than an adversarial process, and will apply greater economic rigour to its determinations. In making its decisions it will take into account the impact on both the low paid and the

unemployed, establishing a better balance between fair pay and employment.

Recommendation 3

The Government evaluate the potential benefits and pitfalls of easing the curtilage rules to assist mature-age Australians.

The Government Senators support the recent superannuation changes including the introduction of market-based income stream products and the Government's co-contribution measures to assist those Australians on low-income to save. (Page 461)

Response:

The means tests are kept under review to ensure they are meeting the requirements of the community and are appropriately targeted. The Government will take this recommendation into account in that context.

It should be recognised that income support payments are means tested to ensure that they are directed to those most in need and there are already mechanisms in place to assist people, particularly farmers, who are asset rich but cash poor. These include the assets hardship rules, the Pension Loans Scheme and a number of other special assets test concessions for farmers.

The introduction of the new 'market-linked income stream product' will provide retirees with more choice in selecting an income stream that best meets their retirement needs and also furthers the Government's commitment to increase competition in the provision of complying income stream products.

Recommendation 4

The Government Senators recommend

- a continuing increased focus on participation (return from welfare to work, increased mature age participation) and self-reliance to maximise economic growth and minimise personal hardship.
- a review of the structural and cultural barriers to mature-age employment. (Page 463)

Response:

The Government accepts this recommendation.

Our 'Welfare to Work' reforms, and the significant base of programs and initiatives they build upon, have been detailed above.

The need for a specific focus on mature age participation is a critical component of the nation's response to demographic change. It is an area in which significant gains have been made as a consequence of good economic management. Between March 1996 and June 2005 Australians aged 45 to 64 years gained markedly in the labour market; the number in paid work increased by 1,059,900 and the employment to population ratio jumped from 61.1 per cent to 68.2 per cent.

The 'Welfare to Work' package introduced a number of initiatives designed to remove barriers to unemployment for mature age job seekers. These include:

- Job seekers aged 50 years and over will have the same job search requirements as other job seekers to ensure that they remain connected to the labour market;
- Access to Employment Preparation, a new tailored service in Job Network for parents and mature age people; and
- Places in the New Enterprise Incentive Scheme for mature aged people not on income support.

Other Government initiatives to remove barriers and enhance the capacity of older workers to remain in paid work include:

- Early access for older workers to Intensive Support customised assistance and Job Search training;
- The Mature Age Worker Tax Offset, which will reward, encourage and assist mature age workers who choose to remain in the workforce. The Mature Age Worker Tax Offset will be available to people 55 years or over and will provide a maximum annual rebate of \$500 on their income from working. It will be available on assessment from the 2004-05 income year;
- Initiatives under the Mature Age Employment and Workplace Strategy through which the Government works with employers, recruitment agencies and industry bodies to encourage them to plan effectively for an age

diverse workforce, and to develop strategies to attract and retain mature age workers;

- The Pension Bonus Scheme, which provides an incentive to allow older Australians to defer claiming Age Pension while continuing to work. Eligible scheme members receive a tax-free lump sum when they claim and receive Age Pension⁹;
- A progressive increase in the superannuation preservation age from 55 to 60 years between 2015 and 2025 to reduce incentives to retire prematurely, and an increase in the age at which women qualify for age pension. By 1 July 2013, it will be 65 years, the same as for men; and
- The Government's transition to retirement measure will allow people who have reached their preservation age to access their superannuation in the form of a non-commutable income stream without having to retire from the workforce or leave their job. This measure will commence on 1 July 2005.

Recommendation 5

That the Government continue to implement initiatives that decrease the number of clients breaching while upholding the principles (of) mutual obligation and joint responsibility. (Page 464)

Response:

The Government accepts this recommendation.

As a consequence of administrative and legislative changes introduced since 2002, breach numbers fell by 30 per cent in 2001–02, by a further 50 per cent in 2002–03 and a further 27 per cent in 2003–04.

As part of the 'Welfare to Work' package, the Government announced its intention to replace the current breaching regime with a new suspension-based compliance system for all activity-tested income support recipients from July 2006.

Under the new system a failure to meet a participation requirement will result in suspension of payment until a job seeker complies, rather than the imposition of a lasting rate-reduction period. This new system builds on the success of current suspension arrangements as the most effective means of securing re-engagement and deterring

non-genuine job seekers, while reducing the need to impose ongoing and potentially counter-productive financial penalties as a deterrent to non-compliance. It clearly links payment to participation and rewards those who are willing to comply quickly after an initial failure to do so. This approach also responds to the findings and recommendations of the Breaching Review Taskforce, which included representatives from the welfare sector, Government departments and the employment services industry.

Mechanisms are being developed to ensure the imposition of sanctions should not have a detrimental effect on particularly vulnerable individuals or third parties (for example, children), including through the use of case management to cover essential expenses where appropriate.

Other elements of the new system will be an eight week preclusion period for repeated or more serious failures and a ten per cent recovery fee for earnings-related debts incurred by working age payment recipients who knowingly provide inaccurate information about their earnings.

Recommendation 6

While the Government Senators are not in the habit of making recommendations outside their jurisdiction, they believe there are two issues that really require the urgent attention of the States and Territories.

Housing

That State Governments should assist home buyers by reviewing their ever increasing stamp duty taxes on houses as those increases virtually wipe out the benefit of the first home buyer incentive.

Problem Gambling

That State and Territory Governments reduce their reliance on Gambling as a source of revenue and increase investment in problem gambling programs. (Page 468)

Response:

The Government shares the concerns expressed by the minority members with regard to State and Territory Government policies in these areas.

Housing

The Government supports any effort by State and Territory Governments to improve housing affordability, especially for first homebuyers,

through the review of stamp duties. The Government notes that, although State and Territory Governments have introduced some concessions for home buyers, increases in stamp duty receipts continue to provide substantial windfall profits for the States and Territories. A Housing Industry Association study shows that, in 2002, an estimated \$11 billion was levied by State and Territory and local governments on new housing, an average of \$67,000 per house.

Following the Joint Meeting of Housing and, Local Government and Planning Ministerial Councils in Melbourne on Thursday 4 August 2005, Ministers agreed to endorse the Framework for National Action on Affordable Housing (NAAH). The NAAH is considered to be the first national, strategic, integrated and long-term vision for affordable housing in Australia across multiple portfolios.

It follows on from last year's Productivity Commission Inquiry into First Home Ownership. This Inquiry found that stamp duty, land supply and infrastructure costs were major contributors to escalating housing costs. The Government welcomes the commitment of State and Territory Governments under the Framework to address some of these problems through planned reform of state-based planning and development mechanisms. However, the Government also notes that more work still needs to be done to reduce the stamp duty costs to the Australian home buyer.

Gambling revenues and problem gambling

2002–03 figures indicate Australians lost \$15.3 billion on gambling, and States and Territories received \$3.96 billion in revenue. Despite the overwhelming evidence of the negative impacts of gambling on some members of the community and their families, States and Territories have only been spending a trivial proportion of these revenues on assisting problem gamblers.

Most recent estimates suggest that State expenditures on problem gambling programs range from 0.06 per cent of State gambling revenue to 3 per cent. This stands against estimates from the Productivity Commission in 1999 that almost 300,000 (or 2 per cent) of adult Australians are problem gamblers and that, for every one of these, an additional 5 to 10 people are adversely affected in a direct way by their gambling. The

even more concerning information is that the Productivity Commission's 2002 update estimated that 15 per cent of regular gamblers were problem gamblers, and those gamblers accounted for 30 per cent of expenditure on gambling products.

The Australian Government is leading State and Territory Government collaboration on the national approach to addressing problem gambling, through the Ministerial Council on Gambling. This includes development of a better approach to national gambling research, more transparent reporting on efforts to address problem gambling and promotion of better collaboration by State and Territory on key policy issues. The Australian Government has also provided \$2.4 million over the next four years to support research activities undertaken with State and Territory governments and commissioned independently by the Australian Government.

The Government will convey the views of the minority members of the Committee to States and Territories through the Housing and Gambling Ministerial Councils.

Recommendation 7

That the Government continue to recognise the need for financial counselling as an effective initiative in assisting Australians in moving from welfare to work, and to prevent them accumulating unsustainable debt. (Page 469)

Response:

The Government accepts this recommendation.

The Government is committed to assisting Australians to make more informed financial decisions and better manage their money.

The Government recognises that Australians need to improve their skills to make informed judgments and effective decisions about the use and management of their money in the current marketplace.

In February 2004, the Government established the Consumer and Financial Literacy Taskforce to develop an overarching national strategy to enhance financial literacy in Australia. The Taskforce was chaired by finance commentator, Mr Paul Clitheroe, and included high-level represen-

tation from the public, private, community and education sectors.

In June 2004, the Government released the Taskforce discussion paper *Australian Consumers and Money*. The paper highlighted the need for consumers to be better skilled in negotiating transactions and in managing money. On 31 August 2004, the Taskforce presented its recommendations to the Government. One of the key recommendations of the Taskforce was that a central coordinating body be established to improve the effectiveness of consumer and financial information and education in Australia.

The Government adopted the Taskforce's recommendation and established the Financial Literacy Foundation under its Election 2004 Policy, *Super for All and Understanding Money*.

The Foundation was launched in June 2005 and will take forward a national strategy to deliver the Government's commitment to help all Australians increase their financial knowledge and better understand their options and the choices they can make in using and managing their money.

Key elements of the strategy are to:

- Implement an Australia-wide information and awareness-raising campaign;
- Establish a one-stop website to serve as a portal for financial literacy education and information resources;
- Incorporate financial literacy programs in schools and workplaces, and
- Conduct original research to build understanding of both influences on community attitudes to financial literacy and best practice approaches to extending and measuring financial literacy.

The Government has allocated funding of \$5 million per annum over five years (indexed) for the operation of the Foundation, and \$16 million over two years to conduct an information program to raise awareness and provide information on financial literacy issues.

Other initiatives include:

- The Commonwealth Financial Counselling Program (CFCP), that, including through its Sugar Industry Reform Program 2004 element, assists people who are experiencing

personal financial crisis by providing advice and information, carrying out individual advocacy and making referrals. In 2004–05, there were approximately 12,000 CFCP clients, with an estimated 70 per cent of clients gaining improved financial management skills;

- The Rural Financial Counselling Service Program, which is part of the Agriculture Advancing Australia initiative and provides free financial counselling assistance to primary producers, fishers and small rural businesses that are experiencing financial hardship and do not have access to alternative sources of financial counselling;
- The Indigenous Financial Management Initiative that involves intensive money management support for families and individuals in six Indigenous Financial Management sites. It will assist Indigenous individuals and families to build self-reliance, improve living standards and well-being, and improve financial and social functioning through increasing financial literacy and money management capacity;
- The Cape York Family Income Management trial aims to develop the capacity of individuals and families to effectively manage their income and to achieve better living standards through improved financial literacy and practice; and
- The Centrepay scheme, which assists people to better manage their money through the use of direct deductions from income support and family assistance payments to pay rent, utility, grocery and other bills.

Recommendation 8

The Government continue to assist Indigenous Australians through initiatives which:

- identify hurdles to employment and participation;
- assist with the removal or overcoming of those hurdles; and
- assist with the transition from welfare to work. (Page 470)

Response:

The Government accepts this recommendation.

The Government believes Indigenous Australians, wherever they live, should have the same opportunities as other Australians to make informed choices about their lives, to realise their full potential in whatever they choose to do and to take responsibility for managing their own affairs.

Indigenous people are disadvantaged compared to non-Indigenous people. These disadvantages are well documented, long standing and the outcome of complex, interrelated causes.

The Government is improving the way services are provided to Aboriginal and Torres Strait Islander people and communities. The Government believes that a shared responsibility approach is essential to building strong and resilient communities. Governments and communities must work together at a local level to address the issues identified by Indigenous communities. In this way Indigenous communities and governments can identify hurdles and develop strategies to remove or overcome these hurdles.

Communities must own solutions. Shared Responsibility Agreements (SRAs) between government and local Indigenous communities set out agreed areas for action and the responsibility of governments and communities in achieving those actions. At June 2005, 76 SRAs had been developed involving 64 Indigenous communities around the country. These agreements signal the beginning of a new relationship between government and Indigenous communities.

Employment and economic participation are an essential part of overcoming disadvantage and other social problems. That is why the Government has developed flexible mainstream and Indigenous specific measures that support education, skills development, and job search. These also include a comprehensive package to help Indigenous Australians take advantage of local business opportunities.

The Australian Government is also supporting the transition of Indigenous Australians from welfare to work. In April 2005 the Government released *Building on Success: CDEP Future Directions*. This document outlines the Government's agenda for supporting Community Development Employment Project (CDEP) participants into work off CDEP payments or more focused participation

on addressing the issues and needs identified by Indigenous communities.

In addition to the broader 'Welfare to Work' initiatives discussed earlier in this submission the Government is progressively lifting activity test exemptions granted to income support recipients in remote areas. Lifting these remote area exemptions and promoting active participation will help remote Indigenous communities address the problems that flow from passive welfare receipt.

Further information about the Australian Government's employment and economic development programs for Indigenous Australians is at Attachment B.

CONCLUSION

The Government believes that the majority members of the Committee have done a grave disservice to those Australians who face disadvantage and hardship. The conduct of an inquiry into poverty and financial hardship should have brought with it the opportunity to develop a much deeper understanding of the factors associated with disadvantage, the pathways to it and the strategies to prevent it. Unfortunately, the majority report has not achieved this objective. The majority members have produced a report that provides no real insight into these issues, but rather rehashes unsuccessful policies and ideas and uncritically repeats unjustified and unsubstantiated suppositions and observations.

Through responsible economic management, not only has the Howard Government generated new opportunities and increased living standards for the vast majority of Australians, but it has also put in place a wide range of policies and programs to assist people to take up these opportunities while providing effective support for those in need.

This Government is also committed to long term strategies aimed at further reducing hardship in the Australian community: through welfare reform; through support for early childhood development and other early intervention and prevention programs; and through strategies designed to increase economic growth and participation.

These are all fields where an effective inquiry could have provided informed and useful advice. Unfortunately this was not the case. Rather than looking forward, the majority of the Committee

was looking backwards, seeking to re-introduce the failed programs of the past.

ATTACHMENT A

RESPONSE TO ANALYSIS PRESENTED IN MAJORITY REPORT

The analysis presented in the majority report is both faulty and misleading. It uses data selectively and with little regard for known problems and limitations. In particular, it fails to identify the degree to which the issues it focuses on are primarily the consequences of policies implemented in the late 1980s and early 1990s.

Indeed, in a number of cases, the data it uses to justify its conclusions relate entirely to the period of the previous Labor Government, yet it seeks to attribute these outcomes to the current Government and the policies this Government has put in place.

The selective use of data in the majority report obscures the more important question of which policies work. This is a pity, because the clear evidence shows that the policies of the Howard Government are improving the welfare of all Australians through responsible economic and social policies that have been developed to provide opportunity, choice and reward.

The Government refutes the underlying claim of the majority report that disadvantage has continued to grow in Australia. As has been amply demonstrated in the body of our response, this Government has achieved strong economic growth and has seen the benefits of this growth distributed throughout the community as increased employment, higher wages and higher family incomes.

This attachment specifically addresses claims made in the majority report regarding poverty estimates; the nature of changes in the labour market; trends in earnings and incomes; and claims about the 'working poor'.

Poverty estimates

The majority report makes the claim that the number of Australians living in poverty is between 2 to 3.5 million, justifying this on the basis that a wide number of different submissions quoted estimates in this range.

However, the majority report fails to note that virtually every one of these estimates comes from a single source—a single series of NATSEM studies commissioned by The Smith Family¹⁰.

The weaknesses of these studies are well known:

- They primarily rely upon relative poverty lines and the discredited Henderson Poverty Line and its associated equivalence scale;
- The main measure—half mean income—that the researchers indicated was chosen by The Smith Family has been criticised as an inappropriate measure by almost all leading researchers;
- The study took no account of the well-known problems of income data not accurately recording incomes and living standards of low-income households. (ABS, for example, have recently cautioned that “Therefore most households in the bottom decile are unlikely to be suffering extremely low levels of economic well-being and income distribution analysis may lead to inappropriate conclusions if such households are included”¹¹); and
- It takes no account of the circumstances of a household over time, focusing rather just on very short-term snap-shots of income.

The inadequacies of this methodology are also highlighted by the perverse results that it can generate. In the most frequently cited source of this type of estimate, the NATSEM report *Financial Disadvantage in Australia 1990–2000*¹², the researchers report that both median and mean real equivalised household weekly disposable incomes fell between 1990 and 1995–96 (by \$36 and \$19 respectively in 2000 dollars). These falls resulted in the poverty line in 1995–96 being lower than it was in 1990. A consequence of this is that it was possible for a household that was considered to be in poverty in 1990 to be identified as not poor in 1995–96 even if their real income had fallen over the period. In other words this approach can result in people moving out of 'poverty'—not because their own living standards had increased—but because the overall living standards in the community had fallen. Adopting this approach, as was done in the analysis of the majority report, reflects a belief that there is nothing wrong with

falling living standards, as long as the standards of the top and the middle fall more quickly than those at the bottom.

This example clearly illustrates one of the reasons why the Government rejects the use of the relative poverty line approach to determine changes in living standards and well-being. The Government believes that the well-being of the community—and the effectiveness of policies to assist the most vulnerable—should be measured by whether or not living standards have improved. This means that measurement should focus on whether or not the most vulnerable in the Australian community have increased or decreased their capacity to access the goods, services and opportunities they need.

There is a substantial and verified body of research¹³, both in Australia and overseas, that demonstrates that an income poverty measure is also very poor at identifying actual disadvantage within our community. Simple relative income poverty measures classify many people as being in poverty despite their having relatively high levels of consumption and/or no signs of disadvantage. They also fail to recognise that vulnerability and disadvantage can be as serious a problem for households across a wider range of incomes as for those who simply report the lowest incomes.

The approach to these issues in the majority report is very confused. Most strikingly, while the majority members make extensive use of the concepts and examples of deprivation to illustrate the nature of disadvantage and poverty, when they come to quantify issues they rely almost exclusively on the concept of relative income. That is, they take no account of changes in the living standards of the population and make no real attempt to measure either the actual outcomes, or the relationships between these outcomes and the wide range of factors that contribute to disadvantage.

This, quite simply, is wrong and misleading.

Changes in the Labour Market

The majority members of the Committee cite a range of statistics to justify their position with regard to the state of the labour market. These include that:

- Unemployment has risen since the 1970s;
- Full-time employment growth has been low relative to part-time growth (page 60);
- Long-term unemployment has grown (page 70); and
- 700,000 children are ‘growing up’ in jobless households.

The reality of these claims must be tested, and what becomes clear is that these statements are not a description of the labour market today—but rather the labour market conditions prior to 1996:

- The unemployment rate was 10.9 per cent in December 1992—more than double the June 2005 rate of 5.0 per cent;
- There was a loss of 433,400 full-time jobs between July 1990 and November 1992;
- There were 329,800 long term unemployed in May 1993, compared to 91,500 in June 2005;
- While there were 597,400 children under the age of 15 who lived in households where neither parent had a job in June 2005, in 1993 there were 711,600; and
- Over this period the joblessness rate in households with children under the age of 15 where neither parent had a job also declined from 18.9 per cent to 15.0 per cent.

The Howard Government has clearly demonstrated, through the achievement of a significant reduction in unemployment rates, that it has been effective in addressing unemployment. This Government is committed to responsible economic management, economic development and growth. Linked to this is the Government’s commitment to enable all Australians to participate in society and to have the opportunity to gain the benefits of a strong and growing economy and improving living standards.

The opportunity for all who can work to do so is central to this.

Between March 1996 and June 2005 almost 1.7 million additional Australians have gained employment. Both men and women have benefited from this robust employment growth with employment increasing by 807,000 for men and by 887,300 for women over this period. Both full-

time and part-time jobs experienced strong growth, recording increases of 925,100 and 769,200 respectively.

In many cases, these new jobs represent an opportunity for a family that has been hit by unemployment to re-establish themselves. For others, for example, a partner of an employed person, it is an opportunity to use their skills or vocation and contribute to household finances. For many young people these jobs represent their entry into the world of employment and economic independence.

This strong employment growth has made significant inroads into unemployment. The unemploy-

ment rate in June 2005, of 5.0 per cent, was at the equal lowest rate recorded in Australia for over 28 years and unemployment had been below 6.0 per cent for 23 consecutive months. In June 2005 long-term unemployment had fallen to just 91,500, more than halving the 197,800 long term unemployed this Government inherited.

Another claim in the majority report concerns 'hidden unemployment' and labour force under-utilisation. While these concepts can be measured in many different ways, as shown in Table 1, no matter how it is defined, unemployment and labour under-utilisation have fallen since 1996.

| September | | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 |
|---|---|------|------|------|------|------|------|------|------|------|------|------|
| Long-term unemployment rate | % | 3.0 | 2.3 | 2.3 | 2.6 | 2.4 | 2.0 | 1.5 | 1.5 | 1.4 | 1.3 | 1.2 |
| Unemployment rate | % | 9.0 | 8.1 | 8.3 | 8.2 | 7.7 | 7.0 | 6.0 | 6.9 | 6.4 | 5.9 | 5.5 |
| Labour force under-utilisation rate | % | 14.1 | 13.8 | 13.8 | 13.6 | 13.0 | 11.8 | 10.9 | 12.6 | 12.1 | 11.5 | 11.1 |
| Extended labour force underutilisation rate | % | 15.5 | 15.1 | 15.2 | 15.0 | 14.3 | 13.2 | 12.2 | 13.7 | 13.1 | 12.5 | 12.2 |

These gains have been shared across Australia. When the Howard Government came into office 16 labour market regions had unemployment rates above 10 per cent. Today, no region is in this situation. Similarly, while just 16 per cent of Statistical Local Areas had unemployment rates¹⁵ below 5 per cent in 1996, by March 2005 this had increased to well over half (56.2 per cent).

The high level of family joblessness is of concern to this Government. It is a disappointment therefore that the majority members have not treated this issue seriously. Not only does the majority report ignore the trends in the incidence of such joblessness, but they do not discuss the underlying driving factor—that of growing lone parenthood and the extent to which such parents are not participating in the labour market—as well as presenting the data in an alarmist way.

This approach obscures the fact that it has been possible to reduce rates of family joblessness and that this Government's approach to the labour market, economic growth and welfare reform is putting in place strategies to do so.

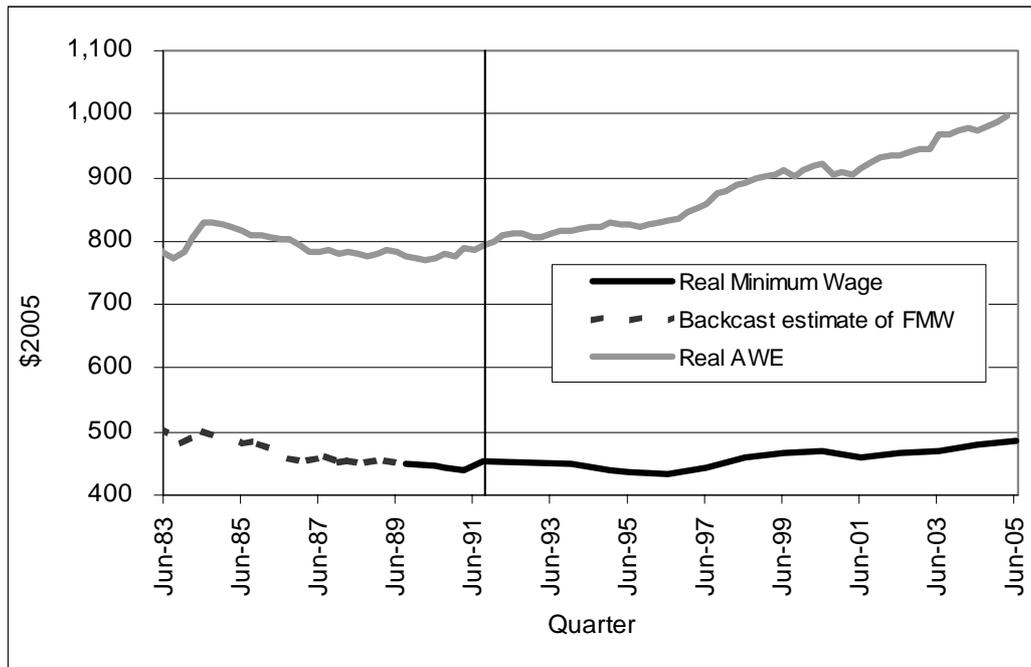
Analysis of the patterns of family joblessness reveals that:

- The proportion of couple families with dependent children aged under 15 years that had neither parent in employment has been reduced from 10.8 per cent in June 1993 to 5.3 per cent in June 2005;
- Similarly the rate of joblessness amongst lone parents has been reduced over the same period from 58.6 per cent to 50.7 per cent; and
- Both of these rates stand well below the rate of 66.1 per cent recorded by this group of parents in 1983.

Trends in earnings and incomes

The majority report presents, on page 80, a chart submitted by ACOSS showing trends in real average and minimum wages. This is reproduced below using updated data.¹⁶

**Figure 1: Real values of the Minimum Wage and Average Weekly Earnings (Full-Time Adult Ordinary Time)
\$ June 2005**



The majority report focuses on this chart to justify its claims that the level of the minimum wage represents a declining proportion of the average wage. Remarkably, however, the majority report fails to mention the most significant features of the chart, that is, on the data they themselves put forward:

- The real value of the average earnings fell for most of the second half of the 1980s and indeed showed no overall growth between November 1984 and February 1996;
- Over significant periods the real value of the minimum wage declined, including a fall of 4 per cent between 1991 and 1995; in contrast
- Since 1996, the real value of the minimum wage has increased substantially, as have average earnings.

Indeed the real value of the minimum wage in 2005 was 11.9 per cent higher than it was in 1996.

So, in examining changes in the living standards of Australians, the majority of the Committee ignored the most basic question—do Australians have higher or lower earnings after account has been taken of changes in living costs?

Similar selectivity is again revealed on page 56. Here the majority reports, as ‘evidence’ of the problems of lower paid workers, that between 1991 and 2002 the ratio of the earnings of a full time employee at the 10th percentile of the earnings distribution relative to the median full time employee fell from 71.6 per cent to 67.5 per cent.

Absent from this analysis put forward by the majority members are the facts that:

- This proportion had actually fallen from 74.8 per cent in May 1983 to 68.9 per cent in May 1996, a fall of 5.9 percentage points;

- Between then and 2002 the decline was only 1.4 percentage points; and
- The real value of earnings of a person at the 10th percentile of full-time earnings actually fell between May 1983 and May 1996, in June 2004 dollars, by \$17 per week.

That is, not only did their relative earnings fall quite markedly in the period up to 1996, but their real earnings also fell—between May 1983 and May 1996, they were \$17 per week worse off (in June 2004 dollars).

- In contrast, between 1996 and 2004, they have seen their real earnings increase by \$36 per week (in June 2004 dollar terms).

These simple, but eloquent, facts are absent from the majority report's considerations.

A further problem with the data analysis which is presented in the majority report is its use, on page *xvii*, of an (unattributed) figure from Harding and Greenwell (2002)¹⁷ to justify claims of increasing inequality. The report does not however note that this table was:

- Based on an early release of erroneous data for 1998–99 that omitted some income support payments and some other income, and was subsequently reissued by ABS; and
- Uses disposable income estimates for 1994 which have been derived using a very simplistic estimate of income tax.

Correcting for these factors, as shown in Table 2, results in a 1998–99 Gini coefficient of 0.302, (not 0.311 as claimed in the report), and in 1984 a coefficient of 0.289 (rather than 0.298).

Taking these corrections into account suggests that:

- Between 1993–94 to 1998–99 there was no substantive shift in the income distribution, with the Gini coefficient declining marginally from 0.306 to 0.302; but
- There was a noticeable increase in inequality between 1984 and 1993–94, with the Gini coefficient increasing from 0.289 to 0.306.

This is the opposite set of trends to those implied in the majority report.

Furthermore, the corrected data show that the share of disposable income received by the bottom quintile in 1998–99 was 7.9 per cent. This is the same proportion as in 1993–94 (rather than 7.4 per cent as claimed in the majority report). Similarly the corrections result in the share of income received by the top quintile in 1998–99 falling to 37.8 per cent—below the share they received in 1993–94.

Most importantly, the corrected data show that the real disposable incomes of households in the lowest quintile, after having remained stable or falling over the whole decade between 1984 and 1994–95, increased by 10.5 per cent between 1993–94 and 1998–99.

In summary the clear evidence is that:

- During the late 1980s and early 1990s, there was a marked increase in inequality driven in large part by falling wages and stagnant or falling net incomes, especially amongst low-income earners.
- Under this Government, there have been strong increases in earnings, including an increasing real minimum wage. This, along with growing levels of employment, has resulted in a marked increase in the incomes of low-income households.

Table 2: Household Expenditure Surveys—equivalised disposable income distribution 1984 to 1998/99¹⁸

| | 1984 | | 1988/89 | 1993/94 | 1998/99 | | 1984 to 1993/94 | | 1993/94 to 1998/99 | | |
|---------------|------------|----------------------|---------|---------|------------|---------|-----------------|----------|--------------------|----------|--|
| | NATSEM (a) | Revised | | | NATSEM (b) | Revised | Change | % Change | Change | % Change | |
| Gini | 0.298 | 0.289 | 0.296 | 0.306 | 0.311 | 0.302 | 0.017 | 5.8% | -0.004 | -1.2% | |
| | | \$(1998/99) per week | | | | | | | | | |
| Mean Income | 406 | 411 | 416 | 423 | 464 | 469 | 11 | 2.8% | 46 | 10.9% | |
| Median Income | 354 | 361 | 369 | 367 | 408 | 412 | 6 | 1.6% | 44 | 12.1% | |

| | 1984 | | 1988/89 | | 1993/94 | | 1998/99 | | 1984 to 1993/94 | | 1993/94 to 1998/99 | |
|-------------------------|---------------|---------|---------|-------|---------------|---------|---------|-------------|-----------------|-------------|--------------------|--|
| | NATSEM (a) | Revised | | | NATSEM (b) | Revised | Change | % Change | Change | % Change | | |
| Mean Income | | | | | | | | | | | | |
| 1st Quintile | 167 | 170 | 169 | 168 | 172 | 186 | -2 | -0.9% | 18 | 10.5% | | |
| 2nd Quintile | 260 | 270 | 272 | 267 | 293 | 297 | -3 | -1.1% | 31 | 11.5% | | |
| 3rd Quintile | 358 | 367 | 371 | 368 | 409 | 412 | 1 | 0.2% | 44 | 11.9% | | |
| 4th Quintile | 479 | 492 | 494 | 505 | 562 | 563 | 14 | 2.8% | 58 | 11.5% | | |
| 5th Quintile | 766 | 760 | 778 | 807 | 886 | 885 | 47 | 6.2% | 79 | 9.7% | | |
| Income Share | | | | | | | | | | | | |
| 1st Quintile | 8.2% | 8.2% | 8.1% | 7.9% | 7.4% | 7.9% | -0.3% | -3.6% | 0.0% | -0.4% | | |
| 2nd Quintile | 12.8% | 13.1% | 13.0% | 12.6% | 12.6% | 12.7% | -0.5% | -3.8% | 0.1% | 0.6% | | |
| 3rd Quintile | 17.6% | 17.8% | 17.8% | 17.4% | 17.6% | 17.6% | -0.4% | -2.5% | 0.2% | 1.0% | | |
| 4th Quintile | 23.6% | 23.9% | 23.7% | 23.9% | 24.2% | 24.0% | 0.0% | 0.0% | 0.1% | 0.6% | | |
| 5th Quintile | 37.7% | 36.9% | 37.4% | 38.2% | 38.2% | 37.8% | 1.3% | 3.4% | -0.4% | -1.0% | | |
| Income at: | | | | | | | | | | | | |
| 95th percentile | 821 | 815 | 812 | 866 | 965 | 963 | 51 | 6.2% | 97 | 11.2% | | |
| 90th percentile | 693 | 707 | 704 | 731 | 815 | 816 | 24 | 3.5% | 85 | 11.6% | | |
| 75th percentile | 516 | 530 | 530 | 547 | 605 | 605 | 16 | 3.0% | 58 | 10.6% | | |
| Mean | 406 | 411 | 416 | 423 | 464 | 469 | 11 | 2.8% | 46 | 10.9% | | |
| Median | 354 | 361 | 369 | 367 | 408 | 412 | 6 | 1.6% | 44 | 12.1% | | |
| 25th percentile | 237 | 247 | 248 | 244 | 269 | 274 | -2 | -0.9% | 29 | 12.1% | | |
| 10th percentile | 175 | 179 | 180 | 186 | 188 | 202 | 7 | 3.9% | 16 | 8.5% | | |
| 5th percentile | 156 | 159 | 157 | 154 | 150 | 170 | -5 | -3.0% | 16 | 10.3% | | |
| Income Ratios | | | | | | | | | | | | |
| 95:10 (very top:bottom) | 4.63 | 4.54 | 4.50 | 4.64 | 5.13 | 4.76 | 0.10 | 2.3% | 0.12 | 2.5% | | |
| 90:10 (top:bottom) | 4.01 | 3.94 | 3.90 | 3.92 | 4.33 | 4.03 | -0.02 | -0.4% | 0.11 | 2.9% | | |
| 90:50 (top:middle) | 1.99 | 1.95 | 1.91 | 1.99 | 2.00 | 1.98 | 0.04 | 1.9% | -0.01 | -0.4% | | |
| 50:10 (middle:bottom) | 2.02 | 2.01 | 2.04 | 1.97 | 2.17 | 2.03 | -0.05 | -2.3% | 0.07 | 3.4% | | |

(a) Original estimates using simple regression based distribution of income tax

(b) Original estimates based upon incorrectly compiled data file

An important insight into the increased dispersion of earnings has been given by Michael Keating in a paper *The Case for Increased Taxation*.¹⁹ In this he concludes that “the available evidence strongly suggests that relative rates of pay have changed very little over the last 30 years ... Instead the changing distribution of earnings, at least among different occupations, seems to have been almost entirely driven by the changing distribution of jobs. For example, almost all the shift in the dispersion of occupational earnings between 1986 and 2000, in favour of the high-income occupations, was due to their increasing share of em-

ployment.” That is, the increase in earnings dispersion is a direct result of the creation of new and better jobs.

The working poor

Linked closely with the faulty analysis of trends in income in the majority report are the claims about the ‘working poor’. The data included in the majority’s own report (page 80) incontrovertibly show that during the late 1980s and early 1990s the minimum wage fell in real terms. More remarkable is that the majority report presents, on page 75, research by Eardley that claims the

number of low paid adult workers 'living in poverty' doubled from one in ten to one in five between 1981–82 and 1995–96, without linking this to an understanding of the policies that were in place at that time.

In contrast to these trends, since 1996 the minimum wage has increased substantially and low income households with children have benefited very significantly from increased support for families:

- While in May 1996 the Minimum Wage was \$349.40, by June 2005 it stood at \$484.40—a nominal increase of \$135 per week. In real (June 2005 dollar) terms it rose from \$433 to \$484, an 11.9 per cent increase—or \$52 per week; and
- As noted in the body of this response, low and middle income working families have gained dramatically from this Government's commitment to supporting families. As a result, a single earner couple family with two children receiving the minimum wage would have seen their real disposable income²⁰ increase (in June 2005 dollar terms) from \$623 to \$746.

This is the actual story of the 'working poor'. For such a family with a single minimum wage—that is, paid at the lowest rate applicable for a full-time adult worker—their real purchasing power under this Government, since 1996, has increased by \$123 per week or 19.7 per cent.

The primary cause of low income is not a low wage but joblessness. The argument that minimum wage jobs lead to the creation of a low paid underclass is not supported by the facts. Indeed the majority of low wage earners eventually move into higher paid positions after gaining on-the-job skills and experience.

The majority report also places considerable weight on what it claims is "the most salient example of the prevalence of poverty and disadvantage ... the striking finding that 21 per cent of households, or 3.6 million Australians, live on less than \$400 a week—less than the minimum wage" (page *xviii*). This figure not only appears to be erroneous but its presentation as evidence of the 'persistence of low pay' is totally misleading.

The majority members give no source for their estimate of 3.6 million Australians living in households with incomes of under \$400 per week. The closest estimate would appear to be in a submission by the Society of St Vincent de Paul (Submission 44) that claims that 21.1 per cent of households earn less than \$400 per week and that there are 3.4 million people in these households. This estimate is however not only lower than that used in the report but is incorrect in its calculation of the number of people living in such households as it is based upon an assumption that the average size of these households was 2.4 persons.

Analysis of the Census data, which the Society of St Vincent de Paul gives as its source, however shows that 57 per cent of these households are single person households, with the next largest group being couples living by themselves. The average size of the households is in fact around 1.7 persons²¹.

Further analysis reveals that residents of these households tend to be aged and not in the labour force, and while the Census does not provide information on the source of income it is probable that most of these households are reliant upon income support payments. As the rates of these payments to single persons, couples without children and sole parents with one child, were all below \$400 per week at the time of the Census—and as the level of income support paid to such households is less than the minimum wage of a full-time employee, the 'salience' of this finding is difficult to ascertain.

ATTACHMENT B

Indigenous Policies and Programs

As noted in the response to Recommendation 8 of the minority members of the Committee the Australian Government has implemented extensive policies and programs to respond to the disadvantage faced by Indigenous Australians. This Attachment considers these responses in more detail.

Service Delivery Principles and Shared Responsibility

To ensure high quality service delivery to Indigenous people and communities in the future, the Government is implementing the Council of Australian Governments service delivery principles to

ensure improvements in Government service provision:

- Sharing responsibility between Government and Indigenous people for making positive change;
- Harnessing mainstream services to ensure that Indigenous people and communities receive a comprehensive range of services;
- Streamlining service delivery to improve the accessibility and efficiency of those services;
- Establishing transparency and accountability in services provided by both Government and communities;
- Developing a learning framework to ensure continuous improvement and to foster innovation; and
- Focussing on priority areas so that those in greatest need receive targeted assistance.

The Government believes that a shared responsibility approach is essential to building strong and resilient communities. Communities must own solutions and the relationship between Government and communities must be based on cooperation and partnership. Shared Responsibility Agreements between Government and local Indigenous communities set out what needs to be done, how it will be done, and where responsibility for each process lies.

Through these arrangements, the Government is committed to ensuring that funding for Indigenous people from all sources is coordinated and effectively implemented, and that Indigenous communities at the local and regional level have a say in how it is spent.

Indigenous Employment and Economic Development Toolkits

Employment and economic participation are an essential part of overcoming disadvantage and other social problems. That is why the Government has developed flexible mainstream and Indigenous specific measures that support education, skill development, and job search. These also include a comprehensive package to help Indigenous Australians take advantage of local business opportunities.

Boosting Employment Participation and Local Business Opportunities

While the circumstances and problems of each community vary, across Australia the most significant hurdles to Indigenous people's employment and economic participation are:

- Low levels of education and training;
- Geographic location with a significant proportion of Australia's Indigenous population living in remote and very-remote areas;
- Poor health; and
- Discrimination.

Through the Indigenous Employment Policy, introduced in 1999, the Australian Government aims to remove or compensate for these hurdles to employment and economic participation. Because relatively few Indigenous people are operating their own businesses or working in the private sector, providing better access to private sector employment and business opportunities is an important part of the Government's approach to overcoming Indigenous disadvantage. Key goals include:

- Increasing the level of Indigenous peoples' participation in private sector employment;
- Improving outcomes for Indigenous job seekers through Job Network;
- CDEP sponsors place their work-ready participants in open employment; and
- Supporting the development and expansion of Indigenous small business.

The three main elements of the policy include employment, initiatives to stimulate Indigenous economic activity and measures to improve employment services for Indigenous Australians in addition to Job Network.

The first of these, employment initiatives, contains a number of components including:

- Wage Assistance which provides a wage subsidy for employers offering long-term jobs;
- Funding through Structured Training and Employment Projects to allow employers to provide long term, unsubsidised jobs;
- The Community Development Employment Projects Placement Incentive which helps

move CDEP participants into open employment;

- The Corporate Leaders for Indigenous Employment Project. This encourages private sector companies to generate more private sector jobs for Indigenous Australians;
- The National Indigenous Cadetship Program;
- Indigenous Community Volunteers which provides volunteers who can transfer their skills to people in Aboriginal and Torres Strait Islander communities and organisations;
- Encouragement of investment in Indigenous businesses by the private financial sector through the Indigenous Capital Assistance Scheme; and
- The Self Help Program trial which assists individuals establish their own small business.

The second element involves initiatives to stimulate Indigenous economic activity including:

- The Indigenous Self Employment Program which assists individuals to establish their own business through advice and support;
- The Indigenous Small Business Fund, which provides funding for the development and expansion of Indigenous businesses and enterprises; and
- The Indigenous Capital Assistance Scheme which includes mentoring and development loans.

The third element involves measures to improve employment services and outcomes for Indigenous Australians in addition to Job Network. This includes:

- Indigenous Employment Centres operated by CDEP organisations to provide employment services to participants; and
- Indigenous Youth Employment Consultants who provide links to work and education opportunities for young Indigenous people.

Indigenous Business Australia

Indigenous Business Australia (IBA) improves the opportunities for Aboriginal and Torres Strait Islander people to participate in business and to buy their own homes. Participation in business

and asset accumulation through home ownership is seen as a key part of economic development.

In seeking opportunities for economic development for Indigenous people, IBA actively pursues strategic alliances with local, State and Australian Government programs, the banking industry, private sector and Indigenous organisations. It also gathers regional market intelligence for analysis and improves awareness of training and entrepreneurial opportunities available to Indigenous people in regional and remote areas.

Reforming CDEP

The Government recognises that the CDEP scheme is currently an important form of participation (often the only or main form of economic participation) for Indigenous people in remote areas.

While it plays an important role in many communities, CDEP can do more to help Indigenous people make the transition from welfare to mainstream employment. CDEP needs to be a stepping stone to greater economic participation rather than a destination in its own right. As CDEP organisations learn to make better use of the assistance available from other programs and services, they will be able to achieve better results for their participants and for their communities.

In April 2005 the Government released *Building on Success: CDEP Future Directions*. This document outlines the Government's agenda for supporting CDEP participants into work off CDEP payments, or more focused participation on addressing the issues and needs identified by Indigenous communities.

From July 2005, a number of changes to CDEP are being implemented. These changes include:

- Maintaining and building on the flexibility of CDEP with each CDEP organisation providing a unique mix of employment, community activities and business development;
- A stronger emphasis on performance in employment, meeting the needs of communities and business development;
- A new funding model with emphasis on funding going to activities;
- A stronger partnership being built between the Department of Employment and Work-

place Relations (DEWR), CDEP organisations and other service providers to improve results; and

- Negotiations with CDEP organisations to reduce the number of non-Indigenous participants in CDEP.

Improving employment outcomes through CDEP will involve making better linkages with Job Network providers but also taking better advantage of Indigenous Employment Centres and the CDEP Placement Incentive. Over 2000 CDEP participants have been placed in employment outside of CDEP since the inception of the initiative.

Under the CDEP Placement Incentive, CDEP organisations receive a cash payment of up to \$2,200 for each participant who leaves CDEP and goes into ongoing employment for at least 20 hours per week. Currently, CDEP organisations receive an initial payment of \$700 when the participant commences work and a further \$1,500 after 20 weeks of non-CDEP employment. From 1 July 2005, this will change to \$550 on job placement and \$1650 after 13 weeks of non-CDEP employment. DEWR is also seeking to increase the promotion of the Placement Incentive to ensure CDEP organisations are aware of their entitlements.

Indigenous Youth Employment and Training Initiatives

Many Indigenous people in remote areas who receive Newstart or Youth Allowance are currently exempt from participation requirements because jobs and services are not available where they live. With more services now available in remote areas through the Job Network, Centrelink Personal Advisers and under Community Participation Agreements, it will be possible in more communities to make participation a condition of payment, as it is in other parts of Australia.

A trial to lift the Remote Area Exemption for activity tested income support recipients in up to 10 Indigenous communities is jointly managed by DEWR and the Office of Indigenous Policy Coordination and has just commenced. Centrelink is playing a key role in ensuring that community members are aware of their requirements to participate and following up those people who do not

participate, when requested. It is expected that the trials will be finished and evaluated in 2005. Following the trial Government will give consideration to what support needs to be in place to remove the Remote Area Exemption across remote and regional Australia.

The Government's new Indigenous Youth Employment Consultants initiative aims to improve the prospects of young Indigenous students successfully moving from school to work. Located with Job Network providers, the consultants will work with families, communities, local schools, vocational education and training providers and local business to support young Indigenous job-seekers.

Indigenous young people are also able to access mainstream programs and services including:

- The Job Placement, Employment and Training Program which assists young people who are homeless or at risk of homelessness to achieve greater social and economic participation;
- Encouraging the mentoring of young people, particularly those at greatest risk of disconnection from their families, community, education and work through the Mentor Marketplace Program;
- The Reconnect Program to provide early intervention and support for young people aged 12 to 18 years who are homeless or are at risk of homelessness, and their families;
- The Youth Activities Services and Family Liaison Worker Programs to support young people and their families to encourage self-reliance, strengthen family relationships and encourage community involvement;
- The Jobs Pathway Program which provides focused, individual assistance;
- The Structured Workplace Learning Program to support young people by providing work placement coordinators, who promote initiatives with local communities to facilitate local employment solutions; and
- The Australian Network of Industry Careers Advisers initiative. This will enhance career and transitions support for secondary school students.

Boosting education and training participation

To accelerate the closure of the educational divide between Indigenous and non-Indigenous Australians, the Australian Government is providing a record \$2.1 billion funding for Indigenous education in 2005–2008. The approach is to:

- Provide greater weighting of resources towards Indigenous students of greatest disadvantage—those in remote areas;
- Improve mainstream service provision for Indigenous Australian students, particularly those in metropolitan areas;
- Redirect resources to programs that have demonstrably improved outcomes; and
- Develop a whole-of-government approach to education delivery.

The Australian Government assists Indigenous Australians through a number of education and training and career and transition initiatives to overcome barriers and engage or re-engage in education. This support facilitates access to multiple pathways including employment opportunities. Some of the major initiatives include:

- The provision of ABSTUDY, through Centrelink, that provides a means-tested living allowance and a number of supplementary benefits for eligible Indigenous students to stay at school and go on to further studies;
- Funding provided to Universities through the Indigenous Support Program that meets the special needs of Indigenous Australians in higher education;
- The Indigenous Education Strategic Initiatives Program, that provides supplementary recurrent assistance to education providers, and supports significant national initiatives with an emphasis on Indigenous students in remote areas (including the Scaffolding approach to teaching literacy, progress coalitions with school principals to champion Indigenous education, and the English as a Second Language—Indigenous Language Speaking Students Program);
- Indigenous Education Direct Assistance, which aims to accelerate improved outcomes for Indigenous students through tuition assistance. It provides in-class tuition to more

than 45,000 students, and other assistance including intensive tutorial support and homework centres; and

- The Indigenous Youth Leadership Program and the Indigenous Youth Mobility Program that provide scholarships and assistance for young Indigenous people from remote areas to access education and training in cities and regional centres with the support of their families and communities.

Other initiatives include:

- The Jobs Pathway Program (JPP), which provides focused, individual assistance directed to the individual and cultural needs of young people aged 13 to 19 years who are at risk of not making a smooth transition through school, and from school to further education, training, or employment opportunities and active participation in the community. JPP provides assistance for Indigenous Australians as they are one of the target groups that providers are contractually required to assist;
- The Partnership Outreach Education Model Pilot provides young people aged 13 to 19 years who have become disconnected from mainstream education, and often their families and communities, with comprehensive and flexible learning opportunities delivered in appropriate community-based settings, that lead to accredited qualifications;
- The Structured Workplace Learning Program, which is currently delivered through Local Community Partnerships (LCPs), is an initiative that provides students with structured learning opportunities in the workplace usually as a component of a Vocational Education and Training (VET) in Schools course undertaken by senior secondary students. The placement provides on the job training and mentoring that develops the students' technical and generic employability skills;
- Expanding the role of the Australian Government's national network of LCPs beyond the delivery of structured workplace learning opportunities. In partnership with industry and professional career advisers, LCPs will assist students to understand study and work

options through career information, advice, support and planning. They will also facilitate meaningful work experience and promotion of vocational education and training in schools; and

- The development of the Australian Network of Industry Careers Advisers (ANICA) initiative, which was an election commitment and will prepare all young people from 13 to 19 years of age to achieve a successful transition through school, and from school to further education, training and work. The ANICA initiative will enhance career and transitions support for Indigenous secondary school students across the country.

To ensure that Indigenous education is accorded a mainstream education priority, Government education authorities and non-government school systems are now required by the Australian Government to provide an annual Indigenous Education Statement. States, Territories and non-Government school systems will report on operating costs for Indigenous education; initiatives funded through general recurrent grants; their goals for Indigenous education; progress in achieving those goals; barriers faced; and strategies for overcoming those barriers.

Additionally, the Australian Government, in partnership with the Council of Australian Governments, is undertaking the Murdi Paaki trials. This involves working together with Indigenous communities in up to ten regions across Australia to provide more flexible programs and services based on priorities agreed with communities. The aim of these trials is to improve the way Governments interact with each other and with communities to deliver services more effectively in response to the expressed needs of Indigenous Australians.

The Australian Government also supports the continued broadening of course options for students in school and post school to enable young people to develop the necessary skills for their future. The Australian Government recognises that barriers remain to Indigenous students' access to transition pathways and that ongoing steps need to be taken to address this. This includes supporting the development of vocational skills and VET qualifications earlier than Year 10 and

providing additional support, mentoring and career guidance for Indigenous students undertaking or considering VET in Schools or School Based New Apprenticeships.

It will take collaborative effort from all levels of government to ensure better Indigenous career and transitions outcomes, including the retention of more Indigenous students to Year 12 or its vocational education equivalent.

Under the Industry Training Strategies Program, the Indigenous stream is intended to support a range of services including advice, assistance, research and promotional activities to peak employer associations, VET organisations, New Apprenticeships Centres, Registered Training Authorities, Indigenous agencies and their communities to support and expand Indigenous people's participation in formal and nationally recognised training programs, specifically New Apprenticeships and Training Packages.

¹ Unless otherwise indicated in text, all figures quoted were the latest available as at 1 August 2005. Where available, seasonally adjusted estimates have been used.

² Productivity Commission, 1999, *Microeconomic Reforms and Australian Productivity: Exploring the Links, Volume 2: Case Studies*, Research Paper, AusInfo, Canberra, Johnston, A, Porter, D, Cobbold, T and Dolamore, R, 2000, *Productivity in Australia's Wholesale and Retail Trade*, Productivity Commission Staff Research Paper, AusInfo, Canberra.

³ Tseng, Y-P and Wooden, M, 2001, *Enterprise Bargaining and Productivity: Evidence from the Business Longitudinal Survey*, Melbourne Institute Working Paper No 8/01, page 28.

⁴ Fry, T, Jarvis, K and Loundes, J, 2002, *Are Pro Reformers Better Performers?* Melbourne Institute Working Paper No 18/02.

⁵ OECD (2003), *Economic Survey: Australia 2003*, Paris

⁶ op. cit. pp: 10.

⁷ NATSEM, 2004, *Prosperity for All? How low-income families have fared in the boom times*, Canberra

⁸ The evaluation is being conducted jointly by FaCS and DEWR.

⁹ To qualify for a bonus, people must register and pass a work test for 12 months from the date of registration. The work test requires that a person work at least 960 hours of each year that they defer Age Pension. As at 31 March 2005, 83,768 people had registered in the Pension Bonus Scheme since it began on 1 July 1998.

¹⁰ The two reports are:

Harding, A and Szukalska, A, 2000, *Financial disadvantage in Australia—1999, the unlucky Australians*, The Smith Family, Camperdown; and

Harding, A, Lloyd, R and Greenwell, H, 2001, *Financial disadvantage in Australia—1990 to 2000, The persistence of poverty in a decade of growth*, The Smith Family, Camperdown.

¹¹ ABS, 2004, *Australian Social Trends 2004*, Cat. No. 4102.0, Canberra. Page 143

¹² Harding, A, Lloyd, R and Greenwell, H, 2001, *Financial disadvantage in Australia—1990 to 2000, The persistence of poverty in a decade of growth*, The Smith Family, Camperdown

¹³ See Bray, JR, 2001, *Hardship in Australia*, Dept of Family and Community Services, Canberra 2001 for a discussion of Australian results and some overseas studies.

¹⁴ Source: ABS, *Australian Labour Market Statistics Catalogue Number 6105.0*, April 2004 and April 2005.

The long-term unemployment rate is the long-term unemployed expressed as a proportion of the labour force.

The unemployment rate is the unemployed expressed as a proportion of the labour force.

The labour force underutilisation rate is the unemployed, plus the underemployed, expressed as a proportion of the labour force.

The extended labour force underutilisation rate is the unemployed, plus the underemployed, plus a subset of persons marginally attached to the labour force, expressed as a proportion of the labour force augmented by the marginally attached persons.

¹⁵ Rates are based on a 12 month moving average as these data are quite volatile.

¹⁶ In this chart a full “minimum wage series” is shown from 1984, this reflects the practice adopted in the Committee’s Report. It is noted that the federal minimum wage (FMW) is equivalent to the C14 rate in the Metals Industry Award. However as the C14 rate only came into existence in September 1989 a fully consistent time series is not possible. The data shown prior to this point, as in the case of the Committee report, is based on backcasting increases in the C10 rate in the Metals Industry Award for the earlier period. Notwithstanding this possible limitation, the decline in the real earnings of low income workers is confirmed by the 5.3 per cent decline in 10th percentile earnings of full-time adult non managerial employees between 1985 and 1996.

¹⁷ Harding, A. & Greenwell, H., 2002, *Trends in income and expenditure inequality in the 1980s and 1990s: a re-examination and further results*, NATSEM, University of Canberra

¹⁸ Revised estimated derived by Department of Family and Community Services. The table presents income data used in Tables 1 and 3 of Harding, A and Greenwell, H, 2002, *Trends in income and expenditure inequality in the 1980s and 1990s—a re-examination and further results*, NATSEM Discussion Paper Number 57. Mean income estimates for the second and third income quintiles in 1984 were not published in the NATSEM paper and the ‘original’ figures are a FaCS estimate based upon a replication of the NATSEM methodology.

¹⁹ Keating, M, 2004, *The Case for Increased Taxation* Occasional Paper Number 1, Academy of the Social Sciences in Australia, Canberra

²⁰ Based on eligibility to receive maximum rate Rent Assistance.

²¹ Estimate derived by the Department of Family and Community Services from the 1% Census sample.

GOVERNMENT RESPONSE TO JOINT
STANDING COMMITTEE ON FOREIGN
AFFAIRS, DEFENCE AND TRADE REVIEW
OF THE DEFENCE ANNUAL REPORT 2003-
04

March 2006

RECOMMENDATION 1

The committee recommends that initiatives to increase the number and tenure of military officers posted to the DMO and DIO are closely monitored to ensure that individual officers are not left bearing the cost of these organisational demands through reduced career progression or posting opportunities to command or operational deployments.

Government Response

Agreed in principle. Given the skilling challenges facing the ADF, Defence agrees that it is of paramount importance to retain Service personnel in the ADF and that providing career progression or posting opportunities to command and operational deployments are of importance. The Chief of the Defence Force and each of the Service Chiefs are responsible for career management of service personnel for each Service and they will be able to evaluate and report on the impacts of initiatives to increase the number and tenure of military officers posted to the DMO and the DIO in the future, once these policies have been in operation for two to three years.

RECOMMENDATION 2

The committee recommends that Defence seek to stratify inventory pricing data, drawing a line under old inventory for which pricing data cannot be found in order to prevent the wasteful expenditure of commonwealth funds in seeking records of values that are unlikely to exist.

Government Response:

Agreed in principle. The Department of Defence's financial results are material to the Australian Government's financial accounts. It is vital that in resolving current audit issues, the need for accountability is balanced with a cost effective approach. The potential impact of non remediation of this audit issue could have long-term consequences for the Australian Government Consolidated Financial Statements.

Inventory stratification was conducted for the 2004-05 Defence Financial Statements. The result indicated that, for the majority of the \$2,500m of general stores inventory, original pricing records and data cannot be found.

These results contributed to the Secretary and the Acting Chief Finance Officer concluding that the 2004-05 Defence Financial Statements did not give a true and fair view of the matters required by the Finance Minister's Orders made under the Financial Management and Accountability Act 1997. The Auditor General agreed with this opinion.

The Australian Accounting Standards Board has advised that Defence can make a 'best estimate' of price where original pricing data cannot be found. The cost of this 'best estimate' approach for general stores inventory would be substantial, noting that up to 600,000 line items of inventory would have to be priced. A decision will be made in the next few months on the extent that the 'best estimate' price will be pursued.

A second related initiative is to accelerate the disposal of obsolete stock. Defence holds \$737m of obsolete general stores inventory (out of the \$2,500m total). Efforts are continuing to dispose of this obsolete stock in order to avoid the need either to source original pricing

data or to adopt the 'best estimate' approach for this stock. Disposal action, in accordance with accountable processes, will take a number of years in view of the quantities of stock involved.

It is likely that Defence will need to draw a line under the core legacy pricing problem for general stores inventory and explosives ordnance inventory (total value yet to be calculated). UK and Canadian Ministries of Defence are, or have been, audit qualified in similar areas.

RECOMMENDATION 3

The committee recommends that Defence analyse the Standard Defence Supply System (SDSS) to determine whether it has the capacity to cope with the significant upgrades required to meet best practice, or whether an alternate system is available that better meets the requirements of Defence practitioners and the audit legislation.

Government Response:

Agreed. Defence has analysed the capacity of SDSS to cope with significant upgrades and has assessed it is the best available system to meet Defence's operational and management requirements. Defence will incrementally upgrade SDSS to address Issues raised by the Australian National Audit Office, including through the Secretary's Financial Statements Remediation Plans S1, S3, S10, S11 and the IT Controls Remediation Project.

RECOMMENDATION 4

The committee recommends that Defence seek to stratify valuation data for Explosive Ordnance, seeking to identify points from which valuation records can be trusted, and then writing off the value of ordnance which predate current record keeping requirements, in order to prevent the waste of further resources in seeking old valuations that are unlikely to be found.

Government Response:

Agreed in principle. Given the potential impact on the Australian Government Consolidated Financial Statements, it is vital that, in reaching a solution, a balance is achieved between a cost effective approach and the need for accountability.

Inventory stratification was conducted for the 2004-05 Defence Financial Statements. The result indicated that, for the majority of the \$675m of explosives ordnance inventory, original pricing data could not be found.

These results contributed to the Secretary and the Acting Chief Finance Officer concluding that the 2004-05 Defence Financial Statements did not give a true and fair view of the matters required by the Finance Minister's Orders made under the Financial Management and Accountability Act 1997. The Auditor General agreed with this opinion.

The Australian Accounting Standards Board has advised that Defence can make a 'best estimate' of price where original pricing data cannot be found. Under the 'best estimate' approach, Defence expects to resolve about \$160m of 'uncertainty' for explosive ordnance inventory in 2005-06.

It is likely that Defence will need to draw a line under the core legacy pricing problem for general stores inventory and explosives ordnance inventory (total value yet to be calculated). This problem is not unique to Australia as the US Department of Defense and both the UK and Canadian Ministries of Defence are, or have been, audit qualified in similar areas.

RECOMMENDATION 5

The committee recommends that military leave discrepancies be resolved by accepting current leave balances after a 30 day warning period but that a process of appeal be established to ensure any grievances can be processed equitably.

Government Response:

Agreed in principle. Defence is currently reviewing options for accepting current leave balances. This recommendation is among the options being considered. The Auditor-General is being kept informed as to strategies under consideration. Any process implemented will ensure that grievances can be processed equitably.

RECOMMENDATION 6

The committee recommends that Defence continue to invest heavily in training in critical trade areas, including reconsideration of technical trade apprenticeships for school leavers.

Government Response:

Agreed. Continued investment in training for critical trade areas is consistent with current Defence policies and plans. Defence presently has 25 critical workforce categories and improvements to training are an accepted strategy for their recovery.

Defence investment in training is aimed at increasing recruitment to the categories, enhancing trainee selection processes, restructuring courses to increase efficiency and popularity, better aligning courses and qualifications with the national qualification framework, reducing training failure rates, and providing better training infrastructure and materiel. For example, the Army is presently investing in a number of trade courses: the Army Trade Training Scheme, the targeted Trade Transfer Scheme offering apprenticeships to selected Army members resigning from the Service, and the Army Reserve Trade Training Scheme.

Defence has a long and ongoing history of technical trade apprenticeships aligned with the national training system. With the launch by the Federal Government of the 'New Apprenticeship Scheme' in 1997, the awareness of apprenticeships within the Defence Force Recruiting target market has greatly increased. The target market covers all eligible ADF recruit candidates, including school leavers.

The Australian Defence Force requires highly skilled tradespersons to ensure that the operational capability of Defence is maintained at the highest of standards. Trades offered to potential recruits range from diesel mechanic to electrician.

Defence Apprenticeships are now operating under the national vocational educational and training system, using nationally endorsed training packages. The ADF is providing substantive trade training that has the dual benefit of sustaining Defence's operational capability while also providing Australians with nationally recognised trade qualifications and experience.

COMMITTEES

Community Affairs References Committee

Report: Government Response

Senator BARTLETT (Queensland) (4.05 pm)—I seek leave to take note of the government response to the Community Affairs References Committee report on poverty and financial hardship entitled *Renewing the fight against poverty*.

Leave granted.

Senator BARTLETT—I move:

That the Senate take note of the document.

I know these documents get spilled over onto the *Notice Paper* for Thursday afternoons or late Tuesdays and Wednesdays but I think it is appropriate on this occasion, given the significance of the topic, to take note of this document when it is formally presented to the Senate. It is particularly appropriate to note that this government response, which was produced last week out of sitting, actually took just over two years. It took over two years to respond to this very comprehen-

sive report that looked at the issue of poverty and financial hardship in Australia.

I will not go through every aspect of the government response now. There were a lot of recommendations in that report. I therefore acknowledge that perhaps it might have been a bit harder to respond in the usual three months that is supposed to be required in responding to committee reports. But let us not forget that this government has an appalling record of responding to committee reports across the board within that time frame. Virtually no report is responded to within that three-month period. To wait two years is simply inexcusable, particularly on a topic as fundamental as poverty within Australia and particularly given that the government's interest in the matter was so negligible that it dismissed every single recommendation contained in that report.

I do not dispute that there were some politics and politicking involved in that inquiry, but to simply say that the entire thing was a politically motivated exercise set out to embarrass the government and can therefore be entirely dismissed, which is the essence of the government's response, is a joke. If they were going to take that response, they could have taken one day to respond to the committee recommendations and just said: 'We're not interested. This is politically motivated. We won't engage.' To take two years is not just an insult to the Senate, the Senate committee and the secretariat who did that work but, much more fundamentally, it is also a massive insult and a slap in the face to the many Australians who took the trouble to provide evidence to that committee, whether it was through written submissions or through presenting evidence at public hearings into that inquiry. It reflects very badly on the Senate as a whole. It reflects badly on the government, and I hope it does, because they deserve it. Unfortunately, it has a flow-on consequence of reflecting badly on the

Senate and the Senate committee system through no fault of the Senate.

People may recall that the *Sydney Morning Herald* published a series of articles towards the end of last year looking at the government's poor record in responding to parliamentary reports, including House of Representatives committee reports that are dominated by the government. The government's poor record on responding to reports also had the inevitable consequence of portraying the Senate and the Senate committee system in a bad light. Given how widely recognised that committee system is as being one of the crucial mechanisms to enable public input, to educate the senators and to enable information to be provided to the wider community—to parliamentarians, to our advisers and to people with an interest in the topic—I think it is a tragedy that that process is being reflected in a bad light because of the contempt of the government.

This inquiry was used in those articles as an example of a comprehensive inquiry that went to cities all around Australia and took evidence from a whole lot of people—people who are working at the coalface and usually working so flat out trying to deal with the impacts of poverty that they do not usually have time to put together submissions and present evidence to committee hearings. Despite this, they thought that this issue was so important and so significant that they would take time out from their enormous workloads of dealing with the reality of poverty to let the Senate and the senators know, because they seemed to be interested in doing something about it. The Senate is still interested in doing something about it. Senate committees are still interested in doing something about it. I am still interested in doing something about it. This response shows that the government is not interested in doing something about it. I think that is a disgrace.

I think we are probably all trying to take the chance to score political points off the visiting Prime Minister Mr Blair, but one thing he has made clear and has had the courage to do in the UK is not just talk about making poverty history with respect to Africa but actually setting some targets in the UK about tackling poverty in his own country. That means political risk, because it means you set targets that you might fall short of and then your opposition can point the finger. At least he has had the guts to take responsibility for it and set some targets to say, 'This is a problem we will try and tackle, because it impacts on our entire society, not just the people living in poverty themselves.' Obviously, they feel it most directly and immediately, but our society as a whole is dragged down and held back by having poverty—and I mean poverty of opportunity, not just poverty in the financial sense—being inflicted on so many in our community.

To me, that is the core failure of the government in responding to this. They were not just dismissing various specific recommendations; they totally refused to even consider the prospect of having a national strategy to deal with poverty. The simple reason is that the government do not want to be seen to be having to take responsibility and put that burden on their shoulders and say: 'We're the national government. There is poverty in Australia. We will establish a national strategy to deal with that and we will take responsibility for it.' They do not have the courage, and Australia is the loser for it. It is a common pattern we have seen. Similarly, this government will not adopt a national strategy to deal with housing affordability. That is another problem for which responsibility falls on state governments, but it is a national problem that needs a national solution working in cooperation with the states. I am not saying that the federal government is

doing nothing about that, although I probably would if I was going to talk about that topic now. What I am saying is that adopting a national strategy about issues like that which relate to economic disadvantage is something this government do not want to do. We have even seen it with the motion that I have had on the books here for some time and which I will move sometime this week about adopting a national approach to tackling the problem of child sexual assault. It is a motion that was supported by the Australian Local Government Association. The government do not want to set up a national strategy for anything that is a social problem that they are not confident they can fix, because they do not want to be seen to be accepting that it is a responsibility that they have to do something about. I think that is a failure of leadership. It is a failure of political courage, and our nation is the loser.

I am not saying that the government should have accepted every single one of the recommendations; I am saying that it is simply beyond belief that not one of those recommendations was deemed worthy of adopting, particularly the straightforward and simple one of recognising the need to take a national, holistic approach to dealing with poverty. The only reason for not wanting to do that has to be because the government do not want to acknowledge that poverty exists in a clear-cut and undeniable way. They want to break it down into bits and pieces here and there and dilute the whole issue so that the comprehensive reality of it is not given the recognition it deserves. Again, I do not say that just to say, 'The government are failing on it and all of us over here have the solutions.' None of us have the solutions. State governments have to bear some significant responsibilities for the failure. All of us in the political arena have to. All of us recognise the old adage that the poor will always be with us in one form or another. We can all

have the arguments about where the poverty line should be and how you define poverty, but all of that should not be used as a smoke-screen to divert attention from the reality that there is a significant group of Australians throughout various parts of our country who are in clear-cut situations of undeniable financial and social poverty and poverty of opportunity.

The real problem is that, the more that situation remains, the more difficult it is for people to catch up. As the prosperity that is there within significant parts of our community does develop, those people who are not able to get on the bandwagon—or the merry-go-round or the ladder of opportunity or whatever you want to call it—are left further and further behind and it is harder and harder for them to get on.

The gap between those with wealth and those without is growing. Again, there are different ways that people like to use statistics to dispute that, and there are different statistics about whether or not there are growing gaps in income, but there is undeniably a growing gap in levels of wealth and in the levels of opportunity that go with it.

I do not dispute that there were political aspects to the inquiry—and I am one who has repeatedly said we could do with less of that in Senate committees, and that is an approach I try to take when I can—but that should not be used as an excuse to ignore the reality that was undeniably put forward. Some of the senators may engage in political game playing or political point scoring, but the people that presented evidence time after time, with a common theme throughout it all, were not politically motivated. (*Time expired*)

Senator HUTCHINS (New South Wales) (4.16 pm)—I also wish to take note of the government's response to the report of the Senate Community Affairs References

Committee inquiry into poverty and financial hardship in Australia. I want to reiterate that it is nearly two years since the committee brought down this report. I remind senators that there were 250 submissions and 17 days of hearings throughout the country, during which a lot of Australians had an opportunity to put before their elected representatives what they thought some of the difficulties were for men and women and children in this country.

One group that came and gave evidence before us in Sydney—and Senator Humphries may recall this—were the Country Women's Association. The Country Women's Association would hardly be full of bolsbies or Australian Democrats or Greens. They came and gave us evidence about their views about what was happening in country New South Wales. They told us about the degree of rural poverty and the difficulties that people were having in maintaining a roof over their heads. These were not the types of public service sector people that the government says are out there all the time and tries to lampoon. These were women who were concerned about what they saw as a growing level of poverty in this country.

It is an insult to have this report responded to two years after we brought it down. It is a very cursory and, in ways, childish dismissal of our report. Most of the first part of the government's response is telling us how good the government is in terms of its economic policies. You would have to look and see whether it is actually referring to the report or to a compilation of government press releases. That is what most of it seems to be.

Senator Sherry—Who is the minister?

Senator HUTCHINS—I am not sure who the minister is now. They change. You know, as I do, that they change. But the first part of this government response essentially deals with government press releases. The second

part has a few pages dealing with the criticisms of the government in relation to the report. The third part deals with the minority report recommendations, which were clearly written in the minister's office so that the minority report senators could get up and argue the government's case. The fourth part of the report is once again government press releases.

I just want to make this clear, and I hope Senator Humphries will respond on this: we knew that there could not be any agreed definition of poverty. We made that comment in the report. But we also said in the report that poverty was not, as the government response says, just about income:

Poverty in Australia is regarded as fundamentally about a lack of access to the opportunities most people take for granted—food, shelter, income, jobs, education, health services, childcare, transport and safe places for living and recreation. However, poverty is a multidimensional concept that goes beyond just material deprivation; it also includes exclusion from social networks and isolation from community life.

If you read the government's response—two years after we brought down the report—you would have to think that all this is about income. We clearly knew, from the 17 days of hearings we had and the 250 submissions we received, that poverty was not just about income, and we put that in the report.

We had a long debate about what the definition of poverty would be. The minority senators did not agree with what we saw as the definition of poverty, and we understood that, but we had evidence time and again, from every city and town in this country that we visited, that poverty was growing, that income disparities were occurring and that our citizens were being deprived of the social needs that we take for granted in a wealthy nation like ours. That is what we saw in this country. We never said that there was one view or one definition. But, if you read the

government press releases and what the government lackeys say in the minority report, you will see that they believe there is.

We also said, as Senator Bartlett has referred to, that we believed there should be a national strategy to combat poverty, that a body should be established to oversee it and that that body should report to the Prime Minister. If you read the government's response to our report, you would think that it was our idea. Well, let me just tell you, these are the mobs that were in favour of that report: such 'bolshies' as the St Vincent de Paul, ACOSS, Catholic Welfare Australia, Mission Australia, UnitingCare, the Brotherhood of St Lawrence and, indeed, state Labor governments—and why wouldn't they? And where did the idea come from for a national poverty strategy and to have some streamlined involvement of the national government? It came from Ireland—another hotbed of red bolshevism!

That is where I see parts of the government's response to our report. I could go through page after page, and I hope that at some point Senator Moore, who was as involved and distressed by the growing levels of inequality in this country as I was, will have an opportunity like me to go through, chapter and verse, a number of the things in the government's reply that need to be addressed. I would also like to report on the government's reply. Remember, we are talking about a report that was given to this Senate in March 2004. Bear that in mind, Mr Deputy President. A number of initiatives by this government have occurred, which we may not agree with, after March 2004. As I said, we do not necessarily agree with them, but it seems to me that an opportunity has been grasped by the government, by their definition of life, to address these issues of poverty. There has been the Welfare to Work program, announced in the 2005-06 budget. There are the family relationship centres and

the family law system changes announced in July 2004. There has been a \$33 billion package for government and non-government schools. There has been 'Building on success', the CDEP futures direction paper released in April 2005, and subsequent things occurring. There has also been the part A initiative, announced as part of the 2004-05 budget for the FBT. These things occurred after the poverty report came down in this Senate.

As I said, we may not necessarily agree with the direction of those initiatives, but something has definitely occurred in the government as a result of our report on the inquiry in March 2004. You would have to conclude that the government and the minority senators saw something going wrong and that the ministers' offices were reading the reports and coming to some conclusion that there was something out there that needed to be addressed. I think we can claim some sort of victory—that we widened their scope and opened their eyes to what has been going on in this country under their stewardship. One of the things that I find disturbing, despite the fact that if you read this document you see that the government is addressing poverty, is that it seems to me that it suggests that in a way it is their own fault that the poor are poor—not that they have not had the opportunity to advantages of life that others have—or they have not got off their bums. It seems that that is the way the government approaches it sometimes.

Let me read you a letter to last week's *Age*, from a Melanie Raymond from Youth Projects, in which, as I said, it seems that under this government poverty has been eliminated:

Over the past year, our agency has seen a sharp rise in poverty and hunger among disadvantaged and homeless youth. They are sometimes too weak to fully participate in the training that the Government requires them to attend to receive

benefits. Add to these problems their poor mental health, generational unemployment, substance abuse, physical and sexual abuse and homelessness, and the picture is bleak. The hundreds we see daily are an accurate human indicator of poverty. They are nobody's political tool.

This is what this government said this report was: a political tool. Not according to Ms Raymond.

Senator HUMPHRIES (Australian Capital Territory) (4.26 pm)—I am very happy, as one of the 'lackeys' to whom Senator Hutchins referred, to rise in this debate and make some points. Let me say very categorically at the outset that this government does not deny and has never denied that there is poverty in Australia, that the extent of poverty in Australia remains unacceptable and that as a community we have an obligation to identify and to assist those Australians who have not shared in the benefits that a lucky country has brought to so many people. Inequality, in a sense, is inevitable in a free society, where people are free to make choices and to reap the benefits of their initiative and labour. But it is equally important that society set limits on the extent of inequality, to the extent that those who are seriously unable to provide for the essential basics of life should be provided for and assisted to ensure that they enjoy that essential standard of living that Australians would regard as everyone's entitlement.

The Senate Community Affairs References Committee agreed on the fact that poverty in Australia demanded further action. It disagreed on many other aspects of this particular debate. It disagreed on whether poverty was becoming more serious or less serious. It disagreed on the measures that might be taken to address poverty in Australia. It was the government's view, in presenting to this committee, and it was the view as well of the minority members of this report of this committee, that the most important way that any government can address

poverty in a nation like Australia is to act to lift the general economic standards and economic performance of the country so as to create the wealth that will benefit those Australians not yet experiencing the phenomenon of greater national wealth and productivity.

We felt that by ensuring that the workforce continued to grow there was a greater likelihood that a person leaving school and going into the workforce would have a job there. We felt that was the most important way of tackling poverty in this country. We felt that freeing up the labour market so that businesses, particularly small businesses, were not discouraged and inhibited from taking on new staff was a substantive and clear benefit for those who sought to enter the workforce and who could not previously do so. We wanted to make sure that economic growth was nationwide and occurred in regions as well as in cities, in all states and territories of the country. We wanted to broaden the economic miracle that Australia has enjoyed in the last decade, to make sure that as many Australians as possible could benefit from that.

But consistently throughout this debate those who took part on the majority side in the committee failed to make that acknowledgment. They persisted in seeing the glass as half-full when a better analogy may have been that the glass was in fact three-quarters full and there was benefit in the approach the government had taken in generating employment, in creating jobs and in lifting real wages. Members should consult the figures that were relied on for that in the minority report. That was the evidence that was in front of us but that was the evidence that was consistently ignored by the majority in this inquiry. It is to the majority's discredit that they continued to see this inquiry as an opportunity to bag out the Howard coalition government. That is what so much of this

inquiry was about; that is what so many days of evidence were all about. How can we give this government a hard time over its performance in this area?

How little time was spent acknowledging progress that had been made. How little credit was given to the government for having created jobs, for having reduced unemployment to five per cent, for having lifted real wages of Australians over the last eight or nine years by something in the order of 14 per cent when in the previous 13 years of Labor government the net increase was in the order of about 1.5 per cent. None of that received any lip service in this inquiry at all.

There were witnesses before the inquiry—not the Bolsheviks that Senator Hutchins referred to, although there were witnesses certainly who persisted in that line as well—who wanted to make this inquiry about why the government was wrong, wrong, wrong.

Senator Sherry—You want them to say the government is right all the time?

Senator HUMPHRIES—No, we do not, but we need to give credit where credit is due, Senator Sherry. That was not the approach that was taken by a majority of members on this inquiry. You might think it is quite satisfactory for so much public money, so much effort and so much work on the part of individual submitters and senators and their staff to be ploughed into an exercise where so little was there at the end of the day to show for it. I for one did not feel that was the case. I regretted greatly that the bipartisanship which that particular committee has achieved on so many other issues was not possible on that question. It was obvious to anybody taking part in the inquiry that that was in fact the case.

Senator Bartlett, I think, acknowledged the political aspects of the report and said that perhaps they should have been less. Indeed, I would agree. There was an opportu-

nity there to build a consensus on what was happening in Australia with respect to poverty, to work out what steps might be taken actively to change that reality and to address it in the context of government policies which were and are succeeding in reducing poverty in Australia. That opportunity was missed by this inquiry, and it need not have been missed. There was nothing inevitable about that factor in this debate. There was nothing inevitable about us being in a position today where we have retreated to our respective sides of the ideological debate and the Labor Party uses the report to attack the government and the government uses the report to attack the Labor Party. It is a sad state of affairs but one which, I would argue, was made inevitable from the very outset of this inquiry by the approach that so many took, an approach which could have been reversed by a different mindset but was not.

We have a great deal to be thankful for in this country. We have a great deal of work yet to be done in addressing poverty among those who have not experienced the benefits of growth and rising living standards in the last 10 years or so. That task remains notwithstanding the fact that there is profound disagreement between members of the Senate and its committees about how poverty might be tackled. But I believe that it is fundamental to any approach to tackling poverty that we see this as occurring in the context of a broader debate about management of our economy. We cannot eliminate poverty by selectively targeting those who are poor and only addressing the issue of how to alleviate or address in some way individual cases of poverty. We cannot make that equation work.

We have a chance of making that approach work if it is part of a strategy to lift Australian living standards across the board. That sometimes results in the phenomenon of the gap between rich and poor actually widening. This is one of the fundamental

issues that divide the committee. There was a view, a mindset, by many in the committee that if that was occurring it demonstrated that Australia was sinking deeper into poverty and that there was a major social problem. Others did give evidence that in fact the widening of the gap indicated a growth in opportunity and a growth in productivity as long as those at the bottom of that gap were not sinking further behind what might be considered an acceptable standard of living for Australians. That was the clear evidence before the committee: the most poor in our community were benefiting from government policies that saw their standard of living rise.

Again I say that this task remains ahead of us. It can yet be tackled; it should yet be tackled. The government has a program to tackle poverty and that program is clearly working. Every indication of the wealth of Australians and the benefits to Australians of the economic miracle points to that fact being real. We are getting more benefits to Australians but the task of targeting those who are not benefiting from these changes lies ahead of us.

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

Senator SIEWERT (Western Australia) (4.36 pm)—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

NOTICES

Presentation

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.37 pm)—by leave—I give notice that on the next day of sitting I will move:

That the Senate—

- (a) condemns the most recent vandalism of ancient Aboriginal rock art on Tasmania's Tarkine coastline;
- (b) expresses its abhorrence at the vandalism;
- (c) sends its sympathy to Tasmania's Aboriginal community;
- (d) calls on the Tasmanian Government to vigorously pursue, discover and bring to justice those responsible; and
- (e) asks the Commonwealth to take all due action to uphold the Burra Charter, to bring those responsible for this outrage to justice and to prevent any recurrence of such destructive behaviour against Australia's heritage.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (4.37 pm)—by leave—I give notice that on the next day of sitting I will move:

That the Senate—

- (a) notes a study by the University of Melbourne and Forestry Tasmania which estimates that the threat of extinction of the Tasmanian wedge tailed eagle in north east Tasmania rises from 65 per cent to 99 per cent if current logging plans go ahead; and
- (b) calls on the Commonwealth and Tasmanian Governments to address this finding by altering the proposed logging so that the eagle's prospects of survival are improved rather than worsened.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I present a message for Commonwealth Day 2006 from Her Majesty the Queen, Head of the Commonwealth.

Responses to Senate Resolutions

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I present responses from the Northern Territory Minister for Family and Community Services, Ms Delia Lawrie, and the Tasmanian Department of Health and Human Services to a resolution of the Senate of 1 March 2006 concerning aged care.

Tabling

The ACTING DEPUTY PRESIDENT (Senator Chapman)—On 27 February 2006, the Acting Deputy President presented a letter from the Speaker of the Legislative Assembly of the Northern Territory, Ms Aagaard, forwarding a resolution of the assembly relating to the illegal foreign fishing incursions in Northern Australia. I now table the speeches made by members during the debate on the motion.

ADDRESS BY THE PRIME MINISTER OF THE UNITED KINGDOM

Message received from the House of Representatives forwarding a further resolution relating to an address by the Right Honourable Tony Blair MP, Prime Minister of the United Kingdom.

BANKRUPTCY LEGISLATION AMENDMENT (ANTI-AVOIDANCE) BILL 2006

First Reading

Bill received from the House of Representatives.

Senator SANTORO (Queensland—Minister for Ageing) (4.39 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 SANTORO (Queensland—Minister for Ageing) (4.39 pm)—I move:

That this bill be now read a second time.

I table a revised explanatory memorandum relating to the bill and seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

The Bankruptcy Legislation Amendment (Anti-avoidance) Bill 2006 demonstrates the Government's continuing commitment to combating abuse of Australia's bankruptcy laws.

The amendments in this bill will strengthen the existing anti-avoidance provisions in the Bankruptcy Act 1966. Those provisions allow the trustee to recover property disposed of prior to bankruptcy or owned by a third person but acquired by that person using the bankrupt's resources. People approaching bankruptcy may deliberately avoid these provisions by transferring assets to family members or close associates and then purposely delaying the commencement of the bankruptcy. It is also possible for people to build up wealth in the lead up to bankruptcy in the name of a person who allows the bankrupt to use or benefit from property acquired with that wealth.

This bill will amend the claw back provisions in the Bankruptcy Act by:

- (a) increasing the claw back period in section 120 from 2 to 4 years for transfers of property by a bankrupt to a related entity for less than market value;
- (b) introducing a rebuttable presumption of insolvency for the purposes of the sections 120 and 121 where a bankrupt has failed to keep proper books, accounts and records; and
- (c) providing that a transfer made to defeat creditors is void against the bankruptcy trustee under section 121 if it was reasonable for the transferee to infer that the bankrupt's main purpose in transferring the property was to defeat creditors.

A further amendment to the claw back provisions will address the situation where a transferee passes on market value consideration to a third party (instead of to the transferor who subsequently becomes the bankrupt), and the third party does not provide market value consideration to the transferor. By deeming this transaction to be a transfer between the bankrupt and the third party for the purposes of sections 120 and 121 of the Act, this amendment will allow the trustee to utilise section 120 to recover for the bankrupt estate the consideration received by the third party.

Similarly, the effect of this amendment on section 121 is that a transfer made to defeat creditors would not be protected from that provision where paragraph 121(4)(a) was not satisfied—i.e. where the third party did not give market value consideration for the property that constitutes the consideration.

The bill also includes some minor amendments to clarify that certain things are not to be regarded as ‘consideration’ for the purposes of the claw back provisions.

Significant amendments to Division 4A of Part VI of the Act will allow those provisions to apply to property held by a natural person. The amendments will allow the court to make orders in relation to property or money of a natural person where during the period of up to 5 years prior to bankruptcy:

- the person acquired an estate in property as a direct or indirect result of financial contributions made by the bankrupt during that period; or the value of the person’s interest in particular property increased as a direct or indirect result of financial contributions made by the bankrupt during the period; and
- the bankrupt used or derived (whether directly or indirectly) a benefit from the property during the relevant period.

The time periods in Division 4A of Part VI will be aligned with the amendments to section 120. That is, the trustee will be able to recover property acquired by the person or the increase in the value of property held by the person in the two year period prior to bankruptcy or four years if the person is related to the bankruptcy. In both cases, the period can be extended to up to 5 years if the bankrupt was insolvent at the relevant time. There will also be rebuttable presumption that the bankruptcy was insolvent if, at the time, they had not kept proper books and records.

A further amendment contained in the bill will allow transcripts and notes from examinations under sections 77C and 81 of the Act to be used in proceedings under the Act, regardless of whether the person examined is a party to the proceedings. Use of these transcripts in bankruptcy proceedings will facilitate the identification of the major issues and evidence. These

amendments will assist trustees particularly in relation to proceedings to recover property for the benefit of creditors.

The amendments contained in this bill are the result of extensive stakeholder consultation. They ensure the appropriate balance between the rights of individuals to organise their affairs as they see fit and the rights of creditors to be paid. The amendments will also preserve the integrity of the bankruptcy system.

I commend the bill to the Senate.

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

FAMILY LAW AMENDMENT (SHARED PARENTAL RESPONSIBILITY) BILL 2006

First Reading

Bill received from the House of Representatives.

Senator SANTORO (Queensland—Minister for Ageing) (4.40 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 SANTORO (Queensland—Minister for Ageing) (4.40 pm)—I move:

That this bill be now read a second time.

I table a revised explanatory memorandum relating to the bill and seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

The Family Law Amendment (Shared Parental Responsibility) Bill 2005 represents the most significant changes to the Family Law Act 1975 since its inception 30 years ago.

Family breakdown is not easy for anyone. It is traumatic for those involved—parents, extended family, friends and most importantly, children. It has an impact on others in the community. It is a

complex area of policy for Government, and one which provokes strong feelings amongst many Australians.

However, this Government is about making hard, but well considered, decisions in key areas of policy.

This Government is committed to three major changes to how the Government helps people deal with family breakdown. The first is the package of almost \$400 million over four years which was outlined in the Budget, of new community services to help reduce conflict in families; the second is the Government's proposals to reform the child support system, and the third is these changes to the Family Law Act that I introduce today.

Each of these significant changes promotes shared or co-operative parenting after separation.

This bill is the culmination of many years work by a large number of people. I would like to begin by acknowledging my Parliamentary colleagues from both sides of politics who have been involved in the development of this legislation. I thank those from the original House of Representatives Standing Committee on Family and Community Affairs who worked so diligently on the Every picture tells a story report in 2003. I specifically thank the Chair of that Committee, Mrs Kay Hull MP, Member for Riverina, whose hard work and commitment over a number of years has enabled us to be here today.

I also thank the members of the House of Representatives Standing Committee on Legal and Constitutional Affairs, and particularly the Chair, the Hon Peter Slipper MP, Member for Fisher, for their speedy work in examining the exposure draft of the legislation and for their valuable contribution and insight into the final Bill.

When the Attorney-General introduced The bill into the House of Representatives, he tabled the government response to the Committee. The government accepted the majority of the Committee's recommendations and amended The bill accordingly. One recommendation of the Committee that the government accepts in principle, but which does not appear in this bill, is recommendation 8 relating to relocation decisions. This issue is being considered by the Family Law

Council. The government will consider making further amendments to the Act in line with their advice and the Committee's recommendation once the advice is completed later this year.

I also thank the members of the Senate Legal and Constitutional Legislation Committee, and particularly the Chair, Senator Marise Payne, Senator for New South Wales, for their recent work in examining The bill. The Government will be moving a number of amendments as a result of the Senate Committee's recommendations.

I would also like to acknowledge all the members of the public who have contributed to the extensive consultative processes that preceded this bill. This bill is the result of listening to people's views on how the family law system can deliver better outcomes for Australian parents and children through a number of consultation processes. The Every picture tells a story Committee sought input into the Every picture tells a story report; the Government released a discussion paper A new family law system: implementation of reforms for comment; and the Legal and Constitutional Affairs Committee sought submissions on the exposure draft of the legislation. Members of the Government have also personally received thousands of letters—from grandparents, mothers, fathers and many others affected by our family law system—and met with hundreds of people and listened to their views. These consultations have greatly assisted the Government in shaping the final Bill.

The development of The bill has been a lengthy process, due to the tremendous amount of consultation that has taken place and the complexities of the issues that are raised. I thank all for their patience and commitment in allowing the Government to fully consider the important issues that are contained within The bill.

More than one million Australian children have a parent living elsewhere. The children want the same things as any other children—to grow up in a safe environment with the love and support of both parents. They do not want their parents fighting in court.

Unfortunately, one in four children never sees one of their parents or only sees them once a year. Too many parents fight in the courts for years, wasting

money they should be using to raise their children.

The Government wants to change the culture of family breakdown from litigation to cooperation.

The Government believes that, except in extreme cases such as those involving violence or abuse, the right of children to know both their parents should be recognised and respected. Where possible, the Government wishes to encourage parents to continue to take shared responsibility for their children after they separate. Importantly, The bill also has an increased focus on protecting children from family violence and child abuse.

It is important to emphasise that the paramount consideration for the court will continue to be the best interests of the child. The right of children to know both their parents and to be protected from harm will be the primary factors when deciding the best interests of the child.

Amendments contained in Schedule 1 of The bill support and promote a cooperative approach to parenting and advance the Government's long-standing policy of encouraging people to take responsibility for resolving disputes themselves, in a non adversarial manner.

The bill provides for a presumption of equal shared parental responsibility. This means that both parents have an equal role in making decisions about major long-term issues for the benefit of their children.

Where the presumption applies, the court will be required to consider children spending equal time with both parents. This only applies where it is reasonably practicable and is in the best interests of the child. Equal time works for some families. But if it isn't inappropriate, the court must consider an arrangement for substantial and significant time with both parents. This means more than just weekends and holidays, it means doing the day to day things with children—tucking them into bed, picking them up after school, helping them with homework. It also means a mix of nights and days with children.

The Court will also take into account whether parents fail to fulfil their major responsibilities, such as not paying child support or not turning up when they are obliged to hand the children over.

The bill contains changes to better recognise the interests of children in spending time with grandparents and other relatives, who also play an important role in raising children.

The bill will address concerns about the existing definition of family violence to introduce an 'objective test' in relation to an apprehension or fear of violence. While there is no requirement for reasonableness in relation to violence that has actually occurred, an apprehension or fear of violence must be reasonable. This does not mean that any level of violence is acceptable. Violence is a crime and will not be tolerated.

I should also note that the Government is currently taking steps to ensure that allegations of violence and abuse raised in family law proceedings are processed quickly, fairly and properly. The Family Law Violence Strategy will complement these legislative changes by reviewing the underlying processes through which allegations are investigated and dealt with.

To promote agreements outside the court system, The bill will require people to attend family dispute resolution and make a genuine effort to resolve their dispute before applying for a parenting order. This requirement does not apply where there is family violence or abuse.

Breaches of court orders are a major source of conflict and distress to all parties involved. Schedule 2 of The bill strengthens the existing enforcement regime in the Family Law Act by giving the courts a wider range of powers to deal with people who breach contact orders through the ability to impose cost orders, bonds, 'make up' time and compensation.

The Government acknowledges that adversarial processes tend to escalate and prolong conflict. For those parenting issues that do need to proceed to court, the amendments in Schedule 3 of The bill contain changes to court procedures to make the process less adversarial.

Schedule 4 of The bill supports the Government's policy of ensuring that separating and divorcing parents have access to quality counselling and dispute resolution services without the need to go to court.

Schedule 5 of The bill implements recommendations of the Family Law Council to clarify the

role of independent children's lawyers as best interest advocates.

Schedule 6 of The bill makes the relationship between parenting orders and family violence orders clearer and easier to understand. These amendments are also based on advice provided to me by the Family Law Council.

Schedule 8 removes the terms 'residence' and 'contact' to emphasise on the more family-focussed term of 'parenting orders'.

Schedule 10 adds a new Part XIVB to the Act which deals with ineffective orders made without power by officers of State courts of summary jurisdiction, in the purported exercise of such jurisdiction. The effect of the provisions is that the rights and liabilities of persons affected by such an ineffective order are to be the same as if such order had been made by the relevant court in the exercise of its jurisdiction under the Act.

The Government is intent upon making cultural change to the way that disputes upon family relationship breakdown are resolved. With these reforms to the law and the new family law system, the Government wants to make sure as many children as possible grow up in a safe environment, without conflict and with the love and support of both parents.

Full details of the measures contained in this bill are contained in the Explanatory Memorandum to The bill.

I commend The bill to the Senate.

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

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

**ANGLO-AUSTRALIAN TELESCOPE
AGREEMENT AMENDMENT BILL
2006**

**THERAPEUTIC GOODS AMENDMENT
BILL (NO. 2) 2006**

**DEFENCE LEGISLATION
AMENDMENT (AID TO CIVILIAN
AUTHORITIES) BILL 2006**

**DEFENCE (ROAD TRANSPORT
LEGISLATION EXEMPTION) BILL
2006**

**THERAPEUTIC GOODS AMENDMENT
(REPEAL OF MINISTERIAL
RESPONSIBILITY FOR APPROVAL OF
RU486) BILL 2006**

**AUSTRALIAN SPORTS ANTI-DOPING
AUTHORITY BILL 2006**

**AUSTRALIAN SPORTS ANTI-DOPING
AUTHORITY (CONSEQUENTIAL AND
TRANSITIONAL PROVISIONS) BILL
2006**

Assent

Messages from His Excellency the Governor-General were reported informing the Senate that he had assented to the bills.

**AGED CARE (BOND SECURITY) BILL
2005**

**AGED CARE (BOND SECURITY) LEVY
BILL 2005**

**AGED CARE AMENDMENT (2005
MEASURES No. 1) BILL 2005**

**Report of Community Affairs Legislation
Committee**

Senator EGGLESTON (Western Australia) (4.42 pm)—On behalf of the Chair of the Community Affairs Legislation Committee, Senator Humphries, I present the report of the committee on the provisions of the Aged Care (Bond Security) Bill 2005, the Aged Care (Bond Security) Levy Bill 2005 and the Aged Care Amendment (2005 Measures No. 1) Bill 2005 together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

**TELECOMMUNICATIONS
(INTERCEPTION) AMENDMENT BILL
2006**

**Report of Legal and Constitutional
Legislation Committee**

Senator EGGLESTON (Western Australia) (4.42 pm)—On behalf of the Chair of the Legal and Constitutional Legislation Committee, Senator Payne, I present the report of the committee on the provisions of the Telecommunications (Interception) Amendment Bill 2006 together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

**SCHOOLS ASSISTANCE (LEARNING
TOGETHER—ACHIEVEMENT
THROUGH CHOICE AND
OPPORTUNITY) AMENDMENT BILL
2006**

Second Reading

Debate resumed from 2 March, on motion by **Senator Coonan**:

That this bill be now read a second time.

Senator WONG (South Australia) (4.43 pm)—The Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2006 being considered by the Senate today proposes to amend the Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004 and, according to the explanatory memorandum, the specific provisions in this amendment bill have the following objectives: to move uncommitted capital infrastructure funding for government schools from 2005 to 2006 and to bring 2008 funding forward to 2006; to move unspent funding under the Tutorial Voucher Initiative from 2004 to 2006; to allow funding to be carried over or brought forward to another year for all non-per-capita programs, such as capital grants, targeted programs and na-

tional projects; to provide maximum general recurrent grants for a small number of non-government schools that cater for students with emotional, social or behavioural difficulties; and to make a minor technical correction to one of the defined terms in the act.

The bulk of the taxpayer funds provided through the principal act—that is, the States Grants (Learning Together—Achievement Through Choice and Opportunity) Act 2004—are provided as general recurrent per capita grants, and these grants are not affected by the proposals in the bill under consideration. However, there is also significant funding provided for capital works and for targeted programs for schools and students with special needs, and it is this type of program which is the focus of the amendment bill before the Senate.

The government's major 2004 election commitment for schools was its Investing in Our Schools program, where supposedly \$1 billion over four years was provided for capital projects in schools—\$700 million for government schools and \$300 million for non-government schools. However, an integral feature of the design of this program was the Howard government's ideological obsession with bypassing the states and the government school systems that deliver education to most Australian children. For government schools, the government has decided to bypass state authorities by calling for applications directly from schools and local parents and citizens associations.

The previous minister announced that Australia's 6,900-plus public schools would be eligible for up to \$150,000 each under this process, but unfortunately the Howard government has been overwhelmed by its own processes and has failed to deliver the funds to schools. Most schools are still waiting for the money announced in the 2004 election, and schools around Australia are getting sick

of funding dates getting pushed back. The previous minister for education promised that grants would be announced by May 2005. It is now almost April 2006. The new school year started some months ago. Many schools promoted their facilities to parents on the basis of the projects they expected to have completed—not commenced—in time for the 2006 school year. Now many parents are questioning schools on what happened to the promised shade cloths, computers or the like.

The government's incompetence has caused all sorts of collateral damage. There is one contractor in South Australia who has had to send employees on leave, some without pay, as a direct result of the delays in getting the promised money out to the schools. In this case, the jobs of over 20 South Australians have been put at risk because of former Minister Nelson's administrative incompetence. I do not even need to go into the round 2 larger grants process. Schools were first told that successful round 2 grants would be announced in October. Then this was pushed to December. Then we heard February, and now it is supposed to be April. It is irresponsible behaviour by this government to raise and then dash again and again the hopes of schools which are desperately in need of funds.

Although this program was clearly targeted in the election at all government schools and their parent associations, the minister has trotted out the flimsy excuse that the department was surprised by the volume of applications. DEST has been unable to administer the program in a timely way, despite significant increases in staffing for the program and despite the fact that this was a major election commitment. The bill before the Senate is a direct and inevitable result of government incompetence. All government schools were promised additional funding for capital projects in the election, so why is

there any surprise at all that most schools and P&C organisations were keen to apply? There can be no excuse for not preparing to handle applications from many of the nation's schools. As Minister Nelson sowed, so Minister Bishop now reaps. She is today saddled with trying to clean up the mess left for her by Dr Nelson—and the incompetence of the Investing in Our Schools program implementation is only the first example of Dr Nelson's incompetent hand grenades he has left for his successor. No doubt she will uncover many more in the coming months.

The fact is that the Howard government has bungled its management of this program by trying to become a small-scale capital developer for Australia's 6,900-plus government schools. It tried to paint itself as rescuing school communities from state bureaucracies but has instead created its own administrative monster. The government set up a duplicate administration for getting capital funding to schools, and it did so for blatantly political and ideological reasons. Now we see the inevitable result of this ideological obsession, with an ad hoc administration overwhelmed by its own application process. If there is a salutary lesson in all this for Minister Bishop—if she is to learn at all from the schoolboy mistakes of her predecessor—it is that it is much better to work in cooperation with state authorities for the benefit of all Australian schools. Proper consultation with the states, which after all do run school systems day in and day out, would have led to a much more effective and efficient means of getting capital funding into schools.

Labor does support the involvement of parent organisations in planning decisions about the allocation of capital funds, but this should be done in a strategic, efficient and targeted manner—in other words, done in cooperation with the states and territories. Labor's concerns with the implementation of

this program are not only about incompetence. The approvals so far also reveal a high degree of inequity in the allocation of funds between electorates. The figures clearly show that political advantage was a primary motivation in the decisions behind the Investing in Our Schools program. What has become clear is that the approvals process has been handled differently across the electorates, with Liberal and, especially, National Party electorates being far more successful in winning substantial funds than Labor held electorates.

Let us briefly have a look at the figures Labor has drawn out of a reluctant government. The average funds per Labor electorate are \$550,000. The average funds per Liberal electorate are \$705,000. The average funds per Nationals electorate are \$1,350,000. The average funds per coalition electorate are \$1,025,000. The average grants per coalition marginal electorate are \$830,000. Of the top 20 electorates in terms of total funding to an electorate, guess how many are coalition held? Nineteen—19 out of the 20 top electorates in terms of total funding to an electorate are coalition held. The first Labor held electorate appears at 20—Bendigo. And nine of the top 10 electorates in terms of average grant per school in an electorate are—guess what?—coalition held. Reid is the only Labor held top 10 seat. How can the government possibly justify such huge discrepancies? How could a credible, accountable and transparent assessment process possibly arrive at such a flawed distribution of funding?

What has been clear throughout this process is that the fix was in early. Coalition members had the details of the program first, had more detail about the application requirements and were given extra material to encourage schools to apply. Is there any possible reason for the Howard government distributing million-dollar handouts to its own blue-ribbon seats? Does the former minister,

Dr Nelson, really expect the parents of Australian schoolkids to believe that the schools in St Ives and Pymble in his North Shore seat of Bradfield deserve significantly more funding per school than those in Cabramatta in the electorate of Fowler? Like many other areas of education funding distribution, Labor wants to know why this funding was not allocated on the basis of real and objective need.

The combined effects of incompetence and political pork-barrelling have discredited this program, which should have been targeted at meeting the real needs of schools and students in partnership with parents and school communities. In light of the demonstrated incompetence and politicisation of this billion-dollar fund, Labor only supports the increased flexibility in the bill for the minister to move funds around within the funding quadrennium so that schools actually get the money they have been promised. This flexibility includes the capacity to bring forward 2008 funding to 2006. Students certainly deserve to have this money put to good use in supporting their education. But be warned: this flexibility ought not to be used for political purposes, for media releases and stage-managed activities for coalition politicians. Labor and the public are onto the political misuse of this fund.

I will turn now to the Tutorial Voucher Initiative. This tutorial vouchers program is yet another example of the Howard government's incompetence when it comes to administering programs, with unspent funding from both 2004 and 2005. It is another example of ideology over good sense. The government has insisted on tendering out for brokers to provide tutors for the children who need literacy support, including some brokers with doubtful qualifications and operations. In 2004 the government introduced the payment of tutorial vouchers of up to \$700 to parents of children who had failed to

meet national benchmarks of reading literacy in national testing of year 3 standards in 2004. Once again the Commonwealth has tried to implement this scheme without discussion with the states. Now that the pilot program has failed to deliver, the government is trying to blame the states instead of working with them from the beginning. As part of the original design of the pilot, the initiative is administered by brokers that are responsible for facilitating the contracting of tutors, confirming child eligibility, providing parents and caregivers with choice of tutors and managing its administration. Some of the brokers are, sensibly, school authorities, but others are private providers and enterprises.

Answers to questions at Senate estimates revealed a nationwide take-up rate of 36 per cent by mid-November last year. However a state-by-state analysis of the figure shows a much poorer performance on the part of commercial brokers for this program, particularly in comparison to the performance of school authorities. For instance, state education departments in New South Wales, South Australia and Tasmania topped the table of take-up rates, ranging up to 69 per cent of eligible students. The most notable failure of this program is the performance of a private company, Progressive Learning, which has spectacularly failed to deliver tutorial programs to eligible students in Queensland and Victoria.

Figures provided by DEST show that just 656 of 5,717 eligible Victorian students received any help through the tutorial vouchers program, only 12 per cent of eligible students. The vast majority of students assessed at their year 3 benchmark testing as requiring extra literacy assistance have now sat the year 5 literacy benchmark test without having received any tutoring whatsoever. Progressive Learning also charged a \$250 administration fee, so the few students in Victoria who actually received any tutoring at all

only got \$450 of the value of their \$700 vouchers.

The federal government issued contracts to companies to deliver the tutorial voucher program with the full knowledge that the companies could not talk to the parents because they were not legally able to obtain their contact details, nor were the companies authorised to talk directly to the state governments, which actually had the contact details. This sounds like a *Yes, Minister* program. The program has been an administrative disaster, being more about an ideological obsession with bypassing state school authorities than about helping students who desperately need support.

The government has established a cautious evaluation exercise of this pilot program and engaged a commercial consultant, Erebus International, to undertake this evaluation. The opposition is, of course, very interested in what this evaluation concludes about the efficiency of delivering a program in the way insisted on by this government and the effectiveness of delivering literacy programs while cutting schools out of the equation. For this reason, the opposition lodged a freedom of information application to get access to relevant material, including any summary, analysis, report or documents prepared by Erebus International for this evaluation. On 13 March the department refused to release those documents on the basis that, amongst other things, disclosure would be contrary to the public interest. And, yet, within two days, a selective summary of those evaluation documents was prepared by Minister Bishop's office and released to a national newspaper. Isn't it amazing how in one context something may be contrary to the public interest but, if you are able to determine precisely which aspects of the documents you disclose, suddenly they can appear with the minister's apparent approval in a national newspaper? Clearly, disclosure

of the original, unedited documents would have been contrary to the interests of the Howard government or they would not have hidden behind the public interest claim to refuse the FOI request.

We in the opposition will continue to pursue this evaluation because we actually believe the Australian public has a legitimate interest in knowing just how this pilot program did operate and what effect it had on the literacy development of students identified as needing extra assistance. Labor will support the carrying over of unspent moneys from 2004 and 2005 because there are children in this country who need literacy assistance and support. But we also need to protect the integrity and value of this funding.

I am foreshadowing that Labor will move a substantive amendment to strengthen the conditions of funding to ensure that only qualified and accredited educators deliver. This amendment would require persons and organisations other than already approved school authorities to meet national standards of quality, such as professional teaching standards of tutors, and probity, such as financial and administrative records of private enterprises. I urge the Senate to support this amendment at the committee stage.

We have also circulated in the chamber during the course of my contribution our second reading amendment. I have set out in reasonable detail Labor's concerns regarding the administrative incompetence and the political misuse of the two significant funding programs dealt with in this bill. Both the Investing in Our Schools program and the Tutorial Voucher Initiative highlight the operational and political mess left to Minister Bishop by her predecessor—a mess this bill only starts to deal with. For these reasons I move:

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

- (a) condemns the Government for:

- (i) failing to deliver urgently needed capital funds and literacy support in time for schools and students to achieve the benefits of those funds,
- (ii) failing to protect the integrity and probity of its program for tutorial literacy vouchers, especially in the appointment of brokers for the delivery of tutorial assistance in some states,
- (iii) approving capital funding under its ‘Investing in our schools’ program in an unfair and unequal way between schools and regions, and
- (iv) failing adequately to take into account the relative educational and financial needs of schools in the allocation of capital funding under the ‘Investing in our schools’ program; and

- (b) calls on the Government to:

- (i) ensure that all programs are administered in ways that deliver maximum educational benefits for students,
- (ii) take steps to assure the educational integrity and probity of its tutorial assistance for students with literacy needs,
- (iii) direct some of the unspent funds for tutorial assistance for students with literacy needs to use by schools to develop appropriate programs for their students, in consultation with parents and for the professional development of teachers to improve their literacy teaching skills, and
- (iv) support improved accountability provisions for funding under the capital grants and tutorial assistance programs”.

I urge the Senate to support this second reading amendment. In doing so I note that it ought not to have been necessary for this amendment to call on the government to ensure that all programs are administered in a way that delivers maximum educational

benefits for students. One would have thought that was self-evidently required. It should not have been necessary, but on the Howard government's performance specifically on these programs this statement of the obvious unfortunately needs to be explicit.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (5.00 pm)—I also rise to speak on the so-called Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2006. This make-do piece of legislation is designed to overcome the problems that arose with the government's own half-baked schemes of a couple of years ago. Before going into the details of the bill I would like to say that the Democrats will reluctantly support this legislation, but not because we think the programs the legislation refers to are the best way to address the needs of students in schools. Very clearly, they are not—something we strongly pointed out when the original legislation was introduced at the end of 2004. We will support this legislation today because the simple truth is that funding for education in this country is inadequate and, if nothing else, this bill provides some money for education, albeit mostly shifted from other programs. Whether you talk about preschool, primary or secondary school, TAFE or university, this government is not investing enough in education. We say it is essential for the future of Australia that we put more money into those purposes.

It was very encouraging to hear that the government is finally considering the benefits of a year of preschool for all children before they start school. There is a wealth of evidence that shows that preschool education has immeasurable benefits for children, particularly those from more disadvantaged backgrounds. It is time that the focus was not only on how access to early childhood education and care helps parents manage the

balance between work and family but also on the innumerable benefits of early childhood education and care for children themselves. Early childhood education lays the foundation for children's effective learning and improves their social, cognitive and emotional development. It is vital in breaking the cycle of poverty and in reducing crime, teenage pregnancy and welfare dependency. Early childhood education stops children from dropping out of school at an early age and leads to a better skilled workforce. All children deserve the best possible start in life, and Australia has fallen way behind overseas counterparts in providing the sort of substantial and sustained investment needed to make sure that children get off on the front foot.

So I hope that this announcement is not just another political football that gets thrown back and forth between the Commonwealth and the state and territory governments. I would like to see that the federal government, having said that preschool is important and should be mandatory, continues on with that idea and does not then turn around and say, 'It's the states' responsibility to fund it,' while the states then turn around and say, 'Child care is important but that's a federal responsibility.' We do not need that kind of duck-shoving. Every single Australian child needs to be able to get early childhood education and care that is provided by enough qualified staff to make sure that the focus is on the children's development, not just on babysitting so that financially pressured parents can do their bit to keep the economy going.

It is not just at the preschool end of things where Australia is lagging behind. We need to be doing more to meet the educational needs at all levels of all our children, not just those lucky enough to be able to attend the most well-resourced schools. Education should be a national priority, but unfortunately, in comparison with other countries

and even in comparison with Australia a few decades ago, there is an inadequate commitment on the part of governments to bridge the gap in the educational achievements of the haves and the have-nots. Kids who are bright and who have supportive, well-educated and well-resourced parents are still doing much better than those who happen to be born into poor or isolated families or who might have a learning disability or a language problem or who are Indigenous. Unfortunately, attention in this place has been focused on which schools should or should not be receiving more or less money. The real question should be: what are the educational needs of the child and how can we best meet those needs? Funding decisions should be made on the needs of the child, not on whether the school is non-government or government—but that is not what this government has done, and we see that again in this legislation.

I will now look briefly at the provisions in this bill. They are aimed at providing additional funds for a small number of non-government schools that cater for students with emotional, social or behavioural difficulties. The government is not concerned with providing additional support for all students who require the intensive support that their special circumstances necessitate. If that had been the case, it would have come up with a system to provide resources for all students. As I said, the government has not done that. Instead, we have a system where the government is providing additional funds to a new category of schools, a separate classification of so-called 'special assistance schools'. These are schools that 'primarily cater for students with social, emotional or behavioural difficulties'. This new classification means that these schools will be able to receive the maximum level of general recurrent grant available to non-government spe-

cial schools for students with other disabilities.

The Democrats support additional funding to support students with social, emotional and behavioural difficulties—we certainly need it, as we do extra funding for all students with a range of disabilities. These are high-needs students who need intensive support. But the funding in this bill will not be available to all students with these needs, as I said; it is just available to support students who are in that small number of non-government schools. Government schools that cater for these high-needs students are not eligible, and students with these high needs who are not in specialist schools but may be in a special classroom within a mainstream school or even within standard classes in mainstream schools, whether government or non-government, will not receive additional funding.

So while the government talks about needs based funding there is no real effort to develop an approach that is based on the needs of children whether they have behavioural difficulties, learning difficulties or whatever. Again, the focus is on the school, not on the needs of the students. But hiding behind the mantra of so-called choice—again we see that in the title of this bill—the government continues with its flawed SES funding model that, whichever way you look at it, leads to an unfair and inequitable distribution of funding. Again, the distribution of funding is not based on the needs of children. Nowhere in this model does it take into account the needs of a child with language problems, the needs of Indigenous students or students with learning disabilities.

I would like to take a moment to speak specifically about students with learning disabilities. The recognition and funding of students with learning disabilities is a subject I have raised a number of times here in the

Senate, and the 2002 Senate inquiry into the education of students with disabilities very clearly identified the special needs of students who have learning disabilities and the lack of support that is available in schools. The Australian Learning Disability Association's submission to the national inquiry into the teaching of literacy last year reiterated that the compulsory education sector does not differentiate between learning disorders and learning difficulties. The submission also made the point that funding is not available to support those students with learning disabilities as required. In simple terms, having a learning disability means that a child will not learn in the same way as approximately 90 per cent of the population—that is, these children and students need to be taught differently.

It is estimated that, like in Canada, the United States and the United Kingdom, approximately 10 to 12 per cent of Australian students have a learning disability of some kind, but unlike these countries in Australia disabilities such as dyslexia, poor visual and motor control and short-term memory problems have been largely ignored, at least at the official level. Students with learning disabilities do not get a satisfactory education, so we test them, we benchmark them, but at the end of the day there is very little by way of services, at least from the federal government's perspective, that assists them with their problem.

There is still a lack of understanding, awareness and acceptance amongst the public, policy makers and practitioners with relation to learning disabilities generally, and in particular of the need to differentiate between—and I would say diagnose—learning difficulties and learning disabilities. There needs to be a national push to promote the needs of these students, particularly within school communities, because they will take their learning difficulties with them through

out life. Teachers have told me that even in those areas that may have developed policies for assisting students with learning disabilities there are no resources to support teachers to improve their skills, and there are often no facilities to provide the accommodations that students need. Teachers are having to work in spare classrooms if they are lucky, and staff tearooms or even storage rooms if they are not. There is almost no access to note takers, readers or scribes, or any of the technologies like laptop computers, that would so help these students.

Another key problem is that schools are unable to even identify students with learning disabilities correctly. There is a lack of guidelines and procedures for assessing the needs of students and little help within the school system to organise an assessment or to pay for it. Parents face costs of hundreds of dollars just to have an assessment of their son or daughter made. We need national guidelines for testing for learning disabilities and we need funding to support that testing. Teachers and schools cannot be expected to adequately cater for the needs of these students if they do not know how extensive the problems are or what the exact nature of them is.

Current funding for programs to support students is ad hoc and inadequate. The federal government will no doubt argue that the Literacy, Numeracy and Special Learning Needs Program provides assistance for these students, but this simply demonstrates the failure of the government to recognise the difference between the needs of students with learning difficulties and those with learning disabilities. This is a failure shared by the many state and territory government education departments. They chose to provide support for students with learning disabilities through umbrella programs that are primarily designed to help students with difficulties.

We would not want to see students with learning difficulties miss out. These students are also educationally disadvantaged and need additional support. However, their needs are generally very different from those with disabilities and, while some students with learning disabilities might be assisted by programs which target those with learning difficulties, it is very likely that many students with learning disabilities are missing out. This is a really serious issue and it is time that the government sorted out what needs to be done in order to fund learning disabilities and what the differences are with the current set of disabilities that are funded through the states grants legislation—that is, students with physical, intellectual and emotional disabilities. We need to look at the group that has difficulties that can be overcome by literacy programs and then examine the other group that is much more difficult to assist.

Unfortunately, taking a coherent and thoughtful approach to funding the educational needs of children seems to not be what this government is about. What it is about is ad hoc, ill-conceived add-on programs that are driven by ideology, badly administered and fail to provide any real contribution to the quality of education of Australian children, and certainly the Tutorial Voucher Initiative fits into that category like a glove. That is the reason why we have this legislation before us today. It is mopping up the mess made by two of the programs that this government put in place 12 months ago—the Investing in our Schools program and the Tutorial Voucher Initiative. When they were introduced we did not support that approach. We argued that it was administratively inefficient, inequitable and would ultimately be ineffective. One of the reasons the tutorial voucher system did not work was that the government was so opposed to that system being done through schools, and so, as I un-

derstand it, the schools at the end of the day became brokers and became involved—but only because the government simply could not make the system work that it had planned. That idea of brokers and tutors coming from nowhere and being available to do this work was a gross failure.

We welcome additional funding for education. We do not, however, welcome the way in which those funds have been administered. There must be a shift in this process from government schools across to nongovernment schools, and the Democrats are always opposed to that notion. We need more money for capital works in schools. Overall, Commonwealth expenditure on capital works has dropped since 1993 by around 30 per cent. But the Investing in Our Schools program was always going to benefit most those schools that have active, committed parent organisations that can write good grant applications for that shade over the sandpit or other small item that schools may be able to put forward that fits within the limit of the grant amount, a limit which only applies, of course, to government schools.

There was no mechanism in this program for any sensible or equitable prioritising of the funding. We desperately need a national standard for basic school amenities but there is still no sign of that turning up any time soon. We need an audit of school buildings and facilities, so that we can all see which schools do not have basic infrastructure. We then need to fund the necessary development in a coordinated manner, but that just has not happened. We also need a better approach to literacy development. Giving \$700 vouchers to parents of grade 3 students who fail the reading tests so they can access private tutors was never going to be an efficient or an effective way to help those children.

The Democrats argued at the time that the \$20 million should have been used to support

existing programs in schools. Schools already have the structures and the expertise; all they need are the resources to work one on one or in small groups with struggling children. Again, the reason this has been put in place is that the Commonwealth cannot reach agreement with the states on how to do this, and we constantly have this bickering about cost shifting, who is paying for what and who is getting the plaudits for putting programs in place. That is what this is about; it is not about any sensible approach to improving learning outcomes.

There were many questions raised about the voucher scheme when it was first proposed, such as the availability of suitable tutors, the capacity of some parents to seek help for their kids and how this tutorial assistance would tie in with what students are learning at schools. Now we are seeing the results of that failure to pay attention to those questions. The government cannot say that those in the Senate did not point this out to them. I hope that this time the government have learnt something from this kind of fiasco.

We need more investment in schools, more money for capital works, more money for literacy development and more money to support students with additional educational needs. In this respect, the government must do much better. All Australian children deserve and need a quality education regardless of their circumstances, the state or territory in which they live, the resources of their parents and which school they go to.

I indicate that the amendments circulated in my name will be withdrawn.

Senator NETTLE (New South Wales) (5.18 pm)—I rise to speak on behalf of the Australian Greens on the Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2006, the first schools bill introduced by the

new Minister for Education, Science and Training, Ms Bishop. It is unfortunate for the new minister that the first bill that she has introduced is a bandaid bill to amend the obvious problems that inevitably arose from the shoddy, populist policy follies of her predecessor—but that is what this bill is. The Greens sincerely hope that future bills from the new minister will set a new course for this government regarding schools, one that puts education first rather than the ideology or electoral game playing that we are used to seeing not only in education but also in other portfolios.

This bill seeks to slap band-aids on two programs that have been introduced by the former minister in the past couple of years. They have failed and, as a result, have let down young people, parents and teachers. The bill also amends a provision of the funding act to allow the government more power to manipulate funding spending. The remedies this bill seeks to introduce will simply allow these poor policies to limp on until the next major funding decisions are made in 2007 and 2008. The increased flexibility in funding delivery creates a powerful temptation for political abuse of this funding in the hands of the minister of the day, whoever it may be.

The first program dealt with by this bill is the Investing in Our Schools program, which was announced in a flurry in the last federal election campaign. This program sought to deliver \$1 billion of federal funding to schools for capital improvements: airconditioning, shade cloth, repairs and the like. This \$1 billion was to be spread over four years, with \$300 million going to private schools and \$700 million to public schools. There was no consultation with state governments about this program, and the thrust was to cut the state governments out from managing this new capital funding, even though the states have a long established admin infra-

structure to manage capital investment in schools. Instead, this cash was to be doled out directly to schools that had applied through P&C committees and school boards—that is, unless you were a private school, in which case the funding went to block grant authorities that already distribute recurrent capital funding to approved projects.

The problem is that just about every public school in Australia has applied for some funding. Many people may think that is not surprising—unless they are the minister for education or a senior official at the Department of Education, Science and Training. They tell us that the program has failed to deliver the promised funds to public schools because they have been so surprised at the overwhelming number of applicants for money. This bill aims to roll over the funding allocation for the program from 2005 to 2006 in order to catch up with the demand and eventual delivery. We are getting used to this sort of frequent incompetence by the government, but it is worth questioning whether there are not other motives at play here.

By rolling over these funds, is the government simply back loading the delivery of these much needed capital projects later into the electoral cycle by delaying the completion of these projects from the first year and a half of the scheme but seeking to deliver the full promised funding in the second half of the four-year funding term? Does that not mean that schools will get their new shade-cloths, library extensions or netball courts in an election year? Some people might think this a cynical or uncharitable perspective to take. But let us look at where the funding is already being distributed under this scheme. Others have noted with concern that the funding has been distributed at a ratio of three to one, favouring Liberal held electorates over Labor held electorates. The average funding that coalition electorates have re-

ceived is \$792,010, compared to \$549,303 for Labor electorates.

Nine out of the 10 top electorates in receipt of capital funding are coalition seats. This looks like a reasonably obvious case of pork barrelling—that is, spending government funds to benefit sitting members with the hope of retaining government at the coming election. If anyone is confused when trying to understand the reasoning behind the flow of education public policy coming from the Howard government, it is revealing how helpful it is to look at it through the prism of electoral self-interest. Suddenly it does not seem all that confusing at all.

Of course, this could just be a coincidence, but I suggest it is not. The only other reading of this situation suggests that, if you put funding applications in the hands of parental bodies or P&C committees, the number and speed of qualifying applications will favour schools from areas where the parents' education level and familiarity with the administrative process is highest. That will favour areas of higher socioeconomic status, which in turn are more likely to be areas held by the coalition. If this is true, it is still an indication of the failure of policy that delivers money not on the basis of need but, rather, on who is best at filling out applications—a pattern that, as we have seen, had a devastating effect in the government's mismanagement of Indigenous schools funding programs.

These problems have been bypassed by the private school sector, however. For some mysterious reason, their funding is managed through existing block grant authorities. Not only this, but also they do not have the \$150,000 cap on school projects like public schools have—a funding inequity without any explanation. All in all, the Investing in Our Schools program is a mess—either by design, for cynically political self-serving

reasons, or by default, as a poorly designed bit of policy on the run. Either way, the only good thing is that, in the end, new infrastructure does get built in schools. This is the only reason that the Greens have any support for this proposal.

The second failure that this bill seeks to address is the much heralded literacy voucher scheme. This policy was to issue \$700 vouchers to parents whose children had failed to achieve their benchmark in year 3 literacy. The voucher could pay for supplementary literacy support for that child. The support could be delivered by approved providers including private providers. This program was again developed without consultation with the state governments that run our public school system. As a direct result, it has been a complete shambles. Only 12 per cent of eligible children in Victoria and only 18 per cent in Queensland have received any tuition through this scheme. Even in the states where the state school system has been the dominant approved provider of additional tuition, the take-up has been less than 70 per cent. As a result, the scheme has been massively underspent.

This bill seeks to roll those unspent funds into schools based literacy programs. It should be obvious—and it was said at the time—that, had this funding been spent in schools from the outset, 100 per cent of those young people needing extra help would have benefited from the money. This bill basically amounts to an admission by the government that they were wrong about the benefits of vouchers and the scheme should as a result be discontinued.

But that is not the approach that the government is taking. The government sees vouchers as a way to sell their half-baked choice based vision for education. Perhaps government polling is telling them that it sounds popular and those best placed to

benefit from the scheme are those who are most likely to be voting for individualistic ideologues. So vouchers continue to stay on the government's agenda. Indeed, one of the only things that the new Minister for Education, Science and Training has had to say about schools has been an indication that she would like to see the voucher scheme expanded. She was reported in the *Australian* recently as saying:

I am quite supportive of the notion of vouchers across the board ... The notion of vouchers to give parents choice is a notion that appeals to me. There are a whole range of areas where tutorial vouchers could be utilised.

We should be astounded at this continuing infatuation with vouchers in the face of the failure of this trial scheme. However, the interest in vouchers is not an interest in practical solutions to problems of educational quality. Rather, it is an application of an ideology that is flawed.

School vouchers are not a new idea. They have been used in various countries around the world with patchy impact at best. In Chile, school vouchers which could be redeemed at private schools were introduced in the late 1980s. A World Bank report in the late 1990s found that, after 13 years of operation:

There are no improvements in student achievement, contrary to the predictions of the voucher proponents.

Having weighed up the Chilean experience and with the experience of voucher systems directed only at the poorer students in Milwaukee in the United States, the same report concluded:

There is no persuasive evidence that private schools are more effective than public schools and the evidence that they are more cost-effective is mixed.

So, after years of data, there is no strong evidence to prove that vouchers improve educational quality. Vouchers are only a success in

accelerating the privatisation of schooling and providing an opportunity to claim an increase in choice for parents.

But even this idea of increased choice is also flawed. In the United Kingdom, debate has recently raged over the introduction of so-called trust schools, which allow business, religious organisations and other partners to enter into administrative arrangements to manage existing schools or set up new schools. They will take control of their own buildings and land, directly employ their own staff and set and manage their own admissions criteria while remaining state-maintained schools. This is about giving parents choice, according to Mr Blair's government, just like the voucher system. It is supposed to free parents from sending their kids to the local school and it instead offers them a broader menu to choose from.

This kind of choice is an illusion and the logic is flawed. How can everyone choose to send their children to the best schools? It is simply not possible. Schools fill up, parents cannot afford to transport their children the distances that are required and religious and other criteria exclude certain children from access to particular schools. Such models, which are designed to give choice, actually give the schools more choice, not the parents. The schools are empowered to pick the most attractive students. In turn, many local comprehensive schools suffer by having their brightest children or children from a particular section of the community picked off. This means less choice for parents who cannot get their children into alternative schools.

Just like the World Bank report found, parents are discovering that opting out of the public education system does not necessarily deliver better results for their children. Recent research that was commissioned by the New South Wales Teachers Federation has shown that, increasingly, parents are coming

back into the public system after having enrolled their children in one of the burgeoning number of private schools—many of them new schools—on the promise of higher quality and a better learning environment. They have quickly found out that smart uniforms and fancy names do not equate to quality teaching and education excellence.

The Greens continue to worry that it is the view of the government that private schooling is necessarily better schooling and that any scheme that encourages parents to choose private schooling should be encouraged. The evidence is that this is not good for our children's education and, to the extent that it distracts from the need to heavily invest in the growth and quality of public schools of all kinds, it is a dangerously flip-pant policy.

The Greens would like to see the \$1 billion earmarked for the Investing in Our Schools program and the money earmarked for the tutorial voucher scheme be part of an investment strategy that is based on need. Rather than the criteria for funding being based on the ability of parents to fill out applications or the ability to take up voucher offers, the Greens would like to see such funding distributed on the basis of the best assessment of which investments will bring us the best bang for our education buck. That means investing in public schools, investing in Indigenous education, investing in special needs education and investing in early childhood education. In just a few weeks time we will be told by the government that they have more money than ever before for they have a record surplus, record revenue and record forecasts for more. But, if the best that the government can do to invest in all our futures through the education system is this bill, there will be record disappointment and record cynicism at that failure.

The Greens reluctantly support this bill—only because we want the \$7 million to get to those public schools most in need and we support more money being spent in school literacy programs. We have deep reservations about the targeting of the \$300 million that is directed specifically at the private school sector. It is disappointing to see that the government are continuing their blind faith in the continuation of a proven to be failed voucher scheme. The Greens will continue to call for the multibillion dollar investment that is needed to deliver the quality of public education that our young people deserve. Until this becomes a priority for all governments, they will find that the Greens continue to be their harshest critic in this area and the loudest advocates for public schools.

Senator CROSSIN (Northern Territory) (5.32 pm)—The purpose of the Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2006 is to amend the Schools Assistance (Learning Together—Achievement Through Choice and Opportunity Act 2004. This bill provides for funding for government financial assistance to states and territories for government and non-government schools for the 2005-08 triennium. It is an unfortunate choice of name for this bill, if we bear in mind what this government has done in real terms to school education in this country. The Commonwealth has certainly not worked together with the states and territories but has instead harried and bullied them into accepting grossly unfair and undemocratic conditions of funding which enable the Howard government to have an enormous ability to interfere with the running of government schools.

For the first time in history, the Howard government is funding the private education minority more than it is funding the state school majority. It does so, for example, by ignoring the private school income raised

from ever-rising fees and other means of raising funds. It boasts that, in doing so, it is widening choice and offering more choice to parents. That may be the case in wealthy electorates on the eastern seaboard where access to private education and schools exists or where parents can actually afford to pay enormous amounts towards their school fees. But, for the majority of the Northern Territory constituents whom I represent, this bill offers nothing. It offers no extra choice and certainly offers nothing at all if you happen to be an Indigenous parent living in a remote community who relies on CDEP every fortnight.

We have the totally inequitable situation under this government where a rich grammar school in Sydney or Melbourne can have huge playing fields and a gymnasium and still get very generous taxpayer funded moneys, whereas schools in places like Ngukurr or Umbakumba in the Northern Territory struggle along with limited per capita funds and have no playing field or other equipment.

In my travels around the Northern Territory, I had the privilege two weeks ago to spend 4½ days with Barbara McCarthy, member of the Northern Territory Legislative Assembly for the seat of Arnhem. We managed to get to six Indigenous schools in six Indigenous communities in that time. The conditions in those schools have not changed significantly in the last 25 years. The reason for that is that the Northern Territory government is working extremely hard to get Indigenous kids to school, and it is working—there are more kids going to school out bush than I have seen before, particularly in the secondary school program—but the resources that those schools have are diminishing.

It was put to me by a principal of one of those schools that funds provided by gov-

ernments, particularly the federal government, only allow these schools to cope—that is, the schools are funded to cope rather than funded to succeed. When I went to the Ngu-kurr school I found a class of 29 Indigenous kids. They are second language learners of English—so ESL kids technically. There were 29 kids in a grade 5, 6 and 7 composite class with only 25 desks and chairs. That is because the school never anticipated that they were going to have such an enormous number of kids come, certainly for the first eight or nine weeks consistently of this school year.

What we have out there in the bush, which is unrecognised by this government and also by its education department, are strategies by Labor governments working out there through people like Barbara McCarthy, who is out there talking up the benefits of education in her communities, but those schools are now seriously struggling to survive because of the poor funding arrangements handed out through the Northern Territory government to help these schools cope and exist. So much for learning together and choice!

This bill allows the minister to move funds between program years within the quadrennium for all non per-capita programs, such as the Tutorial Voucher Initiative and the Investing in Our Schools program. In addition, it also has other provisions, such as allowing for the payment of maximum general recurrent grants to non-government schools which cater for students with emotional or behavioural problems. There is nothing wrong with that on the face of it. In broad principle, Labor actually supports the bill, but we believe this government has absolutely failed in supporting all schools, having shown a total bias towards private schools in general and, with the Investing in Our Schools program funding in particular, a

bias towards Liberal and Nationals electorates in particular.

The Investing in Our Schools program provides funds of \$1 billion over four years for capital projects. That includes \$700 million for government schools, yet only \$300 million for non-government schools. For government schools, the Howard government could not resist bypassing the state and territory governments and calling for applications directly from local parents associations. That in itself makes things pretty tough for Indigenous people in the remote schools in the Northern Territory where, due to the disastrous changes made by the previous minister for education to the former ASSPA program—that is, the Aboriginal support program that used to encourage and draw Indigenous parents to participate in the schools—Indigenous parents have now voted with their feet and walked away from schools because these committees no longer exist and are not encouraged to exist by the funding actions of this government. Parents have voted with their feet. Parent groups have collapsed throughout remote schools, particularly in the Northern Territory. When you then introduce a funding system such as the Investing in Our Schools program that relies on an Indigenous parent body to either write that funding submission or sign off on it, it makes it even more difficult for those schools to access these funds. In terms of accessing funding from this federal government, it is a policy decision that has given no consideration at all to life and difficulties faced out in remote communities and the impact that changes on one funding program have in getting these Indigenous parents to access another funding program.

Figures provided by the government from the previous minister, when analysed by our shadow minister, showed that, of the total IOSP allocation last year, 66 per cent went to schools in government held electorates while

32 per cent went to ALP held electorates. The average funding to coalition electorates was \$792,000, while that to ALP electorates was only \$549,000.

The Tutorial Voucher Initiative announced in 2004 is another election promise that has been similarly poorly administered. With respect to the funding tutorial assistance for children who failed the benchmark reading test, this program has failed to reach many of those students who were ineligible. I should point out though that, around the states and territories, the voucher system is to be paid directly to parents other than in the Northern Territory. In the Northern Territory, it is going to be funded through the Northern Territory government. The federal government should come to the table and start talking to the Northern Territory government about how this is going to be done. We are almost at week 8 in the Territory and none of this money has filtered through to the Northern Territory government—not one cent of it. An answer to an estimates question on notice revealed that there are 763 eligible students in the Northern Territory. I sincerely question that figure. I would say that is an incredible underestimation of the number of kids out bush who have failed to meet the year 3 benchmark and who would need assistance.

This is where we come to another situation in which this government fails to appreciate and understand the difficulties in trying to get money out to where it is severely needed. We have a government that stands on rhetoric of trying to improve Indigenous outcomes, encourage Indigenous people to lift their game and encourage Indigenous parents to get involved, but it has a funding system that does not enable Indigenous parents to get involved at all, because the funding is now not channelled through a parent committee. Secondly, we now have a situation where the voucher system will be channelled through the Northern Territory gov-

ernment rather than be paid directly to the schools. If there are 30 kids in a place like Ngukurr who would be eligible for that voucher system, why isn't this funding system flexible enough to pay the money directly to the school and let them employ part-time instructors, because there will not be privately employed tutors in a place like Ngukurr or Numbulwar? Pay the money directly to the school. Get around some of the bureaucratic red tape that currently holds back Indigenous kids. Recognise that your policies are failing to achieve any sort of outcomes in terms of Indigenous education out there. They are simply not working.

The figures provided to us in estimates showed that, at best, in New South Wales only 69 per cent of those eligible had taken up the vouchers by the end of the last school year. Of course, in the Northern Territory, we are now nearly 12 months down the track and not one cent of that money has flowed to the Northern Territory government under the voucher initiatives yet. Of course, the Howard government has blamed the states for significant delays and underspending. Again, one of the classic hallmarks of this government is: 'Never take any blame or responsibility; just take control and no responsibility.' However, the real problem again lies with this arrogant government failing to work together with the states and territories. This program was announced on the run, with no consultation and, based on my experience in my last fortnight's travel, with absolutely no understanding or appreciation of how a funding program like this works when you are in the back of nowhere in a remote Indigenous community that has significant barriers and hurdles to overcome.

Rather than working with all the states, this government put out the program to private tender to get private brokers to run it in many places. Some providers ended up being state and territory departments; many were

not. These brokers were to administer the scheme: contract tutors, confirm child eligibility, manage the administration and report on the program. Just how accountable these private brokers will be we may see when the report on the program comes in. But at this stage, because of the enormous amount of bureaucratic red tape, none of the money for the voucher system has yet flowed through to any kid in the Northern Territory.

Figures provided to us in the estimates committee show that the best take-up rates were found where the state departments were the providers. The lowest take-up was found in Queensland, where it was 18 per cent, and Victoria, where it was only 12 per cent—and the same private broker, Progressive Learning, was contracted for both.

So this program has been an administrative disaster. Large numbers of students in dire need are not getting the help for which they are eligible. In particular that means Indigenous kids in remote communities. So, while Labor will support this bill, only because we put the funding needs of the schools and the students first and foremost, we do need to ensure that the consequences of this government's incompetence and unfairness go down firmly on the record.

As a significant number of my constituents are Indigenous, I want to take this chance to again comment on the appalling handling of the changes to Indigenous education I have seen, particularly in the last four to five years. When you get out there in the bush and you actually talk to the teachers and you see a teacher like I saw at Ngukurr last week struggling to occupy and teach 29 children from years 5, 6 and 7 in a composite class, really the policies of this government beggar belief. They totally lack any educational credibility. I have an educational background and I would be struggling to teach 29 children from years 5, 6 and 7 here

in a place like Canberra—or in Darwin or Melbourne or Sydney—let alone these kids who are learners of English as a second language. Someone somewhere in this government has just got to get the message through that this is not working and that the resources are not getting out there, let alone that they are nowhere near adequate.

How any minister could believe that a change that gives funding only after students have failed is appropriate is beyond me. But this is what happened under the previous minister with the in-class Indigenous Tutorial Assistance Scheme. The in-class tuition was made unavailable until and unless an Indigenous student failed the year 3 literacy tests. As a former early childhood teacher myself, I find the logic of this beyond me. It is sheer stupidity—funding on the basis of failure. You have to fail to get help, by which time, of course, it will be too late. How this sort of policy will help to narrow the disadvantage gap between Indigenous and non-Indigenous students I am yet to work out.

Despite a departmental review concluding that ASSPA, the Aboriginal Student Support and Parent Awareness program, was, if not without faults, a very successful way of involving Indigenous parents, the previous minister took it on himself, in his infinite wisdom, to abolish it. This was in total contravention of the views of Indigenous parents. In its place we have not the automatic funding of ASSPA but a competitive scheme requiring hours of submission writing, at the end of which decisions are made elsewhere and no funds are guaranteed anyway.

As a result of this, Indigenous parents are confused and annoyed and feel disenfranchised. Many have voted with their feet and no longer play a part in any school committees. How then do you expect them to be around to sign off on, to consult with the principal about or to apply for any of the

money under the Investing in Our Schools program?

Many formerly funded programs and schools have been cut out of the action. Previously successful sport or cultural programs have been cut. For example, at the Maningrida school this year they have been unable to send a sports team into Darwin, so their kids will miss out on possible Territory selection for a national competition. Furthermore, on a recent trip around schools in Arnhem Land, I found that the Bulman school got nothing last year under these arrangements.

At the Bulman school, there is an Indigenous principal called Annette Miller. She is a teaching principal. That means that for five days of the week she is in front of a classroom, so she does all of the administrative work required to run the school after hours or in her spare time. This government then expects someone like her to get on a computer—that is if there is one functioning, because when I went to Numbulwar the school there had not one functioning computer in any of its classrooms or in the principal's office—after hours and write these submissions. Well, they do not do it. They do not have the time to do it and, to be quite frank with you, it is not a priority for them when they are trying to coordinate a curriculum, send in enrolment or attendance figures or put together testing results. The government is denying this. So it is a very difficult situation out there in the bush for these people.

A reply received from the now minister, while perhaps trying to be helpful, was quite a classic smoke-and-mirrors trick again, as we have come to expect from this government. It told me that this group of schools, such as Bulman and Amanbidji, which is another school in that area, got \$124,000 last year, up by \$26,000 on the previous year.

Good news? Not really. Amanbidji also got nothing under this new scheme. They may not have got huge dollars under ASSPA, but small, remote schools such as those need and value every dollar. A few thousand dollars under the old scheme was much better than nothing under the new scheme. In the case of Bulman and Amanbidji, I ask: where did the \$124,000 go to? I do not know, but I do know that at least two of the small, remote schools in that group got nothing. The small, remote schools have been disadvantaged, both under the Investing in Our Schools program and the new PSPI program. The larger schools, usually in more urban areas, have gained at their expense.

Let me emphasise the situation of many of these small, remote bush schools. Many are one- or two-teacher schools. Many of them in fact have a teaching principal. The principal has to teach during the day and then go and do admin functions after school or at weekends. In the case of Amanbidji, since the school is so small, it is a one-teacher-principal school. Not only does the principal there do all of the above, but the school has no money for cleaners at the weekend, so he and his wife go in and clean the school on the weekend as well.

Another teacher-principal, at Milyakburra on Bickerton Island in the Gulf of Carpentaria, has 25 kids between transition and year 7 to teach all day. She then has to do all the admin work and then, just to top off her day, she also prepares all the food that is sold in the tuckshop each recess and each lunchtime. These are hardworking, highly dedicated and committed education workers. The government long ago ceased to frame education policy on educational grounds. They have become so ideologically blinkered that educational thought does not enter into their heads. We can only hope the new minister brings back a bit of reasoned— (*Time expired*)

Senator KEMP (Victoria—Minister for the Arts and Sport) (5.52 pm)—Normally I like to thank senators for their contributions, but I would have to say that given the quality of the contributions it would be a touch hypocritical of me to do that. Sitting back here listening to the speeches, I thought, ‘Gosh, the Labor Party seems to have learnt nothing—the same old attacks on private schools.’ Of course, a number of the senators who spoke went to private schools so they would know whether those private schools provided an education of value or not. But my view is that a lot of parents value private school education. Increasing numbers seem to want to send their children to private schools, and I would have thought after the Latham experience the Labor Party would have actually learnt something.

Senator Wong—Why don’t you justify how much money you spent in coalition electorates?

Senator KEMP—It is the same old thing. The Labor Party learnt nothing. The truth is, Senator Wong, that you are going to remain on that side of the parliament until you understand that parents want choice. This government is very comfortable with choice. Parents want choice and, until you understand that, the Labor Party is going to fail on education. I listened to Senator Crossin, who spoke earlier. I generally do listen to Senator Crossin, because she is one of those senators who like to get out and about. She is not like most Labor Party senators, who just stay confined to the city areas. Senator Crossin does get out and about—I think that is true. When I listened to Senator Crossin I thought, ‘Well, Labor was in power for 13 years; I wonder what happened to their policies in 13 years with the Indigenous schools.’ And then I thought, ‘Gosh, those government schools that Senator Crossin is talking about must be largely funded by Clare Martin’s Territory government.’ And then I thought, ‘Could

Senator Crossin be attacking Clare Martin and her government?’ And I thought, ‘Gee, that’s a surprise.’ The Labor Party is in power in six states and two territories. These governments have very significant responsibilities in the area of education. Why aren’t they doing anything?

Senator Crossin—If you have any idea how education is funded, you would know that Indigenous education is funded over and above the education budget.

Senator KEMP—No, we listened to you, Senator, and we understand the passion with which you come to this issue. No-one disputes that passion, and no-one disputes the serious problems there are in the area of Indigenous education. What are wanting are the highly politicised ramblings that go on as though the Labor Party had no responsibilities to develop a coherent policy on this. You had a policy at the last election and it went very badly. People thought it was a very ordinary and very poor policy. I do not know: Senator Wong probably was not responsible for that, but I urge you, Senator Wong, to learn what happened in the last election, listen to the people, listen to the public and frame your policies accordingly. Do not frame them because you have been given instructions by teacher unions.

All the time I have been in this parliament, the Labor Party get their policy in the post. It is written by the teacher unions and then they release it, and then the rest of the community throw up their hands in horror. So I have to say I thought the contributions were very ordinary indeed. I am sorry to say that, because as senators know I am a senator who likes to listen and to learn, and I learnt so little from those contributions.

The Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Amendment Bill 2006 was passed in the other place on 1 March 2006

and was introduced by my colleague Senator the Hon. Helen Coonan on 2 March 2006. The measures in this amendment bill address the immediate needs of school communities throughout Australia by providing increased Australian government funding.

If you listened to all those contributions from the other side of the chamber, you would never have guessed that there was increased funding being made available. This bill will enable more funding in 2006 to directly benefit schools and students. So what happened? The Labor Party attacked this bill. It is a very ordinary performance. Let me just make this very obvious point: under this government, schools across Australia has been funded at record levels. The government seeks to improve outcomes from schools—

Senator Wong—Especially those in coalition electorates!

Senator KEMP—and provide a better future for all Australian students through increased financial assistance to schools, particularly to those schools serving the neediest communities. Senator Wong, I am a bit surprised to hear you attacking private schools, because you of course went to a private school.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Kemp, address your comments through the chair, please.

Senator KEMP—I just wanted to record—through you, Mr Acting Deputy President Marshall—that Senator Wong went to a private school. She may have felt that her experience showed that this school was not providing a suitable education. Alternatively, she might have thought, ‘Because of the education provided at this school I have had opportunities and now at a comparatively young age I am a frontbencher in the

alternative government.’ People will draw their conclusions—

Senator Wong—Justify the funding to private schools in coalition electorates. That is what I am talking about.

Senator KEMP—Oh, well, Senator Wong has clarified the issue. She actually is in favour of private schools. That is a good thing, and that is entirely appropriate because it means that we have at least some agreement there. Then of course we had this rather sleazy attack on this bill, and I do not think it becomes some senators—Senator Wong in particular—to stand up here and make allegations about improper use of government funds. So let me just quote from a briefing note I have here on advice from the minister, who completely rejected any claim that there is any bias or rorting of the program, or that funds are being directed to coalition seats: ‘The minister is satisfied that there are robust processes in place for selecting projects and that the sort of bias alleged cannot happen.’ So, from my understanding, the claims are completely unfounded.

Senator Wong interjecting—

Senator Crossin interjecting—

The ACTING DEPUTY PRESIDENT—Order! There are too many interjections in the chamber. I ask that the minister be heard in silence.

Senator KEMP—Thank you very much for the protection you are affording me, Mr Acting Deputy President. As you know, I am one who likes a considered debate and I am somewhat shocked at the abuse which is coming from the other side of the chamber on this important bill. As I said, the minister has indicated that there are robust processes in place for selecting projects and the sort of bias that is alleged cannot happen. Indeed, under this program the government is working hand-in-hand with peak national bodies, parents and primary and secondary school

principals to make sure assessments are done as impartially as possible.

I am distressed that Senator Wong, who kept on yelling out 'Speak about bias in funding'—so I go to a briefing note and I am now tackling that particular issue and answering Senator Wong's question—is walking around the chamber and showing no interest. This is not a good look, Senator Wong, I regret to say. You are meant to engage in these debates.

The ACTING DEPUTY PRESIDENT— Senator Kemp, please address your remarks through the chair.

Senator KEMP—Thank you for your instructions. Of course, I will abide by them totally.

The ACTING DEPUTY PRESIDENT— It would be helpful if you came back to the bill before us.

Senator KEMP—Mr Acting Deputy President Marshall, very rarely do I query your ruling but the debate revolved around some bias in funding and this is exactly the question that I am tackling. I think it is entirely appropriate to address these very unfortunate comments from Senator Wong and others. The point I am making is this: it is the parents and principal representatives who vote on the state based assessment advisory panels which assess applications, and the minister states that neither the department nor the state government adviser has any vote on the project. I hope that lays to rest the accusations which have been made. It is entirely appropriate if senators think—

Senator Crossin interjecting—

Senator Wong interjecting—

Senator KEMP—Mr Acting Deputy President, I seek your protection from this constant abuse from the other side of the chamber.

The ACTING DEPUTY PRESIDENT— Of course you have it.

Senator KEMP—That is most helpful and greatly appreciated. I think that lays to rest these accusations of bias, which are totally and strongly rejected by the minister. I would like to say that there is a range of other issues from the speeches in the second reading debate that should be addressed, but there are not—that is the truth; they were very ordinary speeches. There was a bit of discussion on the tuition voucher and I thought that may be worth some comments. I make the point that this is one of a range of measures introduced by the Australian government to ensure that all students achieve a satisfactory level of literacy and numeracy. I would have thought that that would have been widely welcomed.

My summing up on this matter simply is this: I urge the Labor Party to go back to basics, to not accept registered letters from teacher unions posting their policies out to them, to listen very carefully to parents, to embrace concepts of choice, to welcome the increased funding which this government is putting towards schools and to work with the government in the very important area of Indigenous schools and education. I commend the minister. I am delighted to have had this opportunity to complete the second reading debate on this bill. I congratulate the minister and indeed the government on putting forward these measures. Naturally, we will not be accepting the second reading amendment.

The ACTING DEPUTY PRESIDENT— The question is that the second reading amendment moved by Senator Wong be agreed to.

Question negatived.

Original question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator WONG (South Australia) (6.05 pm)—I understand that the two Democrat amendments on sheets 4884 and 4883 are not going to be moved. The only amendment is the opposition amendment on sheet 4887. I move:

- (1) Schedule 1, page 6 (after line 19), after item 20, insert:

20A At the end of section 120

Add:

- (7) The Minister may make a determination authorising payment for the purposes of this section to one of the following:
- (a) an approved authority mentioned in section 9; or
 - (b) a nominated authority mentioned in section 10; or
 - (c) an approved government school community organisation mentioned in section 11; or
 - (d) any other person or body that has met national standards for educational quality and financial and management probity.
- (8) The regulations will specify the content of the national standards described in subsection (7)(d) following consultation with state authorities for government and non-government schools, national and state professional teaching associations and accreditation authorities and national parents' associations.

This amendment is the same amendment that was moved by the opposition in the House and it demonstrates our clear intent to strengthen the probity controls in place in relation to schools assistance funding. If agreed to by the Senate, this amendment will protect the quality and integrity of projects supported under section 120 of the principal act. Although the amendment within this context is concerned with the need to im-

prove the operations of the government's ill-considered tutorial voucher initiative, it has the benefit of applying to all projects funded under the grants for national projects element of the broader Commonwealth programs for literacy, numeracy and special learning needs.

In the second reading debate I outlined the need for reform in the way this kind of program is administered. There is too much scope under current legislation and administrative guidelines for funding to be wasted. The appointment of the mysterious progressive learning company as a tutorial voucher broker is a sad and, for the government, embarrassing case in point. This broker clearly had no understanding of the way schools and school systems work; it clearly has failed to deliver. Only 12 per cent of eligible students in Victoria have received the help they need to improve their reading literacy. I do not believe Senator Kemp addressed that particular fact in his summing up, despite the fact that we debated it—certainly I questioned it as opposition representative in the Senate—at some length.

It is not good enough for the minister to fall back on this standard government mantra: 'When things go wrong, blame the states.' Look at the difference in the take-up of the scheme in those states where school authorities were brokers. In those states they were able to use their knowledge of schools and students' needs and the relevant education systems to deliver much higher participation rates—no word from the minister on these successes.

The amendment would give some protection to the future operation of the Tutorial Voucher Initiative and other related programs funded through column 6 of the table in part 1 of schedule 9 in the principal act: grants for national projects. This element will more than double to over \$19 million in 2006, aris-

ing from the moving of unspent moneys in 2004 and 2005. This funding needs protection and it needs to be spent wisely and strategically. Some of the unspent funding should be given to schools and systems, for them to spend directly on schools, students and teachers.

Those students who have already missed out should have priority in the use of these funds. They cannot wait for yet another round of calling for applications, tendering for brokers, searching for tutors and checking their qualifications, experience, child protection records and the like. We must guarantee that the professionals working with schools, teachers and, most importantly, children and their parents have the appropriate skills. We must protect the integrity and probity of the individuals and agencies that have been funded for the allocation of public moneys to deliver this literacy support. My suggestion to the chamber is that the opposition's amendment will provide this kind of protection.

We acknowledge that existing authorities, such as school and community bodies, mentioned in sections 9, 10 and 11 of the principal act, already meet conditions for the receipt and delivery of Commonwealth funds for schools. This includes the large amounts provided through per capita general recurrent grants, as well as for capital works and targeted programs. But other persons and bodies should also meet quality and probity criteria. The amendment moved by the opposition prescribes that anyone other than an already approved authority will need to satisfy national standards for these criteria. This means that persons or organisations brokering literacy tutors should meet the same standards for financial integrity as other recipients of Commonwealth grants—something that would seem to be logical and appropriate. Most importantly, the brokers must be responsible for the quality of tutors

they contract for literacy support. Those tutors must satisfy the professional teaching standards that are required of all teachers. The principles set out in the National Framework for Professional Standards for Teaching, as endorsed by all ministers including the Commonwealth minister, would be a useful starting point.

The best way to develop such national standards is to ask those in the states and territories, in the schools, in the classrooms and in the teacher accreditation authorities to give advice on what will work. This kind of amendment is in the spirit of goodwill and collaboration, where all are working for students and for parents. When the standards are ready, the parliament can have the opportunity to consider these various issues through regulations. This gives the government the flexibility it needs to deliver the program in a timely way, while protecting parliament's right to approve or change it. I commend the amendment to the Senate and urge support for the strengthened probity and integrity controls this amendment would deliver in schools funding.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural Affairs) (6.10 pm)—As Senator Wong noted, this is the same amendment that was proposed in the other place and, as the minister pointed out in the other place, the proposed amendment is a demonstration of a lack of understanding of how funding is delivered under the Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004. The outcome the opposition is trying to achieve is already possible under the act. The arrangements currently in the schools assistance act outline the processes for entering into arrangements with non-government schools and non-school organisations to deliver much needed educational services and support to Australian schools and students. The arrangements

are robust and include the need for these organisations to enter into agreements with the Australian government that outline financial and educational accountability requirements. The opposition has again failed to make a sufficient case for these amendments; therefore, the government will not support them.

From a more technical point of view, I am advised that the overriding flaw in this is because it refers the payments to non-government bodies; however, the act makes payments to the states for non-government bodies. Notwithstanding that point, the proposal to add subclauses (7)(a) to (d) does not add anything new, because (7)(a), (b) and (d) are already possible under the act and (7)(c) refers to government school community organisations, and these are not non-government bodies under the act. Consequently, the government will not be supporting the amendment.

Senator WONG (South Australia) (6.12 pm)—I want to make a couple of points. It is no surprise that the minister is articulating this position, as clearly the minister in the other place has indicated the same view. The system that the minister describes as ‘quite robust’—that is, the existing system—and is defending against an amendment such as this is one that has delivered in Victoria a situation where only 12 per cent of eligible students have in fact received the relevant assistance. That is what this government is describing as ‘quite robust’. One in eight eligible students—12 per cent—in the state of Victoria is actually receiving the assistance to which they are supposedly entitled under this program.

My suggestion to the chamber and to the government is that 12 per cent is really not what most would regard as a reasonable outcome. It is certainly not an outcome that would be regarded as ‘robust’—to use the term of this minister and the minister in the

other place. We on this side of the chamber believe that inserting better probity mechanisms and safeguards into this legislation is appropriate. We do not think having one in eight Victorian students who are eligible for this assistance receiving it is particularly strong praise for the way the program is currently being delivered.

Question put:

That the amendment (**Senator Wong’s**) be agreed to.

The committee divided. [6.18 pm]

(The Chairman—**Senator JJ Hogg**)

| | |
|---------------|-----------|
| Ayes..... | 32 |
| Noes..... | <u>35</u> |
| Majority..... | 3 |

AYES

| | |
|-------------------|------------------|
| Allison, L.F. | Bartlett, A.J.J. |
| Bishop, T.M. | Brown, B.J. |
| Brown, C.L. | Campbell, G. |
| Crossin, P.M. | Evans, C.V. |
| 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. |
| O’Brien, K.W.K. | Polley, H. |
| Sherry, N.J. | Siewert, R. |
| Stephens, U. | Sterle, G. |
| Stott Despoja, N. | Webber, R. |
| Wong, P. | Wortley, D. |

NOES

| | |
|-----------------|-----------------------|
| Adams, J. | Barnett, G. |
| Boswell, R.L.D. | Brandis, G.H. |
| Calvert, P.H. | Chapman, H.G.P. |
| Colbeck, R. | Coonan, H.L. |
| Eggleston, A. | Ellison, C.M. |
| Ferguson, A.B. | Ferris, J.M. |
| Fielding, S. | Fierravanti-Wells, C. |
| Fifield, M.P. | Heffernan, W. |
| Humphries, G. | Johnston, D. |
| Kemp, C.R. | Lightfoot, P.R. |
| Macdonald, I. | Macdonald, J.A.L. |
| Mason, B.J. | McGauran, J.J.J. |

| | |
|------------------|----------------|
| Nash, F. | Parry, S. |
| Patterson, K.C. | Payne, M.A. |
| Ronaldson, M. | Santoro, S. |
| Scullion, N.G. * | Troeth, J.M. |
| Trood, R. | Vanstone, A.E. |
| Watson, J.O.W. | |

PAIRS

| | |
|----------------|----------------|
| Carr, K.J. | Campbell, I.G. |
| Conroy, S.M. | Joyce, B. |
| Faulkner, J.P. | Abetz, E. |
| Ray, R.F. | Minchin, N.H. |

* denotes teller

Question negatived.

Bill reported without amendment; report adopted.

Third Reading**Senator VANSTONE** (South Australia—Minister for Immigration and Multicultural Affairs) (6.22 pm)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

FAMILY LAW AMENDMENT (SHARED PARENTAL RESPONSIBILITY) BILL 2006**Second Reading**

Debate resumed.

Senator LUDWIG (Queensland) (6.23 pm)—I rise to speak on the Family Law Amendment (Shared Parental Responsibility) Bill 2006. Labor welcomes the introduction of this bill into the parliament and supports the overwhelming majority of the provisions in it. Family law is not and should not be a political battle between the Liberal and Labor parties, or the minor parties, for that matter, or a tug of war between mums and dads. Family law is about providing for and protecting children. It is children's interests that we are tasked to take care of when debating this bill. We must not forget that the children are the very reason—really, the sole reason—for the parliament's role in intervening

at all in this tricky area of family relationships. It is easy to see how the media and certain lobby groups are attracted to sensational battle-of-the-sexes rhetoric, but it is a trap politicians should avoid.

Family law is about something much more important than mothers' or fathers' rights; it is about children. Given this, we should be more concerned about parents' responsibilities than parents' rights because this is what will benefit the children. In the other place my colleague the member for Gellibrand stated Labor's position on family law in detail. We support this bill for reasons I will explain. However, we do have serious concerns about the effect of some of the changes, especially their effect on those cases involving family violence. Accordingly, I will be moving amendments when we come to the committee stage, which may be as early as tomorrow. These will address our four most important concerns about the bill: the new definition of violence, the cooling-off period for parenting plans, costs for false allegations and the use of the word 'equal' rather than 'joint' to describe shared parenting responsibility.

Those who have followed this debate closely will note that these are only some of the amendments that Labor moved in the House. This is not because Labor is no longer committed to all those amendments; we are—and if the government were to have a change of heart, we would gladly bring them back here—but it is clear that the government has arrogantly refused to give many of those commonsense amendments the consideration they deserve. At this point, therefore, we want to focus attention on these four critical issues, issues that go to the heart of making the family law system fair, accessible and able to meet the needs of those children and parents who have suffered the tragedy of family violence.

Let me explain why Labor supports this bill. We support the measures that encourage shared parenting. It is a positive development that more parents, mums and dads, realise the value of staying in active contact with their children after separation. In particular the last decade has seen a great change in the number of fathers wanting to play a significant role in the care of their children. It is appropriate that the law recognises that patterns of parenting are in fact changing. We also support the measures that aim to simplify court processes involving children and make them less adversarial. This picks up on the ideas that are being trialled in the Sydney and Parramatta registries of the Family Court. We note that the final assessment of that trial has not yet been completed. We do hope that the government will commit to reviewing these changes, if necessary, in the light of that report when it comes down.

Labor supports changes that will promote family dispute resolution outside the courtroom. It has the potential to save a lot of time, money and frustration. This bill is part of a package which includes a significant new government contribution to the funding of family relationship services. This includes \$200 million towards increased funding of services under the existing family relationship services program. Labor does enthusiastically welcome this new money. Indeed, we have been arguing for some time that these services have been sorely neglected by the Howard government. We also welcome the plan to establish a network of 65 family relationship centres. Well managed and properly resourced, this network could provide an invaluable addition to the family law system: a shopfront and entry point for advice, referral, counselling and mediation services. But being well managed is the key, and we will be closely watching these services to make sure they are—an issue I will return to shortly.

It is clear that many of these good ideas in this bill are very much supported by Labor. This is no surprise, because many of them came out of the bipartisan work of the House of Representatives Standing Committee on Family and Community Affairs, which produced the important *Every picture tells a story* report. Labor is proud of the contribution that our colleagues made in that report. Further, a number of aspects of this bill we are debating today come from a later review conducted by the House of Representatives Standing Committee on Legal and Constitutional Affairs, which scrutinised an earlier exposure draft of this bill. I will also come to that later in a number of recommendations made by the committee. Finally, the bill has been considered, albeit hurriedly, by the Senate Legal and Constitutional Affairs Legislation Committee. That committee has also made some sensible suggestions.

At this point it should be noted that this bill includes two important provisions that originated from the member for Gellibrand in the dissenting report from the House's legal and constitutional committee review of the exposure draft. These provisions will temper the rights focus of the earlier draft bill with two new, important responsibilities for parents. Section 60CC, which outlines the best interests of the child test, will now require the court to consider the extent to which each parent has taken up opportunities to spend time and communicate with the child, be involved in major life decisions and pay maintenance. Section 70NCA will allow costs to be awarded against parents who make repeated nuisance claims that the other parent has breached parenting orders. Yes, they have the right to complain, but now they also have a responsibility not to abuse that right.

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

Senator LUDWIG—Those sections I mentioned before the break are tremendously important new provisions which we believe should help make sure the balance of the Family Law Act is right. Our concern was that if we focus too much on rights we risk turning a blind eye to irresponsibility. The law cannot promote rights without responsibilities. When you do so you run the risk that people will abuse their rights. While the vast majority of non-resident parents, as with the majority of resident parents, take their responsibilities seriously, the exposure draft would have rewarded those who do not. In the process it would have created huge problems in those situations where a non-resident parent is more concerned with controlling their ex-partner's life than actually maintaining a meaningful involvement in their children's lives. So these changes are important and are welcome.

I now turn to some of the concerns Labor have with this bill. Labor's most significant concern is to make sure this package protects people from family violence. We believe there are parts of this bill that could be better worded to afford greater protection, and I will be moving amendments accordingly during the committee stage. Labor believe that the issue of family violence has to be taken seriously; it cannot be brushed aside just because it is too difficult. The first area for improvement of the bill involves recognising the way violence affects mediation and parenting plans. While resolutions of disputes outside court are to be encouraged, we must be sure that these resolutions are genuinely made in the best interests of children, which means they must be absolutely free of bullying, coercion and/or intimidation. If we are to make mediation compulsory and give new force to parenting plans agreed to without any professional or legal advice, we need new precautions to make sure violence and fear are not influencing

agreements. Some of the Labor amendments go directly to these issues—for example, a cooling off period for parenting plans.

But one change proposed by the government could in fact make matters worse, and that is the change to the definition of family violence. Only last month the government announced an Australian Institute of Family Studies research project into family violence and family law, but before it gets results from this inquiry it wants to change the definition of violence, with next to no reasoning or basis for it. The bill before us would move from a subjective to an objective test of family violence—that is, it would now require a person to show that they had a 'reasonable' apprehension of violence.

This is an unsatisfactory approach. First, there is an implication that some forms of violence or threatening behaviour are acceptable as long as a 'reasonable' person would not feel afraid. This gets courts into the very tricky business of deciding what conduct would scare a 'reasonable' person. We should not put courts in this position. Parliament should be very clear that there is no such thing as acceptable violence. Second, this definition does not provide scope to consider the particular circumstances of the victim—for example, a person who has previously been exposed to violence may be more sensitive and fearful in circumstances where another person might not be. Third, an objective definition is not helpful where we are dealing with who should or should not attend mediation. When it comes to mediation, it does not matter whether or not one party is 'reasonably' fearful of the other. Even an unreasonable fear will affect the power balance between the parties. It is simply not fair for us to force people into mediation in those circumstances. At the very least, a subjective definition should apply for the purposes of the exception to compulsory mediation.

This bill does effectively introduce a new system of compulsory mediation, with some limited exceptions. Labor are happy to support this shift, as it could help that category of cases where a separating couple has not been able to reach agreement on their own but are not so entrenched in their attitudes and disagreements as to require final orders from a court. Indeed, we can recognise that court proceedings, because of their adversarial nature, can in themselves make reaching agreement even more difficult. In these cases, compulsory mediation before litigation could act as a useful circuit-breaker before a dispute escalates. However, compulsory mediation could carry serious consequences if it is not implemented in the right way.

In our view, compulsory mediation will require the following conditions. First, it must be accessible. We welcome the government's promise of three hours of free funding in every case, but we want this in the legislation as a precondition for compulsory mediation. If the government changes its mind, if this becomes another of Mr John Howard's 'non-core' promises, we cannot require people to attend mediation at their own expense. The second condition is that staff must be well trained. We all agree that cases involving family violence or entrenched conflict are not suitable for mediation and should be dealt with in the formal court setting. In practice, in order to get this right we need to be confident that the FRC staff can recognise the signs of violence and entrenched conflict and understand how to make appropriate referrals. If mediators do not do this, and try to force mediation in inappropriate circumstances, we may have some disastrous, even tragic, outcomes on our hands. Similarly, acknowledging the complex emotional context of family separation, FRC staff need to be adequately trained

in dealing with violent situations when they arise in the course of mediation.

Next, the government must assure quality of services. Training staff is not enough—the government must also ensure that the quality of mediation services is to a consistently high standard. I have to say I am alarmed that the government's operational framework document contains key performance indicators which seem to prioritise the quantity of parenting agreements reached rather than the quality of services provided. We need to make sure that the incentives for centres are right: too much focus on quantity could actually encourage staff to push people into agreements that are not sensible—or, in fact, appropriate—because they are rewarded on their churn rate. We are talking about dealing with complex family relationships here, not sausage factories, and Labor will be watching this aspect of this implementation very closely. It is a matter that the Department of Immigration and Multicultural Affairs learned at their cost—that, in fact, quantity should not put aside quality outcomes.

Centres must not pursue ideological or religious agendas. These centres will be funded by government to provide services, not to promote their own agendas. We know that there are many views in the community on issues like relationships, divorce, parenting and so on. These are complex issues and our society benefits from hearing many points of view. But government funded relationship services should not be used as vehicles for this sort of advocacy or social engineering. The Attorney-General has to take personal responsibility to make sure that this, in fact, does not happen. And of course, lastly, centres must not discriminate. If centres are to be accessible to all people, the government must ensure that they do not discriminate on the grounds of gender, ethnicity, religion, disability or socioeconomic disadvantage.

At the end of the day, the implementation is the personal responsibility of the Attorney-General and his colleagues. On passage of this bill the opposition will continue—as it has done in other areas—to closely watch the FRC roll-out, and we expect the Attorney-General to be completely transparent about the process. We will make sure that he is held personally responsible for any failures.

As I have indicated, although we do have some significant amendments that will improve the bill, Labor supports the key principles involved in this package of family law reforms. There is bipartisan agreement on the important issues: encouraging shared parenting responsibility, encouraging non-litigious resolution of disputes, allowing more flexible and less formal court procedures and others. The amendments we propose will simply strengthen the family law system's capacity to deal effectively with those cases where family violence is an issue. They do not undermine any of the fundamentals of the plan—indeed, most of them simply revert to the Attorney-General's original plan in the exposure draft he produced. This is an important bill and Labor believes it will improve our family law system. Labor's amendments will simply make it better and I urge senators to support our amendments and the bill itself.

Senator SIEWERT (Western Australia) (7.40 pm)—Today I would like to address some specific concerns with the particulars of the Family Law Amendment (Shared Parental Responsibility) Bill 2006 as highlighted in the Greens' and Democrats' minority report to the committee's findings on this issue. But I would also like to reflect on the wider debate on how parenting responsibilities are shared within Australian families—those who stay together, those who go through tough times and those who separate. Beyond the specific issues I have with the changes to family law and the changes to

support services for families in crisis that we are considering, I have some wider concerns about how this debate is being conducted and the particular subset of issues that the government has chosen to focus on in this legislation.

I strongly support the direction of social change within Australia that has seen fathers playing, and seeking to play, a much more active and substantial role in the parenting of children than in decades gone by. I believe that we should do more to encourage and support genuine sharing of parenting roles and responsibilities within our society. I think that this social change reflects changing attitudes and expectations within our society, and we are seeing increasing numbers of young Australian men and women who are moving away from the traditional notion of the distant, authoritarian father towards notions of active and nurturing coparenting.

I believe that the government has an important role to play in supporting these developments—in supporting community education about positive parenting, in providing resources to help parents develop their parenting skills and in providing support services to help families in trouble find positive means of resolving their disputes. I also support government's role in reforming family law to ensure that there is justice and fairness for all. To this end, I support improving family law in Australia.

At this point I think that I should point out that I am a coparent. I coparent my son through an equal, shared parenting arrangement and I have personal experience in the Family Court. I also have an ongoing commitment to the care of other children who have experienced significant trauma in their lives and lost their mother to domestic violence. I know the personal anguish and heartbreak that is associated with family break-up. I know first-hand what it is like to

go through mediation, and I have some understanding and insight into what kids go through, and how difficult it is to deal with the life consequences of abuse.

I believe that when relationships break down and families separate, in the majority of cases, the best outcome for the family is one of shared parenting responsibility and as equal a sharing of parenting time as is possible and practical given family circumstances. However, I am concerned about those situations where there is a history of family violence or abuse, or other unforeseen complicating circumstances. Under these circumstances I believe that the safety and wellbeing of the child must be paramount and that a presumption of shared parenting time is not necessarily the best starting point.

Unfortunately, it is a fact of life that domestic violence and family violence are still present in our society. I believe that the government and community, men and women, have done a lot to foster exposure of this domestic violence and to progress its debate within our society. I am deeply concerned that some aspects of this legislation—and the debate that is going around it—have in fact regressed that understanding, and they need to deal with domestic violence in an open manner.

I would like to quote from the National Council of Single Mothers and Their Children in a submission they made to the hearings on this bill:

There is significant research to show that domestic violence and child abuse are very real issues for many women and children, and that separation from an abusive partner can be the most dangerous time for women and children. The proposed reforms not only do not address how the family law system will be improved to protect women and children from ongoing violence and abuse following separation, but in fact create further barriers to women and children achieving safety. The proposed changes take a punitive approach

towards women in their attempts to escape domestic violence and child abuse.

I am particularly concerned about the debate around the issues of shared parenting responsibility and the changes proposed by the government to family law. I am concerned they have focused very narrowly on dysfunctional, post separation families and totally ignored the wider issues of how we encourage and support intact families to help them more effectively deal with relationship problems and separated families who are seeking constructive solutions to shared parenting. Measures to improve shared parenting in intact families could help reduce the stress and conflict that lead to family breakdown. The government could make a real difference to the pressures and stresses on modern families that contribute to failing relationships by making some positive changes to help families: by increasing the accessibility and affordability of child care, by changing the work environment to make it more family friendly and by improving access to education and support services for family and relationship skills.

Unfortunately, we have seen a whole wave of legislation in industrial relations and social services, such as Welfare to Work, a combination of which I believe makes it harder for Australian families to balance work and family commitments. There were also changes to tax law that make it economically more difficult to have shared parenting responsibilities, providing tax incentives that only apply if one parent leaves work and do not apply if both parents try to work part time. We have seen changes to industrial relations that make it harder for parents to set aside family time, creating a more flexible workforce where employers can unilaterally set work hours rather than encouraging more flexible workplaces. We have seen changes to Welfare to Work that effectively force many single mothers back

into the workforce at a minimum wage without what we consider to be adequate provisions to ensure the care and wellbeing of their children. Those changes put more pressure on parents and make it more difficult for them to share their parenting responsibilities. They will arguably create more work for the courts and relationships counsellors, not less. Some may argue that I am trying to make yet another political point. I am not; I am merely pointing out that these are the issues that families are dealing with every day of their lives.

The initial idea behind increasing the focus on mediation and alternative dispute resolution was a very good one. There was a real possibility for the new family relationship centres to be an effective preventative strategy to reduce the amount of family break-up. Unfortunately, with the focus of this legislation on compulsory mediation, which I will touch on shortly, as a pre-court requirement for families that are already effectively separated, it seems that this opportunity will be lost. The family relationship centres will be swamped with difficult and intractable cases in which there is little way to go forward. It is quite likely that that will make them less pleasant and scarier places for those genuinely seeking relationship support services. It is likely to be increasingly hard to find an appointment slot for voluntary counselling or mediation when there are so many others who are required to attend.

It is also unfortunate that there has been what I believe to be skewed references to the outcomes of the Family Court. We need to bear in mind that it is the extremely difficult cases that end up in the Family Court, so it is hardly surprising that the so-called requirement pressed by some sectors of our community for always having a fifty-fifty outcome is unlikely to be reached, when these cases are the most difficult and heart-rending cases that have to be dealt with in family

law. I believe that the principle by which we need to look at family law is the best interests of the child. This must remain our No. 1 priority. The system must ensure the safety of children and women from abuse and violence. We must focus on the rights of the child and the responsibility of the parents. Prevention and support is better than mediation, which is, of course, better than court. Shared parenting is a two-way street.

I will now deal with some of the aspects of the bill that we have particular concerns with. We are concerned, although there has been a move to equal shared responsibility from a presumption of equal time, that this still creates a situation in which the rights of the parents to equal time or substantial and significant time are put ahead of the child's best interests. As the Women's Legal Services Australia points out, this leads to a:

... pro-contact culture that promotes the right to contact over safety—

which—

... undermines the child's best interests in that it fails to properly prioritise the adverse effects on children of being exposed to abuse.

Provisions which require consideration of specific types of parenting arrangements, whether they call for equal or substantially shared time, necessarily direct attention away from a free and open consideration of what arrangements may be in the best interests of the child in any specific case. That is why the Greens believe that a presumption of equal shared responsibility should not be introduced and that each case should be considered on its own merits. We prefer the use of the phrase 'joint shared responsibility'. We are concerned that the two-tiered approach of having primary and additional considerations when determining the best interests of the child does not consider the best interests of the child. The Greens support the retention of the current structure of

the act. We are concerned that the child's views will be relegated to the list of additional considerations, effectively putting the parent's desire for access ahead of the child's need for security.

When there is a history of family violence or abuse, the two primary considerations in this section of the legislation, those of the child having a meaningful relationship with both parents and of protecting the child from harm, effectively cancel each other out, as it is impossible to maintain a meaningful relationship with an abusive parent and still protect the child from harm. I believe that the term 'meaningful relationship' needs to be clearly defined in the legislation to make it clear what a meaningful relationship is—that is, one where a child has not been exposed to or put at risk of violence, abuse or neglect. Without this being done, a parent can be put into an untenable situation of being required to facilitate an unsafe relationship.

This is of particular concern because the changes proposed to the definition of 'family violence' and the costs of false allegations create a situation in which the level of unreported family violence is likely to increase substantially. On the issue of the definition of 'family violence' and the costs of false allegations, significant concerns have been raised in committee hearings about the proposed changes to the definition of 'family violence'. The Family Issues Committee of the Law Society of New South Wales submitted:

Family violence is complex. In all but the simple cases family violence is not just an action, it is a course of actions. It is not just an event, it is a progression of events. Family violence often follows a complex cycle. Therefore, to treat family violence in a mono-dimensional manner in legislation is to treat family violence in an extremely simplistic manner, which is potentially dangerous and disempowering to victims and survivors of violence.

The Australian Greens are concerned that the introduction of the objective test as proposed will discourage victims from seeking the protection of the court where they lack the confidence that they have sufficient documentary or third party evidence to be able to substantiate their claim. This is raising the bar on the issue of family violence significantly in the absence of any evidence that there is a need to do so.

We support the chair's recommendation that the government use the results of research by the Australian Institute of Family Studies into family violence, but we contend that the definition should remain the same as in the current act until the results of that research are known. Where the changes to the definition of 'family violence' are taken together with the provisions relating to costs orders for false allegations, it seems likely that this will create a situation in which there will be a significant increase in the amount of unreported family violence.

I would like to point out here that, in a paper by Michael Flood from the Australia Institute, there is a significant amount of evidence that in fact debunks the notion that mothers in particular—because the allegation is made mainly against mothers—make false allegations. There is an impressive array of research that finds that in fact that is not the case. Mothers do not use allegations of violence to prevent fathers from having access to their children, nor is there any evidence to suggest that, even if they did, that has any outcome on Family Court proceedings. I therefore support recommendation 7 of the committee's report which is that the clause dealing with allegations of family violence and the costs associated with false allegations should be removed. As the National Council of Single Mothers and Their Children told the inquiry:

I want to particularly address the notion that raising allegations of violence and abuse gives you a

tactical advantage in court processes. The reality is quite contrary to that; it is a disadvantage. Every day we hear women and grandparents being told by their lawyer not to raise domestic violence or child abuse issues because they will be seen as hostile and will risk losing residency.

I will move on to the issue of compulsory mediation. I do not want anybody to be under any illusions that we do not support mediation. We do support it. But we are extremely concerned about the use of compulsory mediation where there are cases of domestic violence. I would like to read a few quotes from women who have been involved in mediation. This is from a paper called 'Family Violence and Family Mediation' by Relationships Australia in Victoria. It says:

Violence and abuse does impact on women's capacity to mediate. As one woman said, 'The violence was like a shadow in the room so I could never talk about my wishes.' Many went ahead with mediation to try and find resolution with a man of whom they were fearful rather than out of a desire to mediate for their own outcomes. Here are a few quotes:

'I wasn't emotionally strong enough.'

All women found the process of mediation extremely difficult. They felt unprepared for just how hard it was to mediate with their ex-partners.

'Neutrality is like saying your story doesn't exist.'

'If I tried to talk about the violence she [the mediator] put up her hand to stop me and moved on to the next question.'

I use that quote to highlight the fact that mediation is extremely difficult for those participating in mediation in circumstances of family violence. We support initiatives to encourage families to undertake alternative dispute mediation instead of going to court. We support moves to provide greater resources to family relationship centres. We support initiatives that will improve the accreditation of centres, mediators and counsellors who deliver these services. However, we are concerned about the capacity of the

sector to deal with the massive increase in demand brought about by this move to compulsory mediation.

We are also extremely concerned about the lack of skills and resources in this sector to deal with these particularly hard situations of family violence. When questioned during the committee hearing, the experts freely admitted that you need specialised training and that, at the present time, there were not enough people with this specific type of training. In the Greens and Democrats dissenting report, we highlight a list of issues that we believe need to be urgently resolved and addressed in the area of accreditation and training in family dispute resolution services. These tackle the issues of forward programming—how we are going to find sufficient people with expertise and how we are going to train those people. We need to have separate entrance rooms, for example, in situations of domestic violence. There are a range of issues that need to be dealt with if mediation is truly going to work in these difficult and complex situations.

I would also like to mention quickly the urgent need to address counselling and mediation services in rural and remote areas. It is totally unacceptable to be mediating in these difficult situations in teleconferences and over the phone. This situation will fail rural and regional services.

In conclusion, I would like to make the point that we support progress in family law in this country. We are deeply concerned about some of the proposals contained in this legislation. We made a series of recommendations on how to deal with them and I will be putting a series of amendments in committee of the whole to try to address what we believe are serious concerns with this legislation.

Senator FIELDING (Victoria—Leader of the Family First Party) (8.00 pm)—Family

First recognises and honours the unique and irreplaceable role of mothers and fathers. Parents have the most important and the toughest job of all—raising children. They have the primary responsibility for nurturing, raising and educating their children, who are our nation's future. As a society, we should do everything we can to support parents in this vital role. Family First salutes them.

Turning to the Family Law Amendment (Shared Parental Responsibility) Bill 2006, Family First's top priority is the welfare of children. It is a sad and unfortunate fact of life that many relationships end. It is crucial that we find the best way of dealing with these situations to minimise the damage, particularly to children, but also to parents. When I first looked at this legislation I went over the statistics on divorce in Australia. In 2004 there were almost 53,000 divorces granted in Australia—and of course there are thousands of de facto relationships that also end. Looking at those 53,000 divorces as couples, that represents 100,000 people in relationship breakdowns, in the formal sense, for that year. Almost half of the divorces in 2004 involved children under 18 years of age. Of those, about one quarter involved children under five, and more than a third involved children between five and nine.

The Family Court is not a good place for Australian children. In almost 98 per cent of cases, a child will effectively lose one of their parents after a Family Court decision—creating a stolen generation of children. Only 2½ per cent of Family Court orders allow children to have equal time with both parents after a relationship breakdown. That does not make sense and it is not in line with what people would expect. Many would be surprised, as I was, to find out that it was only 2½ per cent.

Family First believes the first question we must always ask is: what is in the best inter-

ests of the child? Shared parenting is the best outcome for children, because children can continue to have a real father and a real mother. The current system is clearly not working, and this is having a damaging effect on children. Family First believes a new system is needed—and, to its credit, the government has realised that there is a problem and has introduced this bill. However, it needs to go further, which is why Family First is introducing amendments to ensure shared parenting is the norm.

The way children see it, in a household, they have equal access to their parents. When a relationship ends, the way to maintain equal access for children is shared parenting. If a parent has not done anything wrong, why should the child be penalised by effectively losing one of their parents? For this to work, the parent has to want to exercise their responsibility and be with their child. It is not our purpose to force parents to exercise shared parenting, but Family First would hope that all parents would want to. Just because a relationship ends does not mean the job of being a parent ends.

The value of relationships with extended family, such as grandparents, should never be underestimated. They are so important to children's development, providing a greater sense of purpose, belonging and inheritance. Participation in extended family life improves children's chances of building resiliency.

In summary, Family First strongly supports the introduction of a rebuttable presumption of equal parenting time for children after a relationship breakdown. Equal parenting time must be the starting point when considering arrangements after parents have separated—and I emphasise 'the starting point'. It could be rebutted in a number of ways. One parent may argue to the court that equal parenting would not be in the in-

terests of their child in their particular circumstances, perhaps due to work or travel commitments. The court may determine it could not be ordered because residing with one parent could pose a threat to the physical, psychological or emotional wellbeing of the child.

We all know that sole custody arrangements have caused much distress to children and their non-custodial parents—in most cases, fathers. Because of the way the Family Court follows precedents in determining residency orders, most parties have strong incentives to pursue sole residency orders, and too often the father loses out. Family First amendments are central to the hopes of many people in the community, particularly children, parents and extended families, who have been damaged by the entrenched views of the Family Court against equal parenting. Family First strongly supports their cause and will continue to champion it. Shared parenting is the best outcome for our children—and surely that is argument enough for Family First's amendments.

Senator KIRK (South Australia) (8.06 pm)—I rise this evening to speak on the Family Law Amendment (Shared Parental Responsibility) Bill 2006. Labor support the majority of the provisions in this bill. We believe that the bill will go some way towards smoothing the rough edges in family law and will ease the process for many people who are going through separation and divorce. We commend the government for taking up some of Labor's amendments to improve this bill. I am a member of the Senate Legal and Constitutional Legislation Committee, and we have just concluded an inquiry into the provisions of this bill. The report was tabled on Friday and made available today. I am pleased to say that Labor senators agree with almost all of the recommendations of the majority report. We are particularly pleased that the committee has

recommended changes, including a redraft of the definition of family violence and a removal of subsection 117AB in relation to allegations of family violence. As I said, Labor support the main thrust of this legislation. However, we do believe there are several shortcomings. A number of those were covered by Senator Ludwig is his comments earlier today. I intend to talk about some of those in a moment and also about the inquiry.

Firstly, I would like to make some general comments about families in Australia, in particular about the area of family law. I have read recently that there are now one million children in Australia who have one parent living elsewhere. Of those, somewhere of the order of 250,000 children rarely or even never see their non-resident parent. This strikes me as a very sad situation. Of course, there are a variety of reasons behind this. Tragically, some non-resident parents do not want to spend time with their children. Some live a long distance away. In other cases, there are issues of violence or, tragically, even child abuse. Unfortunately, divorce has become a commonplace event in Australian society. In just a few generations, divorce has gone from being a rare occurrence to the situation we have now whereby we are told that around one in two new marriages will not last.

I am not attempting to make any value judgment here. I am not saying that divorce is necessarily a bad thing. We know that women in earlier generations—for example, those who suffered family violence—usually lacked the financial resources or the work skills that would have allowed them to leave the relationship. I make this comment simply because the rise in divorce has led to a dramatic change in our social landscape in Australia. For example, we now accept that a family is no longer just the nuclear family of mum, dad and the kids. All of us here will know or perhaps even belong to a sole-parent

family, a step-family or a blended family. This change in the social landscape has brought about great challenges for those of us in the parliament as we seek to make laws to cover a diverse group of families who find themselves in a variety of circumstances. We are aware that any changes we make to family law will not magically help everyone. They will certainly not remove the pain that comes with a family break-up. Even in the most amicable of circumstances, a divorce or separation is a very stressful time. Indeed, the experience of divorce is known to be one of life's most traumatic experiences, and it is often said that it is second only to the death of an immediate family member.

Parents who are used to seeing their children every day have to adjust to seeing them on a part-time basis. They also have to work out how best to help their children who are also suffering. At the same time as they are trying to adjust to life without their partner, they are also negotiating division of property and, for at least one parent, this often involves moving house and buying new household items, including quite often another set of just about everything for their children. It is not just parents and children who are affected by divorce and family breakdown. Grandparents too may find themselves unable to see their grandchildren as often as they would like, or being unable to alleviate their children and grandchildren's distress.

Like most senators and members, I receive a very large number of letters on the issues of family law and child support. I estimate that, along with immigration, this is probably the area in which I receive the greatest amount of correspondence. Many of the letters I receive are from non-resident parents, usually fathers, who want to spend more time with their children. I also get letters from grandparents and from new partners in support of non-resident parents. I get

letters from resident parents who complain that non-resident parents refuse to contribute their fair share financially or have little interest in seeing their children. Some of these letters are very disturbing. I add that there are also letters that turn stereotypes on their heads. I will give one example of a letter that I received not long ago from a man who is disabled. His wife had left him and he was raising their children alone. This man was living on a disability pension, and his wife, who was in work, refused to contribute financially to the children. On top of that, she was not interested at all in seeing her children. I give this example to indicate that this is a complex issue and that there can never be a one-size-fits-all solution in an area such as this.

I would now like to move on and discuss the substance of the bill and some of the findings of the committee. The first thing I would say is that I welcome the fact that this bill, for the first time, introduces the concept of responsibility into this area of the law. When a parent does not fulfil his or her responsibilities, whether that be a failure to pay child support or through breaching contact orders, this will now be taken into account by the courts. I might add that this notion of responsibility was one of Labor's amendments, and we are very pleased, as I said, that this has been taken up.

There are other key issues in the bill which have bipartisan support. Labor supports the promotion of out-of-court dispute resolution through the establishment of family relationship centres. We do, however, have some reservations about the family relationship centres, and I will come to those in a moment. Another area that has Labor's full support is the provision that courts be required to consider equal or significant and substantial time with each parent where that is appropriate. Many senators here will recall that the idea of a rebuttable presumption of

equal time custody was covered in the landmark report of 2003 entitled *Every picture tells the story*.

At the conclusion of that lengthy House of Representatives inquiry it was decided, on a bipartisan basis, that the rebuttable presumption should be rejected. Instead the committee proposed section 65DAA, which requires that, in making a parenting order, the court must consider whether an equal time or substantial and significant time arrangement is in the best interests of the child and reasonably practical. If such arrangements are in the best interests of the child and reasonably practical, then the court must make an order for those arrangements.

We were also pleased that the government supported our amendments which guarantee that parenting plans must not be made under duress, coercion or threat. When the bill was debated in the House of Representatives, the government, as I said, accepted some of Labor's amendments, but unfortunately they did not accept all of them. We are particularly disappointed that the government rejected the following amendments: firstly, a reversal of the requirement that an apprehension of family violence be 'reasonable'; secondly, removal of the requirement for parties to make a 'genuine effort' to resolve their dispute in mediation; thirdly, a reversal of the move to equal shared parental responsibility; and, fourthly, a bid to mandate the provision of information to separating couples encouraging them to go to court.

I will now attempt to explain some of these four points in more detail. I will begin with the issue of family violence. I have spoken in this place on many occasions about the prevalence of violence against women. Almost a quarter of women who have been married or in a de facto relationship have experienced some form of violence. We know that the most dangerous time for a

woman is just after she has left a relationship. This bill seeks to change the way that violence is assessed so that it becomes an objective rather than subjective definition. You might ask: 'What is the difference between objective and subjective? Why does this cause a problem?' The problem is that it implies that there is some acceptable level of threatening conduct. It also fails to take into account a history of abusive treatment.

Under this legislation it is no longer enough to be afraid of someone; you have to prove that you are afraid of them. Just to take an example, let us say that Mary's husband has a history of violence and Mary knows from past experience that, when he is yelling and leans over her and goes red in the face, he could lash out and hit her. On the other hand, if Suzie's partner exhibits this behaviour she may not be frightened. I find most disturbing this failure to recognise that there are many different forms of threatening behaviour. It is unreasonable to expect someone to attend compulsory mediation when they are afraid. I also find it ironic that the government's own advertisements—which we have been seeing on the TV again just recently—on violence against women, as part of the 'Australia says no' campaign, give a range of warning signs such as threatening, controlling or possessive behaviours which may be indicators of later violence.

I mentioned earlier that I applaud the recommendation of the Senate Legal and Constitutional Legislation Committee in relation to this issue. The committee recommends:

The proposed definition of family violence should be redrafted to clarify that the test is the 'reasonable person in the shoes of the individual and whether they would fear or have an apprehension of violence'.

There is no level playing field for parents when one person fears for their safety. This problem is compounded by the government's requirement that the parties need to make a

'genuine effort' to resolve their dispute in mediation. This is a matter on which the committee received a considerable amount of evidence.

If one person sits through compulsory mediation in fear, unable to contribute, the question is: will she be given a black mark or judged as not making a 'genuine effort'? The government announced an independent inquiry into family violence on 26 February this year. This research is being conducted by the Australian Institute of Family Studies. Labor is concerned that the government is changing the definition of family violence without waiting for the results from this research.

I now move to the question of equal shared parental responsibility. Labor wanted to amend the word 'equal' back to 'joint', as was originally proposed by the government. Parental responsibility is a separate issue from residence and contact. It is not focused on how much time a parent spends with a child. It is defined as 'all the duties, powers, responsibilities, and authority which, by law, parents have in relation to children'.

For a start it is nonsense to presume that this can be neatly carved into two equal parts. In addition, the reason why Labor wanted the word 'joint' is that we think that the government is trying to create a false impression here. We believe that, if the word 'equal' is used, there will be people who assume that the government supports the idea of equal shared time, which, as I said, actually has very little to do with responsibility.

We are disappointed that the government voted against our amendment to guarantee in law that the move to compulsory mediation be coupled with three hours of free mediation. There are also question marks about the family relationship centres. So far we have no details about whether or not there will be proper accreditation standards, quality con-

trol or training in how to recognise family violence. As I said, family violence being the very serious issue that it is, this is absolutely critical if these family relationship centres are to operate effectively.

There is one final comment I would like to make, and again it is on the issue of violence. I am quite concerned that the government has rejected our suggestion against allowing cost orders against people who make false accusations of family violence. There is little evidence that false accusations of violence are a major problem. From time to time we hear anecdotal stories, but there is no research or statistics to back this up. On the other hand, we do know that violence against women is grossly underreported. I am pleased that the committee could see this point, and the committee has recommended that there should be no change towards imposing costs until such research that I have referred to is commissioned by the government and is made available. It is unclear whether this is an area that needs solving, and therefore the proposed obligation on the court to make costs orders against parties found to have knowingly made false allegations should not be included in this piece of legislation.

In conclusion, I would like to reiterate that Labor agrees with almost all of the recommendations of the majority report. As a consequence, we support most of the provisions in this bill. We do not agree with all that the government has proposed. We believe that there is significant room for improvement and, as Senator Ludwig indicated, Labor will be moving amendments to the bill along the lines that I have suggested. In addition, the seven-day cooling-off period will be addressed. Finally, Labor supports most of the provisions of this bill but we would like to see some amendments that would improve it in the way that I have suggested. I urge senators to support Labor's amendments.

Senator STOTT DESPOJA (South Australia) (8.23 pm)—I rise on behalf of the Australian Democrats as their Attorney-General spokesperson, to address the Family Law Amendment (Shared Parental Responsibility) Bill 2006 and comment on what are significant—extremely significant in some cases—changes to the Family Law Act. The Australian Democrats recognise that the intention of this bill is to generate a less adversarial approach in some of these matters, particularly in resolving custody disputes and attempting to improve outcomes for families in the event of family breakdown. We acknowledge the government's comment in the bill's explanatory memorandum that these changes are intended to bring about a cultural shift in how family separation is managed—that is, away from litigation and towards cooperative parenting. We also recognise the process that this bill has been through prior to its arrival in this place for debate this evening, so it has quite a significant contemporary—if you like—parliamentary history.

The bill primarily implements a number of recommendations from the 2003 House of Representatives Standing Committee on Family and Community Affairs report on child custody arrangements, entitled *Every picture tells a story*. Following the release of that report, an exposure draft of the bill was referred to the House of Representatives Standing Committee on Legal and Constitutional Affairs, which reported last year. The bill was first considered by the Senate Legal and Constitutional Legislation Committee during a single-day hearing conducted, I think, on 3 March—this month. Despite the lengthy consideration of this bill by the House of Representatives committees, the Senate committee process was truncated. Certainly we believe the time allowed for consideration of this legislation was inadequate under the circumstances, particularly

given the significance and volume of the legislation and the changes.

The Democrats do recognise that the chair's report contains a series of recommendations for improving this bill. The Democrats do not believe that those recommendations go far enough. A dissenting report was therefore drafted and submitted by Senator Andrew Bartlett, the Australian Democrats family services spokesperson, and me on behalf of the Democrats and also by Senator Siewert on behalf of the Australian Greens. It is noted in the dissenting report that the 36-hour time frame that we had to comment on the chair's report and recommendations and then provide our supplementary or dissenting report was an inadequate time for such a far-reaching piece of legislation. Despite the limited time available to comment, we did seek to elaborate on some key concerns that we felt were not adequately addressed in the chair's report.

I might note at this point that one recommendation from the chair's report that we resoundingly support in its current form is recommendation 7. This recommendation opposes the introduction of section 117AB, the provision allowing for the awarding of costs where an allegation of violence is proven to be false. We will move an amendment to this effect, to ensure that the intention of that recommendation is upheld. We have concerns that this provision would have the effect of further promoting the existing problem—one that I am sure many would agree exists—of underreporting of family violence. We believe that currently the bill as it is structured would have a deleterious impact on people reporting instances of family violence, and that is obviously something we want to prevent.

During the Senate committee process, evidence was provided by groups suggesting that without changes this legislation could

actually have disastrous consequences for the safety of vulnerable family members, especially women and children in our community and especially where there is a history of family violence. In the submission by the National Council of Single Mothers and Their Children, evidence was provided which said:

There is significant research to show that domestic violence and child abuse are very real issues for many women and children, and that separation from an abusive partner can be the most dangerous time for women and children.

They go on to say:

The proposed reforms not only do not address how the family law system will be improved to protect women and children from ongoing violence and abuse following a separation, but in fact create further barriers to women and children achieving safety. The proposed changes take a punitive approach towards women and their attempts to escape domestic violence and abuse.

I want to be very clear about this. We agree with the position outlined by the opposition, that this bill has become politicised. Of course; it is always going to be, considering the political nature of some of the subjects under discussion and the political views perhaps driving some of the provisions. But we also recognise that the focus needs to return to what is important, and what is important is that better outcomes are created for children and for families. What is also important is to return that focus to protecting children and also people—specifically and usually women—who have been exposed to violence or abuse in a family setting and continue to be at risk post separation.

The issue of funding has been raised by a number of groups. Family Services Australia expressed concern during the inquiry about what they perceive to be inadequate consideration of approaches to ensure equitable impacts across target groups. There is a concern that the funding to be provided to sup-

plement these changes will be insufficient, in particular to cater for those groups with special needs or those groups that cannot access services for any particular reason. The Democrats sincerely hope that in allocating funding the government hears the concerns of these groups and responds to them.

The Family Law Amendment (Shared Parental Responsibility) Bill 2006 will fundamentally change the way parenting orders under part 7 of the act are determined. Firstly, before a court can hear an application for a parenting order, with a few exceptions, parents will be required to adhere to a new regime of compulsory family dispute resolution. Then, if an agreement is not reached and a court application is made, the court is directed to apply a presumption of equal shared parental responsibility in determining parenting orders. If this presumption is upheld, the court must consider whether spending equal time or substantial and significant time with each parent is in the best interests of the child and reasonably practicable, and if it is must consider granting this distribution of time with each parent.

The bill will also change the way in which a child's best interests are to be determined. The bill creates a new two-tier regime for the determination of a child's best interests. It relegates the considerations currently in 68F of the old act to the position of additional considerations. It introduces two new primary considerations for the determination of a child's best interests. These are the benefit to the child of having a meaningful relationship with both parents and the need to protect the child from physical or psychological harm or being subjected to or exposed to abuse, neglect or family violence.

As you have heard, a new definition of family violence will be introduced as a result of this legislation. The definition will become an objective one where the alleged

victim's experience will be tested by reference to a reasonable fear or apprehension in relation to their wellbeing or safety. The bill also contains a provision that will allow for cost orders to be made against a person found to falsely allege family violence. As I have mentioned, the Democrats have circulated a number of amendments, including ones that address these issues in particular. We have certainly addressed a number of issues that we hope will ameliorate some of the worst aspects of the bill.

The Democrats note the government amendments that passed the House during the last session. These amendments did address various issues of concern but they did not significantly alleviate these concerns, as articulated by groups providing evidence of the overall harmful effect this bill will have particularly on women and children, particularly those with a history of family violence and/or those who are disadvantaged in some way. One amendment that we are keen to make clear on the record has a positive effect is (7), which will allow for parties to be exempt from compulsory dispute resolution where their safety is at risk or where there is a risk that a child may suffer abuse. We consider that, subject to a number of further amendments which we will propose, this bill will be improved and more closely achieve its stated aims. As a caveat to this, we specifically note the difficulties posed by the existence of family violence or child abuse.

The issue of consent orders was raised during the committee inquiry by Relationships Australia. The discussion on this issue clearly demonstrated the need for further safeguards to prevent violence as a consequence of these changes. Ms Susan Holmes, representing Relationships Australia, a peak national counselling body, submitted:

... a lot of abuse is quite well hidden and it is a matter of reading the clues. I am very concerned

about consent orders. A couple, where there is a lot of intimidation, can present consent orders.

... ..

I understand some judges and registrars who approve consent orders read them and some do not.

... ..

... with domestic violence, there is a real risk that consent orders might slip through without anyone identifying that this seems a peculiar arrangement.

I have used this example to demonstrate that this area of the law has many complexities, as we all know. These complexities, if not addressed, may actually mean greater tragedy than we have already seen examples of, following the breakdown of families. Protections for the vulnerable are essential. Protections need to be strengthened.

The Democrat key concerns are as follows. We consider that the presumption of equal shared parental responsibility as a starting point for determining where a child lives after parental separation generates more of a focus on parents' rights than on what is actually in the child's best interests. We should not be talking about rights and entitlements for parents; we should be focusing on the best interests of the child. We consider that the child has become objectified by this process, objectified in this discussion, and the issue is becoming one of entitlement.

I note the comments earlier from Senator Kirk and, I have no doubt, others. The use of the term 'equal' has been criticised widely. It is considered quite a divisive term that focuses more on parents' rights than on the responsibility component. The Australian Democrats will move an amendment to alter the language of the bill to the term 'joint parental responsibility' which, as you have heard articulated in previous speeches, is a more appropriate reference and a less divisive term.

The Democrats also oppose the inclusion of the presumption of equal shared parental responsibility on the basis that it is unnecessary to apply a presumption as the court should have the child's best interests as its primary focus. We are worried that we are losing focus on this. Why should we presume and ensure that the court works within that set of presumptions? The court should have as its primary focus the best interests of the child.

Evidence was provided in a submission to the Senate inquiry by Women's Legal Services Australia. They claim that 'the presumption of contact has permeated family law practice and led to a pro-contact culture that promotes the right to contact over safety', which 'undermines the child's best interests in that it fails to properly prioritise the adverse effects on children of being exposed to abuse either directly or by witnessing the abuse of their parent'. These are serious, fundamental, complex, difficult issues, and they are not satisfactorily dealt with in this legislation. The effect of this presumption, when coupled with the court's requirement to consider whether equal or substantial and significant time is arguably to create a de facto presumption and compounds the divergence from consideration of what is best for children. The Democrats have serious concerns about this. Women's Legal Services Australia submitted to the inquiry:

... the provisions in sections 65DAA and 63DA, which require consideration or direct attention to specific types of parenting arrangements—namely, equal time or substantially shared time arrangements—derogate from a free and open assessment of what arrangement may be best for children in a specific case ...

The Democrats agree with this statement. We agree that this is the case under the bill before us as it is currently drafted. We acknowledge that a stable environment encourages healthy child development. However,

there has been no conclusive evidence to prove that a presumption of equal time rather than a consideration of the child's unique circumstances in each case would be of any benefit to a child. And surely that is the focus here.

The new structure for determining what is in a child's best interests includes conflicting primary requirements that a child have meaningful relationships with both parents and that they should be protected from harm. We note the difficulty caused by situations where the child may have an abusive or violent parent. The additional considerations forming part of this structure resemble old provision 68F but now include a 'friendly parent provision': a willingness by one parent to facilitate a close relationship with the other parent. This provision is problematic, as the requirement that a parent facilitates a relationship between the child and a potentially abusive parent has the potential to override the safety of the child.

The Democrats also object to the fact that children's views have been relegated to additional considerations. The Law Society of South Australia has noted its opinion:

The Bill is extremely parent-centric and in no way supports the child or young person in negotiations or proceedings.

I thought that we were leaving that culture behind. I thought that we were supposedly strengthening and supporting the rights, views and interests of children, not framing legislation that diminishes them. We understand the intention of these provisions but we consider the structure in 68F the preferable option for truly determining a child's best interests. The requirement that mediators will have to judge if parents are making a 'genuine effort' to mediate is also problematic. This means that their role is no longer that of a traditional mediator who remains impartial and neutral.

I have referred to the issues surrounding funding for services provided for by this legislation. The Democrats also note the concerns around appropriate accreditation of staff providing these services. We hope that this will be an equitable and transparent process focused on providing the best outcomes for families.

We will move an amendment to address this and other concerns. Consideration especially needs to be given to disadvantaged groups. These include people in remote regional areas, people with culturally and linguistically diverse backgrounds, Indigenous people, people with health and mental health issues, those on low incomes and those who cannot access technology for financial or other reasons. The Democrat amendment proposes to review the impact of this bill on these groups within two years of the commencement of the bill, and I hope other parties will consider that.

The new definition of family violence proposed by this bill, as I have said, requires an objective assessment of whether or not the victim's fear is reasonable. We believe this undermines the known facts provided by those with experience and understanding of domestic violence. The experience is that often only the victim knows the signs.

The Democrats propose an alternative definition of family violence. It is modelled on the Western Australian domestic violence legislation, which removes the objective assessment and includes intimidating behaviour. We will propose an amendment to retain the current structure in 68F of the act in the new 60CC, in relation to determining the child's best interests, so as to remove the two-tiered approach to assessment. We will also seek to remove from the bill the presumption of equal shared responsibility and the equal, substantial and significant time considerations, so that cases will continue to

be judged on the best interests of the child—that is, on the child's unique circumstances.

We want to ensure that there is greater consideration of children's needs in this bill. We have proposed a series of amendments to return the focus to children. The focus needs to return to children and their best interests. The focus should be on parental responsibilities rather than rights. If the Democrat amendments are supported, which we believe will improve this legislation, then we will support this bill as a piece of legislation that hopefully will move forward and improve the family law system.

Senator NETTLE (New South Wales) (8.43 pm)—The conceptual basis of the Family Law Amendment (Shared Parental Responsibility) Bill 2006 has been drawn from the findings of several inquiries, beginning with the 2003 report *Every picture tells a story*, from the House of Representatives Standing Committee on Family and Community Affairs inquiry into child custody arrangements in the event of family separation. This report recommended amendments to the Family Law Act 1975 which aimed to bring about a cultural shift in how family separation is managed.

The inquiry was the result of concerns articulated by Prime Minister Howard about the high level of 'unhappiness with the operation of matters relating to the custody of children following marriage breakdown' and 'the operation of the Child Support Agency'. In his comments, Mr Howard focused on his concern that too many young boys were growing up without proper male role models. The fact that young girls were left out of these influential remarks to the House of Representatives was significant, as it set the tone of bias that permeated the following reports and inquiries that led to the development of this bill.

Given rapidly changing social circumstances and attitudes to relationships, marriage and separation, the Greens believe that some reform of the family law system would be useful. However, this government seems unwilling and unable to balance the ever-changing concerns and needs of fathers with those of mothers and their children. *Every picture tells a story* was followed by the release of the exposure draft by the Attorney-General, who described it as the most significant change to the family law system in 30 years. The House of Representatives Standing Committee on Legal and Constitutional Affairs was then asked to look at the exposure draft bill to find out if it adequately implemented the previous report. This resulted in further refinements to the bill. The third inquiry was by the Senate Legal and Constitutional Legislation Committee, which took a further 200 submissions and reported its findings on 24 March this year.

Family breakdown is undoubtedly a very difficult and sensitive issue and a highly emotional experience for all those concerned. Despite this, we know that 95 per cent of family law matters are resolved without the need for court orders—in other words, most people can eventually work it out for themselves. This means that it is a very small minority of the most difficult cases that end up with complex court proceedings that result in court orders. Yet it is from this small percentage of intractable cases that the most heat is generated.

While there is no question that genuine instances of injustice have occurred, it would be safe to assume that the family courts are capable of assessing the individual circumstances to find a proper balanced outcome on most occasions. This is borne out by statistics from the Child Support Agency. Where parents agree by themselves, in 90 per cent of cases they agree that the child or children will end up in the sole principal care of one

person, and that is usually the mother. The latest statistics from the Attorney-General's Department on cases with a court order show that only 75 per cent of orders are made in favour of the mother and 20 per cent in favour of the father.

The fundamental premise for these family law changes as promoted by the Howard government is that the courts do not have the balance right because they frequently discriminate against non-resident parents, who are usually fathers. This view—that the courts get it wrong—matches the message that the highly organised fathers groups have been promoting. They argue that fathers have been getting a rough deal. Some prominent experts do not support this view. Last December, the former Chief Justice of the Family Court, Alistair Nicholson, stated that the government, through this bill, was simply pandering:

... to the strong pressure that's been put on the Government by various militant fathers' groups.

The academic Michael Flood from the Australia Institute shed further light on who these fathers groups are and what they believe in the report *Fatherhood and fatherlessness*. He described these groups as maintaining their momentum by focusing 'on men as victims of injustice in family law'. He also noted that these groups also work:

... in alliance with conservative Christian organisations to lobby for changes in child custody and child support policies.

The author has recently argued:

The fathers' rights movement is defined by the claim that fathers are deprived of their 'rights' and subjected to systematic discrimination as men and fathers, in a system biased towards women and dominated by feminists.

These descriptions are supported by the submissions to the various inquiries that have influenced the development of this bill. Many of the submissions were form letters or

close derivatives from these fathers' rights groups.

These circumstances reminded me of the RU486 debate, where specific interest groups were also able to muster a great deal of noise in the form of well-organised campaigns and multiple submissions. Yet, just like with RU486, a point made loudly does not mean it necessarily represents the best policy outcome for greater society. I agree with Alistair Nicholson and many others who argue that these very noisy fathers groups have been particularly persuasive in having their message heard by the Howard government. It is a mistake to think that a large volume of submissions necessarily represents genuine widespread community concern. In this instance, it is also very important to note that single mothers, due to the obvious and necessary prioritisations, are one of the most time deficient groups within society. They are consequently not necessarily able to muster the spare time required to effectively lobby, write submissions or attend committees.

One of the most concerning aspects of this bill is the move to introduce a formulaic approach for the Family Court based on the presumption of equal shared parental responsibility. While this appears to be a step back from earlier drafts that were based on a presumption of equal time to be spent by children with both parents, there remain similar concerns about what is effectively a watering down of judicial discretion. While the government implies there is a softening of the equal time approach, the Greens and others argue that the two presumptions are essentially the same. Even Senator Fielding, while coming to a substantially different conclusion, agrees in his dissenting report that these concepts are essentially the same.

The problem is that any move to introduce such a presumption moves away from the

needs and, indeed, the rights of the child to an emphasis on the rights of the parents. This is illustrated by the shift in emphasis from the child's views or wishes to a list of secondary considerations for the court to use in determining the child's best interests. The child's views are now listed below the two primary considerations for determining the child's best interest—that is, the benefit to the child of having a meaningful relationship with both their parents and the need to protect the child from neglect, abuse or violence. The Greens agree with the comments by the Human Rights and Equal Opportunity Commission that this significantly downgrades the importance of the views of the child. Similarly, the presumption of equally shared parental responsibility or time creates the situation where children are viewed as a commodity belonging to parents. Family Services Australia put it concisely when they said:

The minute you bring in the situation where you are talking about 'equal', it is almost like talking about property.

Children are not property, and their views, where attainable, should be paramount to any considerations.

Just like the devaluation of the needs and interests of children, this bill and the various inquiries and reports that influenced it have ignored the changing needs and rights of mothers that find themselves dealing with the difficulty of family separation. Recent evidence shows that single mothers are most vulnerable to suffering from mental health problems. Research recently published in the *Medical Journal of Australia* showed that sole mothers were more likely than other women to have experienced suicidal thoughts, to have used medication for depression and to suffer from depression or other psychological disorders.

In addition, many single mothers have great difficulty in correctly accessing child support payments. Recent announcements by the Howard government to overhaul the child support system have compounded these concerns and drawn criticism from groups such as the National Council of Single Mothers and Their Children, who are concerned that 'financial outcomes for an estimated 60 per cent of children of separated parents in their primary place of residence will decline under the government's adoption of the recommendations of the ministerial task force on child support.'

In addition, there has been widespread unease about the ability of the changes advocated in this bill to adequately deal with the issue of violence, specifically domestic violence. It must be recalled that this legislation will in the main only effect the small minority of cases that require the assistance of the courts to resolve disputes. It is equally significant that domestic violence and safety concerns are one of the key reasons that many women and children end up in the family law court. Research by the Australian Institute of Family Studies found that violence was present in 66 per cent of all marital breakdowns and 33 per cent of this was identified as 'serious' violence. A 2003 family law court survey also showed that over 66 per cent of the women and children who make it to the final stage of judgement in the Family Court have issues of serious physical domestic violence. The Greens are additionally concerned that the definition of domestic violence adopted in this bill is inadequate and does not provide adequately for family members at risk of family violence. This will clearly affect many women.

Yet in addition to such daunting evidence weighing against the interests of mums, there is also a troublesome new provision that effectively enforces mediation. The onus will now fall on the sole mother to find excep-

tions to get out of this dispute resolution process even though the statistics suggest that most of these cases will involve some level of violence. On top of this are the new provisions and substantial fines and costs to be awarded against those found to have provided 'false allegations'. Yet this is in an area that is notoriously difficult to ascertain as the majority of cases will be his word against hers. As suggested by research published by the *Australian Journal of Family Law* this year, overseas experience suggests such compulsory attendance will simply add to the cost of the family law system.

The Law Society of New South Wales argued in their submission to the Senate inquiry that for some, especially self-represented litigants, such provisions will simply be a statutory licence to 'have a go at the ex'. The list of problems with this bill points to an overall bias against women and children, the balance tipping disproportionately towards the rights of fathers. The Greens believe that to succeed any alterations to Australia's system of family law must work to balance fathers' concerns with the significant needs of mothers and their children. In addition, concepts such as shared parental responsibility are best applied before problems that lead to separation occur, as the game is nearly always over by the time it gets to court. Where courts are necessary, the Greens believe it is essential to empower the judiciary to find out all they need to know so they can evaluate the circumstances of individual cases and not simply enforce a regime, such as highlighted in this bill, that risks replacing all important judicial discretion and flexibility with an ideologically driven acquiescence to a vocal lobby group.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (8.56 pm)—I too rise to speak on the Family Law Amendment (Shared Parental Responsibility) Bill 2006. That bill sounds innocuous, even positive.

What could be better than shared parental responsibility? Women have in fact been calling for men to take on their fair share of the tasks of raising children for a very long time. Some do, to their great credit. Some would like to, but work and other commitments keep them away from the family. Others are neither good fathers nor good parents.

The Family Court has the unenviable task of trying to sort out custody arrangements when parents break up their relationship and live separately and who are unable to reach agreement. As I understand it, that represents a very small proportion of those who separate: just five per cent of cases actually go to the Family Court. These are necessarily the most difficult and most contested cases of family break-up, and the result of their deliberations almost always leaves one, sometimes more, parties deeply aggrieved at the outcome. I think we all understand that. There would not be a person in this place who has not received hundreds if not thousands of emails, mostly from men—sometimes new partners—who describe the trauma, anguish and emotional state they are in as a result of not having access to their children. I do not want to suggest that there is no understanding for those left in this position. But these are almost always families that are in crisis, and, very often, they are dealing with violence, according to the Human Rights and Equal Opportunities Commission.

The Australian Bureau of Statistics women's safety survey in 1996 showed that 23 per cent of women who had ever been married or in de facto relationships had experienced violence. A quarter of intimate partner homicides occur between separated, divorced or former couples. Family breakdown, according to recent New South Wales research, was a precipitating factor in almost 20 per cent of child homicides. We have all read with great alarm the dreadful cases of

children becoming the victims of disputes between parents—and paying for it with their lives. So often it is a recently separated couple where this occurs.

Violence and safety worries are the key reasons many women and children end up in the Family Court. Sixty-six per cent of cases that reach the final stage of judgment contain issues of serious physical domestic violence. Children witnessing parental domestic violence are left with scars and behaviour that very often last them a lifetime. In our mental health inquiry we were told that if parents stopped acting violently in front of their children this would have huge preventive benefits to the mental health and resilience of their children. Witnessing parental violence causes a range of behavioural and emotional problems amongst children and is the strongest predictor that young people themselves will later use violence in their own intimate relationships. It is easy to understand that because parents are role models. If a child does not see a role model which includes a respectful relationship then they are more likely as adults to repeat the sort of relationship that they observed as a child. It is a cycle of abuse and failed relationships that repeats itself generation after generation. And there is no equality for the individuals, almost always women, in this cycle.

On Wednesday the Senate will vote on the terms of reference for an inquiry into sexual health and relationships education. This will be because many of us in this place believe it is important that we find out how to break those cycles of violence and that schools might be able to assist. I sometimes visit a small primary school just out of Bendigo which began an anti-bullying program some years ago. The program started when the domestic violence centre in town came to the school and said: 'We need to stop the cycle of violence and we would like to head it off with children. We want to start by dealing

with grade 3s and grade 5s. We want to experiment to see if it is possible to change the relationships which exist in that cycle that goes on for generations and to encourage and facilitate much more respectful and positive relationships for those children.' The program has been a huge success, though we will not know that finally until those children reach true adulthood, but certainly those children behave very differently as a result of that program. There are programs of that sort in schools right around the country, and relationships are an important aspect of sexual reproductive education because they are so closely connected.

To return to the bill: with almost a quarter of women experiencing family violence at some time, it can be expected that many of them will find themselves at the Family Court in a contested case. This legislation shifts the balance away from what is in the interests of the child to give more equal weight, firstly, to the child having a so-called meaningful relationship with both the child's parents and, secondly, to protection of the child from physical and psychological harm due to being subjected to or exposed to abuse, neglect or family violence. The views of the child, as has already been said in this debate, are given only secondary consideration. What that means is that it is less likely that evidence from a child about not wishing to spend time with one or other parent is not going to be considered and therefore child abuse is less likely to be avoided.

Another very alarming aspect of this bill is the cost penalty that can apply to so-called false allegations of domestic violence. Usually there are no witnesses to violence in the home, other than children who may or may not be able to give evidence to this effect. It will be very easy to intimidate women, to dissuade them from making accusations of domestic violence, particularly if they have very little money. It is a very frightening

prospect indeed, and there is almost no doubt in my mind that women will be very shaken by that threat. I want to go to what the Human Rights and Equal Opportunity Commission said about false allegations in their submission to the inquiry:

HREOC is well aware of the concerns of some individuals and community organisations that false allegations of family violence are regularly made. For example, in its submission to a review of legislation regarding protection orders, the Lone Fathers' Association states that protection orders "are employed as a routine separation procedure" by women to force their husbands out of their homes, without any violence having occurred, "and/or as a vindictive retaliatory act".

HREOC would caution against accepting this contention uncritically. There is no doubt that Family Court proceedings often are accompanied by allegations of domestic violence and the use of protection orders. However, this may reflect the fact that domestic violence often escalates when couples separate. Australian data demonstrate that women are as likely to experience violence by previous partners as by current partners and that it is the time around and after separation which is most dangerous for women.

As I have indicated, this bill is about parents', mostly fathers', rights to equal access to children. But equal access will not solve domestic violence situations, it will not deliver responsible parenting and it is not in the best interests of the children or, indeed, their mothers. In fact, equal shared parenting presumptions are about entitlements. I think this is an attack on single mothers, the vast majority of whom are disadvantaged in any case with the break-up of a marriage or even of a de facto relationship. It is unfair and it is not in the interests of families, children or single mothers.

Back in December last year Women's Legal Services Australia provided members of parliament with what I think was a very useful assessment of this bill. They said:

Positive quality relationships between children and parents are not dependent on parents having equal time with children. Substantially sharing parenting time is only successful in some limited circumstances—including where parents can communicate well about their children, live close together and respect each others views about parenting issues.

From the many hundreds of messages that I have received I cannot think of a single one where I could say, 'This man'—in some limited cases this woman—'does not have a respectful relationship with his former partner and certainly does not reflect their views about parenting issues.' Women's Legal Services go on to say:

Families in rural and remote areas have less access to services and support. Women in rural and remote areas have limited access to protection.

I think we are going down a very dangerous course with this legislation. I think it is unwise, as the government has obviously done, to listen to a very vocal minority group of people; in this case, mostly groups associated with the Lone Fathers Association. I do understand their grief and I do understand the trauma of separation, but there are not necessarily answers which satisfy both parties, and children should not to be in the middle of this—being torn between one and the other. As Women's Legal Services Australia say, it is not always appropriate for children to be transported from one household to another. In my own experience teenagers resent this—some do not, some do, depending on the relationship they already have with their parents—and for many this can be a really traumatic time.

I think that the current law should stand. I think the Family Court does an extremely good job at trying to sort out these problems and to find answers which are the most satisfactory for children. It is true that that usually means, in those five per cent of cases which come to the family courts, that moth-

ers have the principal custody of children. That is usually my experience too, and I am sure there are plenty of submissions that pointed this out to this inquiry. It is also true that mothers are usually the ones who have had the principal responsibility for raising the child or children prior to the separation. This is a very difficult area but, in my view, this bill heads in the wrong direction and the Senate should reject it.

Senator BARTLETT (Queensland) (9.10 pm)—The Family Law Amendment (Shared Parental Responsibility) Bill 2006 is a very important piece of legislation. As we all know, it is immensely controversial. It is a core example of the fact that the most important work that the parliament does is not, by and large, the part that gets most of the media coverage. It is not the finger pointing, the name-calling and the point scoring. It is the consideration of policy issues and the determination and passage of legislation, because that is what directly affects people's lives. Of course, this type of legislation is one that affects some of the most painful areas of people's lives and for that reason it will always be contentious, it will always leave people dissatisfied and it will always fall short of the ideal.

I come to this piece of legislation having sat through the day's worth of public hearings into the legislation as it reached the Senate, but also having followed the progress of it through previous inquiries—from a distance as it were, I suppose, but certainly as an interested observer. As a legislator and a senator who tries to keep across issues of significance and complexity and also from my own previous background as a social worker, I am aware of the difficulties of these issues and aware of the almost impossible task of trying to put in place a legislative framework that will adequately address the competing interests.

We are all aware—I imagine most of us are, anyway—of the biblical parable of King Solomon being asked to decide the fate of a baby who is being claimed by two different women, and coming up with the solution to try and determine who the genuine parent is. That might have worked once and it might have worked in that case but I think, frankly, Solomon would have a lot of difficulty trying to work out a solution for many of the most difficult cases that come before the Family Court.

I should say that, whilst we can always find reasons to criticise specific judgments and specific institutions—and I am as willing to do so as others—we should pause for a moment to consider just how difficult a task that court has, those judges have and the others that work in that area have, including, I might say, the social workers—those that try and work with people beforehand to try and get an outcome and try to get results that can be agreed to by all the people involved, rather than having to get an outside legal determination. That is the best way, where possible, but the simple fact is that at times it does get to a circumstance where that determination has to be made. And in the vast majority of such circumstances where a determination like that has to be made, where these things are in dispute and cannot be resolved by other means, you will not be able to get an outcome that will satisfy both parents, and in many cases you will not get an outcome that will satisfy either parent.

The other aspect that I bring to the legislation is as a parent and as a father—as many of us in this chamber are. And I bring a reminder that, despite all of the advocacy we get about this aspect of family law—the aspect to do with shared parental responsibility, looking at the title of the legislation—it is about responsibility towards the child or the children. It is not about us. It is not about the parents. It is not about the fathers. It is not

about the mothers. It is about the children. The simple fact is we all get lobbied about this time and time again, very forcefully, with very genuine stories. The people we very rarely get lobbied by are the children, because they do not have a voice. We will always as parents, I am sure, convince ourselves that what each of us wants in regard to contact with our child is best for that child, but we are not always, when we get in these circumstances, in the best position to judge.

As I am sure all of us here do, I get a lot of emails and other contact from people who are going through the pain of limited contact with their children. I read many of those. I certainly read all of those that come from my own state of Queensland and I read some of the others as well. It is quite clear from many of those that the pain is enormous and genuine. But the simple fact is that it is not possible in many cases for parliaments or courts to come up with a formula that will take that sort of pain away. People expect a lot of politicians, as they should, and politicians hold themselves out as having the magic solutions to lots of things—more than we should. But we do not have the magic solution to these sorts of situations and we should not present ourselves as doing so. And most of us do not, particularly in this area.

This legislation, as it has finally reached the Senate, is the result of a long process. As has already been outlined by most speakers, it is still in a situation which certainly has significant room for improvement. But it recognises that this is not a situation that can produce satisfaction for all parties and particularly not for all parents. The simple, cold and very harsh reality is that it is not about producing satisfaction for the parents; it is about producing the best outcome for the child. All of us need to try and be more realistic and more brutal about that very unpleasant reality—that that is not the ultimate goal; the ultimate goal is the best outcome

for the child. It is not always the case that maximum contact with each parent will equal the best outcome for the child. That is a simple fact and there is a vast amount of research in this area that demonstrates that.

There are a couple of aspects of the legislation that I want to touch on in a little bit more detail. The lack of attention being paid to the voice of the children and the ultimate long-term needs of the child is a serious problem in this debate. It is almost inevitable, given the way the process works, that it will be the adults who get all the attention. It will be the political pressures from the adults that focus and shape the way we as politicians deal with the situation, because adults get the vote. Children do not get the vote; children do not have a voice. I am not using this as an argument to say they should, I might say, but it is a reminder that, to some extent, we have to look over the top of the understandable, nonetheless very prevalent, advocacy from adults and look at the children. It is that aspect of the legislation in particular that really concerns me.

One of the problems that were clear from the Senate Legal and Constitutional Legislation Committee inquiry into the provisions of the Family Law Amendment (Shared Parental Responsibility) Bill 2005 is that all of us, to some extent, are making judgment calls about how courts will interpret this legislation into the future. Clearly, we would not be having this debate if most, if not all, of us did not believe there was some scope for improving the law as it currently stands. As I said earlier in my speech, we cannot ever get this legislation to a situation where it will be perfect and deliver satisfied people all round, but we should certainly always strive to continue to improve it as much as possible. What is being done in this legislation in regard to determining the best interests of the child is of concern. It remains to be seen how these sorts of provisions will be interpreted

by courts in the future. That is something none of us can be definitive about, but we can make educated guesses about how it is likely to be interpreted.

Personally, I think it is concerning that the way the best interests of the child are determined is being altered in this legislation. It implements a two-tiered approach. In the second of those tiers, just under what are listed as additional considerations, is the issue of children's views. I recognise that children of the age of two, three or four may not be in a position to give comprehensive, definitive views about what they see and what they want and, of course, that parents can influence children in what can be very stressful situations about what they might say their views are about particular situations. But, on principle, it is most concerning to have children's views listed as an additional consideration rather than a primary consideration. That is one thing I really want to emphasise.

There are other aspects of the bill I have concerns about. Issues to do with the definition of domestic violence is one. With my background in the area of social work, it is something that is the subject of a lot of assertions as part of the wider debates in this area that I think are quite dangerous. Others in this debate, including my Democrat colleagues, have covered that area, so I will not revisit that or go over that same ground. But I also believe that the broader risk with the legislation—and just how big a problem it will turn out to be depends, firstly, on how many amendments the Senate chooses to make and, secondly, how courts end up determining it down the track—is that it puts the issues of parents' rights and parents' demands over and above children's rights and parental responsibilities. It is something of a mantra, but a mantra that has a lot of accuracy to it, that 'with rights come responsibilities'. I think there has been too much in the politics surrounding this debate in the com-

munity that has focused too much on the parents' rights and what the parents want and not enough on the parents' responsibilities, which have to go back to what is best for the child.

Of course, there are overlaps there. I am not suggesting that all of these things are totally discrete and separate. Nonetheless, it is a matter of different emphases. I think we are at risk of making the emphasis wrong in this regard. I have specifically attempted to take a measured approach in relation to the legislation and the language that is used because we are dealing with an issue that is very delicate and sensitive. It is an issue, as I said at the start, that is the subject of an enormous amount of pain in the community and amongst many people. Certainly, as a parent, it is an issue that I can empathise with. I certainly recognise why it causes such distress. Whilst we have to take account of that distress, we cannot allow that to dominate the decisions that we come to.

In the context of trying to ensure that we take as measured an approach to this as possible, there are two more points I wish to make. This legislation deals predominantly with the issue of legal proceedings regarding family breakdown and particularly with what happens with children and other aspects as a result of the separation of an adult partnership. It does not deal with issues of child support, the Child Support Agency and the formulae surrounding that. As we all know, there have been separate inquiries and decisions going on in regard to that. There is legislation coming through on that.

I should say that, whilst I do not agree with all of the detail of what is being proposed in that regard and I think it also warrants further investigation, clearly the formulae and results of child support arrangements as they are currently occurring do create unnecessary injustices that can be improved on.

That is something that I think also needs to be examined as promptly as possible. But, on this aspect of the legislation and in this area in particular, we do need to recognise that the ultimate decision has to be focused on the child.

The other point I want to make is in regard to the comments made by Family First in their dissenting report. I heard the speech of the Family First senator earlier. I suppose that, whatever position or amendment anybody puts forward on this legislation, they will preface it by saying that it is in the interests of the child because that is the magical phrase—and so it should be, because it is the most crucial issue. But you do have to look beneath the phrase at what the actual issue is that is being proposed.

I find the assertion put forward by Family First that it is about equal parenting time rather than equal parenting responsibility a very dangerous assertion. It is not just dangerous to put something like that into law. Also, frankly, as a principle, if the way we assess who is being a good parent and who is not is on the basis of how much time each of us spend with our children, I imagine that all of us in this place for starters would be automatically lumped into the bad parenting category. Anybody who is in a situation, voluntary or employment related or otherwise, where they spend a lot of time away from their child should not automatically therefore be seen to be part of a situation that is contributing to a harmful circumstance for their child.

There are more things than time. Time is important—again, all of us here would be more than aware of that as well as the difficulties that can come from the absence of time. But it really does have some very unfortunate overtones of harking back to an old-style approach of just seeing children as property—where, as part of the property

breakdown and division, parents who are splitting up look at who gets to stake a claim in the children as well as in the house and everything else. That is a mindset that we must reject categorically. Even the tiniest hint of it is something that I think must be dismissed promptly and categorically.

The other point I want to make concerns a phrase and statistic used in Senator Fielding's speech. It was about the Family Court being the worst place for Australia's children. It is certainly not a place that any of us wants to end up. No-one wants to end up in any circumstance where that has to be the way the final decision is made as to how a child's future is determined with regard to contact with their parents. But it is not the fault of the Family Court that those situations develop. It is the role of the Family Court to try to make those difficult decisions when those situations occur. But, to suggest—as has been done—that, because only 2.5 per cent of residence orders are for joint parenting, therefore in every other circumstance a child has lost a parent, I think is not only misleading but also blatantly false.

To then follow it with the statement that we are in danger of creating a stolen generation is moving into the territory of very inflammatory language. That is the sort of thing that we really need to try to avoid in this debate. I will not move across into the facts, realities and history of the stolen generation and the deliberate government-sanctioned removal of children from their parents solely on the basis of their children's skin colour. But to try to tie the immensely difficult decisions of the Family Court process about future contact between children and their parents because the parents cannot work it out for themselves with that past disgraceful practice is disgraceful in itself. It is language that we should not be bringing into this debate because it is a completely inaccurate representation of the situation that hap-

pens now and it is also a very offensive linkage to one of the more appalling practices in our nation's history. It belittles and diminishes the reality of that appalling practice that occurred in the past.

Having said that, I look forward to the committee stage of the debate. I hope it can be conducted in a way that does try to maintain a measured approach to the difficult issues. In the intervening period, before we get to the committee stage, I certainly urge all senators and those in the community who are interested in this debate to read the Senate committee report that was tabled today. It is comprehensive and a genuine attempt by all senators, I think, to engage with this difficult issue. There are many recommendations in there to further improve this legislation. I hope people take them seriously and approach the legislation from that perspective.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.30 pm)—Firstly, I thank senators for their contributions to the debate on this very important subject. The Family Law Amendment (Shared Parental Responsibility) Bill 2006 represents the most significant reform of the family law system in 30 years. It will change the way post-separation disputes are resolved, so that better outcomes are achieved for Australian children. The amendments underpin the government's commitment of nearly \$400 million over four years to provide increased services to help couples resolve conflicts and agree about parenting arrangements.

I note that this bill has been the culmination of a great deal of work—in fact, a number of years work—by a large number of people. I would like to place on record on behalf of the government the appreciation of the work done by colleagues from both sides of politics who have been involved in the development of this legislation. The govern-

ment has consulted extensively throughout the development of the family law reforms both within the legal profession and the larger community. The bill is the result of listening and responding to the views of a wide range of people on how the family law system can deliver better outcomes for Australian families. Recently we had the Senate Legal and Constitutional Committee review this bill. I note that the report was handed down last Friday, 24 March 2006. As I recall, some 16 recommendations were made, and the government is of course considering those recommendations.

This bill reflects the government's desire to change the culture around family breakdown and to ensure that as many children as possible grow up in a safe environment with the love and support of both their parents. It is clear from this debate that everyone agrees that the best interests of the child in each individual case should continue to be the paramount consideration in making parenting orders. This bill provides that.

The bill also recognises the benefit to most children of knowing both of their parents and having both of their parents involved in their upbringing. The bill ensures that children have a right to a meaningful relationship with both parents and that parents will generally continue to share responsibility for their children after they separate. This responsibility will be shared in an equal sense. The bill also encourages parents to sit down together to work out what is best for their children, rather than fighting it out in the courts. This is more likely to create an environment where both parents are able to maintain a meaningful relationship with their children. The bill also reinforces the primary importance of ensuring that children live in an environment where they can be safe from violence or abuse. A number of provisions in the bill ensure improved case management and protection for cases involving allegations

of family violence and abuse. These are very significant changes.

In addition, on 26 February this year the Attorney-General announced the launch of the government's Family Law Violence Strategy. The strategy will support the changes to the law by focusing on ensuring that allegations of family violence and child abuse raised in family law proceedings are handled quickly, fairly and properly. In particular, the strategy will provide a better understanding of how these important cases are managed. The government also wants to improve coordination with the states and territories, which are responsible for investigation of family violence and child protection. The government will seek to ensure that information on investigations by state and territory agencies is available to allow courts to make better decisions and to provide better outcomes for our children. The Family Law Violence Strategy is directed at improving process, not about reviewing legislative definitions. It complements this legislation and other family law reforms being undertaken by the government.

The government's reforms to child support, announced on 28 February this year, are the other important elements of the government's reforms to the family law system. Those changes will progressively implement the report of the ministerial task force on child support entitled *The best interests of children* and will support shared parenting by recognising the contributions both parents make to the care of their child. We have a holistic approach to the reforms based upon the new family relationship centres and other services, these reforms to the Family Law Act and the major changes to child support. This bill delivers a fairer, faster system for the benefit of Australian families.

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

BUSINESS**Rearrangement**

Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.35 pm)—I move:

That intervening business be postponed till after consideration of government business order of the day no. 3 (Aged Care (Bond Security) Bill 2005 and two related bills).

Question agreed to.

AGED CARE (BOND SECURITY) BILL 2005**AGED CARE (BOND SECURITY) LEVY BILL 2005****AGED CARE AMENDMENT (2005 MEASURES No. 1) BILL 2005****Second Reading**

Debate resumed from 9 February, on motion by **Senator Ellison**:

That these bills be now read a second time.

Senator McLUCAS (Queensland) (9.35 pm)—The first two bills that we are debating here this evening, the Aged Care (Bond Security) Bill 2005 and the Aged Care (Bond Security) Levy Bill 2005 are designed to protect accommodation bonds held by residential aged care providers in case of a provider becoming insolvent. The third bill in this suite, the Aged Care Amendment (2005 Measures No. 1) Bill 2005, is designed to ensure that residents of flexible care services are afforded the same protections as residents in residential aged care services. It puts in place a set of prudential standards and is designed to ensure that interest is repaid to the estate of a resident for a period between the death of a resident and the repayment of the bond. It is also designed to change the time frame of repayment of a bond to the estate of a deceased resident. Finally, it is designed to reduce the time frame in which a bond must be refunded in the event of a resident leaving a facility or if a resident dies.

The essential purpose that these three bills provide is to strengthen the prudential requirements and enhance the protections available to residents in aged care who have paid accommodation bonds. These bonds are paid, as many of us know, upon entry by non-concessional residents of low-care residential aged care facilities, by residents in high-care facilities which have extra service status and by some residents in multipurpose services. When residents leave an aged care facility, they, their family or the estate may be eligible for a refund of part of the accommodation bond that has been paid. Under current arrangements, if a residential care facility provider became bankrupt or insolvent, the resident is not guaranteed that they will get their relevant accommodation bond amount refunded. These bills are designed to ensure that residents will in all cases be refunded the amount of accommodation bond that they are owed.

The introduction of these arrangements was recommended by Professor Hogan in his 2004 review of pricing arrangements in residential aged care. There is general industry acceptance of the proposals as an appropriate way to protect residents' funds. Professor Warren Hogan recommended that measures be introduced to protect the increasing pool of accommodation bonds that exist. Currently, approximately \$4.3 billion is held by residential aged care providers as bonds, with an average bond being \$127,600. Unfortunately—and I am very glad the minister is here, because he might be able to answer this in his contribution to the debate—we are still waiting for the government's long-term response to the Hogan review. The summary report of the review of pricing arrangements in residential aged care was received by the government in March 2004. It has now taken this government longer to respond to the report than it took Professor Hogan to under-

take the research and write the report for his original work.

Senator Hutchins—That is outrageous!

Senator McLUCAS—That is right, Senator, it is outrageous. This legislation was referred to a legislation inquiry. As I said earlier, the sector is, by and large, quite comfortable with the proposal to protect bonds but was unsure of the potential liability that the industry may carry. We had a one-day hearing, and the question of potential liability was canvassed. The department reported that they had commissioned PricewaterhouseCoopers to analyse the financial risk profile of the residential aged care industry. Based on that analysis, the department indicated—and I paraphrase from the report—that the order of 0.2 per cent of the value of the industry's accommodation bonds holding would be the potential liability. They also estimated on the very conservative assumptions that the size of the levy on the industry would only exceed 0.8 per cent of bond holdings once every 20 years. That provided an indication—certainly not a comfort, but an indication—to the sector of what they were potentially facing.

Another thing happened during the inquiry which I thought was a little concerning. Both the chair of the inquiry, Senator Humphries, and I were questioning the department on the question of who carries the liability if a provider becomes insolvent. We were somewhat concerned at the response from the witness from the department, who said on a number of occasions—and, again, I paraphrase—that any newcomer into the industry from the period of a point of insolvency to the day that the levy is struck would not have to pay the levy. She made it very clear that for any entity which changed hands in that period the purchaser would not have to pay the levy. I am not a lawyer; Senator Humphries is. Both of us thought that this

was something that was anomalous. This concerns me mainly because we then got some supplementary information from the Department of Health and Ageing which, in my view, directly contradicted that advice. It is on the basis of that supplementary information from the department that I can undertake that Labor will support this legislation. If we had a circumstance in which a major provider were to go bankrupt and was not able to pay the accommodation bonds owed to people who are in the facilities, there would be a very unusual and very different driver in the aged care sector in Australia. You can imagine that people would be selling entities hand over fist simply to get out of the levy having to be paid. With that caveat and on the basis of the evidence that was subsequently provided to our committee that any entity which changes hands between the point of the insolvency—that is, 10 days prior to the insolvency—to the date the levy is struck, any entity which stays in the industry irrespective of changing hands will be liable to carry that levy. It is on that basis that I support this legislation. I thank witnesses who provided us with submissions in the short time frame. I thank those who were able to come to give evidence to the committee and the secretariat for the report. In particular, I thank Professor Hogan for his comments, given that his report was the genesis of this legislation.

In the 2005 budget, \$1.3 million was allocated as consultation on the Hogan recommendations. It concerns me that here we are at nearly the end of March and we have still to see what has happened to that money and what the consultations have been. When are we going to see the final report on the Hogan recommendations that this government has been promising the industry for well on a year. When it comes to yet other recommendations made to the federal government, we are still waiting for the government's re-

sponse to the Senate inquiry report that came down 10 months ago called *Quality and equity in aged care*. I remind the minister that this was a unanimous report. This report was agreed to by Liberal Party senators. I think it is a fairly significant report in the committee's history. It is 10 months now since that report has come down. We have Professor Hogan's report. We also have the Senate inquiry report.

In the current climate, there are a number of pertinent recommendations to do with aged care in the Senate Community Affairs References Committee report. There are 51 in all but I just want to go to four of them. Recommendation 12 in the report identifies that each residential aged care facility needs to have one annual random or targeted spot check. Recommendation 16 calls for a review of the complaints resolution scheme so that it will be more responsive to residents' needs. Recommendation 17 calls for an examination of the feasibility of whistleblower legislation so that those who report atrocities such as those that we have heard of in recent weeks are protected. Recommendation 18 calls for an investigation into the extent of intimidation of and retribution towards residents and their families. Two of those recommendations are also recommendations of the report of the ministerial aged care advisory committee, which met last week.

The Senate committee's recommendations, Minister, have been sitting on your desk for 10 months and we are still waiting to see what the government is going to do. It has taken the events of the last few weeks to get the government to say it is going to do something about spot checks and a review of the complaints resolution scheme, but unfortunately the government has not been prepared to say what it is going to do about the 49 other recommendations that the committee made.

Further, I am concerned that the Minister for Ageing still has not clarified if there in fact has been an increase in sexual abuse or elder abuse more generally of residents in aged care facilities. In my view, it is time for an independent, arms-length inquiry that can ascertain the nature and prevalence of abuse that is occurring in residential aged care facilities. Until the community understands the scope of what we are dealing with, our ability to find an appropriate response will be limited. The only way to do that is to establish a short, efficient, tightly targeted inquiry. It would only take a matter of months, I think, but it is an inquiry that is absolutely required. In fact I asked the minister that question on 2 March this year: whether there were any other aged care facilities in Australia that had been or were being investigated for sexual abuse allegations. Unfortunately the minister did not answer the question. He did not take the opportunity to make it clear what the answer to that question was.

As I said, two of the four recommendations of the advisory committee were in fact recommendations from the Senate Community Affairs References Committee inquiry. I welcome the general support from employees and employers for the undertaking of police checks prior to employment. I also welcome the indication that employees will undertake training in relation to knowledge and awareness of abuse of the elderly and how to deal with complaints. However, I thought that the minister should have been forthcoming with more of an action plan about how that was going to occur.

The minister also missed the opportunity, in my view, to make any recommendations about staffing levels in aged care facilities. During our inquiry into aged care last year, I was concerned by the number of witnesses who came to the inquiry who talked about being on duty by themselves overnight. That is a very unfortunate circumstance, not only

for the residents at those facilities but for the aged care workers themselves. They have no protection against false accusations—and, if unfortunately that person is not the right sort of person we should have in aged care, we are putting those residents at extreme risk.

The only response to date has been for the minister to call together an existing aged care committee, a committee which contains people with considerable expertise in aged care—no-one can deny that; they are all qualified and very eminent people—but which does not include advocates of residents in aged care. People who are experiencing this, people who are dealing with residents who have been through untoward, unpleasant, unsatisfying events, especially with the complaints resolution scheme, should have had representatives at that meeting. The other group of people that should have been there are those people with experience and expertise in elder abuse. There are a number of very eminent Australians, especially in the research sector, who I think could have provided some—

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! It being 9.50 pm, I propose the question:

That the Senate do now adjourn.

Tooheys

Senator HUTCHINS (New South Wales) (9.50 pm)—I want to speak tonight about the plight of a number of lorry owner-drivers and employees involved with the Tooheys brewery contract in Sydney. In February this year Tooheys advised its prime contractor, Tolls, that after July this year they would no longer be carting the grog for the brewery and that Linfox would be. About 60 lorry owner-drivers are affected by this. In fact there are still a handful of the men who are

carting Sydney's beer around who were employees of Tooheys back in the early sixties when Alltrans took over the contract and indeed forced those men to buy their trucks to keep their work.

No account has been taken of the 40-odd years of loyal service of these men—and effectively it is almost all men. The only changes of contracts in that period have been from Tooheys to Alltrans to Tolls. But the men have been advised that, as of July this year, they will be finished. There is a lot of goodwill involved with the men who will be affected by this change if it does proceed in July this year. A number of the men—some of whom are ex-footballers from Sydney—have put up not only their own homes but their parents' homes for mortgage to pay the goodwill for the entry into the contract of carriage to cart Tooheys product.

This matter is before Deputy President Peter Sams tomorrow afternoon in the Industrial Relations Commission of New South Wales, and the claim that the lorry owner-drivers have placed against Tooheys, Tolls and Linfox is, I understand, a figure of up to \$21 million. This may appear a strange procedure to take. Not only some colleagues on my side, but I am sure also those on the other side, might not be familiar with the fact that for nearly four decades these independent contractors in New South Wales have been able to be represented by a trade union before the Industrial Relations Commission in that state. That union, of course, is one that I led for some years: the Transport Workers Union. That will not be the case if the government's independent contractors legislation is introduced and is carried by the House of Representatives and the Senate. I want to remind you, Mr Deputy President, that independent contractors occupy about 12 per cent of the transport task carried out in the transport industry in this country.

So if the independent contractors legislation becomes law it would remove the protections currently available to owner-drivers in New South Wales by removing their access to industrial jurisdictions to resolve disputes, by removing their right to collectively negotiate contracts and be represented by a union in these negotiations and by removing access to the New South Wales contract of carriage tribunal, which protects their investments in goodwill. The proposed impacts of these changes would also mean that they would have no access to the Industrial Relations Commission of New South Wales, that there would be no contract determinations to set minimum rates and conditions, that there would be a restricted choice of representation in negotiations with principal contractors, that there would be no contract of carriage tribunal to hear claims of goodwill, that there would be no ability to review unfair contracts and that there would be no ability to reinstate unfairly terminated contracts.

In relation to unfair contracts and the contract of carriage tribunal, I was quite active in making representations to the then Liberal-National Party government in New South Wales, headed firstly by Nick Greiner and then by John Fahey. The New South Wales coalition government allowed for the private member's bill moved by Peter Nagle, a Labor member for Auburn, to go through the parliament—both the legislative assembly and the council—to set up this contract of carriage tribunal, which allowed for inexpensive means by which lorry owner-drivers could go and argue a case in relation to their goodwill. Of course, the TWU was and is intimately involved in this procedure.

If the independent contractors legislation is carried in its current form, the only avenue that the men and women who are involved in carting products and owning their own vehicles will be costly civil remedy. At the moment the lorry owner-drivers who are af-

ected by the decision of Tooheys to change their contract from Tolls to Linfox will be, as I said, in the Industrial Relations Commission of New South Wales tomorrow afternoon. They hope to do more than secure their investments and their livelihoods; they wish to keep, of course, their jobs with the incoming contractor. This is not unusual in the road transport industry, where men often change the logo on the side of their truck and, indeed, get told what sort of truck they need when a new successful contractor comes in. Many will have seen over the last few months the agitation by lorry owner-drivers, particularly in Sydney in relation to the intention of the government to proceed with this legislation to deprive them of union representation. This is union representation that they have had for nearly four decades. Not only did aspects of that have the support of Nick Greiner and John Fahey, but it went right back to Sir Robert Askin, when these legislative remedies were being sought to look after and represent lorry owner-drivers.

I am concerned that the procedures outlined by the government in the independent contractors legislation to deprive these men of union representation will lead to costly civil remedies that a number of men would not have access to. Already there is a significant concern amongst them that they will lose not only their own homes but their parents' homes as they had put them up as collateral to pay for goodwill payments. If that is the case and if they do stay in the industry, where there is no regulation of rates or conditions, then the bottom line will be safety. That has been proven time and time again. When men are put under pressure to make delivery times and to cart ridiculous distances with the allocation they have got, they will speed, they will overload and they will take drugs to keep themselves awake. In the end that has become a murderous recipe so many times over the last 30 or 40 years that

we have had mechanised lorries on the road. I am concerned that these men will be left out to dry and that it will inevitably lead to some terrible breakdowns in their families because of the pressure that will be put on those families. They will not have any means whatsoever to pay for the goodwill payments and for the upkeep of the vehicles.

The matter needs to be dealt with in an inexpensive and open forum, as is available under the New South Wales jurisdiction. If the government's independent contractors legislation does become law, then that will deprive these people of an opportunity and a mechanism that they have had for nearly four decades. If that is done, then it will only behave the government to see whatever the consequences are for that—whether it is in terms of their families, their finances or terrible tragedies. I bring this to the attention of the Senate tonight because these men only have a number of months left before Linfox will take over. I understand Linfox has made it clear that these men will not be offered employment. All they will have is their vehicles. They will have no work, and a number of them have worked in this contract for nearly four decades.

United Kingdom Pensions

Aboriginal and Torres Strait Islander Social Justice Commissioner

Senator BARTLETT (Queensland) (9.59 pm)—This evening I would like to address two separate matters. Firstly, given that the Prime Minister of the United Kingdom is in the country and has been for the last couple of days, I think it is appropriate to raise once again, as has been raised many times before, the failure of the UK government to index the value of the pension for former UK citizens and residents who are now residing in Australia. For those senators or listeners who are not aware of the facts of the matter, people who are residents of the UK pay into

their social security fund and are entitled to an age pension. Many move to Australia and retire here. The practice of the UK government for many years now has been to freeze the value of their UK pension at the level it is when they leave the United Kingdom.

As a result of that, the real value of that UK pension declines over time. Because they are permanent residents of Australia, and sometimes citizens, they are entitled after a period of time to receive income support payments from Australia. Because the income from the UK pension is not sufficient it is the Australian taxpayer who is topping up the gap between what the UK pension is and what it should be, because the UK pension is counted as income for the purposes of determining their eligibility for Australian income support. Recent figures suggest that over \$100 million a year in income support, predominantly through age pension payments, is paid to former residents of the UK—over 150,000—who now live in Australia and who would not need to be paid if the UK government maintained the proper value of its pensions.

Our two countries have, amongst many shared histories, ties and agreements, a social security shared agreement, as we do with many other countries, but the value and integrity of that agreement is significantly undermined because of this continuing practice of the United Kingdom. It makes it all the worse that it is a practice that is selective. It is not applied to UK residents who go to live in other European countries. Despite all the talk of our Commonwealth ties and heritage, as demonstrated in the Commonwealth Games just recently, it is a practice that does not apply to former UK residents who move to many Commonwealth countries such as Australia.

This is an unsatisfactory arrangement. I have not heard too much noise about it lately.

I certainly recall former minister Senator Patterson expressing frustration about this a number of times. It does not seem to have been mentioned much lately—indeed not at all despite the fact the UK Prime Minister is in the country. That has made me feel it is appropriate to mention it once again. These issues are difficult to resolve but they are certainly far less likely to be resolved if we do not keep pressing them. There is no time more ideal than this moment to press the UK Prime Minister about this inadequacy.

The second matter I wish to address is the report brought down by the Social Justice Commissioner—it was tabled in this parliament a month ago—regarding Indigenous affairs in Australia. In the time available to me I will make a couple of brief points. There is a couple of aspects of that report that do need particularly strong emphasis. The Social Justice Commissioner, Mr Calma, specifically emphasised as a matter of urgency the need to develop regional representative bodies and Indigenous representation at local, regional and national levels. This is something that has been lacking in recent times.

The commissioner takes a balanced approach, I might say, in looking at the various significant and wide ranging changes that have been made in implementing arrangements for Indigenous affairs from the federal level. He highlights positives as well as negatives. It is important in this area to highlight advances where they occur and to try to remove the ideology and the political partisanship. If there is one area where all of us in the political arena have failed dramatically in over many years—left, right, centre or whatever other label you like to use—it has been with regard to Indigenous Australians. None of us really has much to be proud of in that regard. I do not think partisan finger pointing is going to help the matter much. That does not mean that we do not criticise inadequa-

cies that are occurring or criticise when misleading impressions are created about what is happening.

That is why the Social Justice Commissioner's report is so important. It takes a balanced view of the facts of the matter—the various changes that have been made and are being made in how Indigenous programs are being delivered. Whether people believe that change is for the better or for the worse, the fact is it is happening and it is imperative that all of us try to make sure that it operates in a way that delivers results for Indigenous Australians.

The Social Justice Commissioner has identified a gap that does need to be addressed as a matter of urgency, and that is the lack of Indigenous representation at local, regional and national levels and, of particular importance to me as a Queensland senator, the fact that no mechanisms have been established to ensure the distinct issues of Torres Strait Islanders who live on the mainland are being addressed. The commissioner identifies as a first priority to establish regional representative bodies which can link into local as well as state and national levels. He suggests that regional partnership agreements can provide a solid basis for this to occur. An essential part of success in this area is to ensure there is Indigenous involvement, Indigenous representation and meaningful and genuine engagement with Indigenous people and communities in implementing programs and arrangements and in developing new approaches or specific programs. Unless that is there, we are almost guaranteed to continue to repeat the failures of the past.

I would point to the specific words of the commissioner. He makes a statement with regard to shared responsibility agreements, which was only one part of the approach that the federal government is now taking, but it

is a statement that, frankly, can apply across the board to state governments, the federal government and indeed, I might suggest, political parties and community organisations. The commissioner says:

There are many lessons from the past that show that when governments force change onto communities, the change is often ineffective or not sustainable.

That is a fact and a lesson that does not just apply to Indigenous communities, but I think it applies tenfold to Indigenous communities because of the range of cultural and historical factors that have produced the current situation. The commissioner says:

To make change long term and successful, communities must have a sense of ownership and participate in all decision making processes. This is upheld by human rights principles.

I recognise that there are some Indigenous communities around the country that can only be described as dysfunctional, divided and facing enormous burdens. In those circumstances, phrases like what I have just read out are more difficult—I acknowledge that—but that those wanting that sort of participation are able to be involved is a key part of getting those communities into a more sustainable, viable state. I should also say that, whilst there are some communities in that state, there are many that are not. It is understandable to focus on the problems and Indigenous issues, but we should not forget that there are many success stories out there and we need to do more to highlight those and build on the lessons that each of them can teach us.

The principles that are outlined in the social justice commissioner's report are ones that I think we need to turn to and use as a reference point to assess the progress not just of the federal government's actions in this area, although that is particularly relevant for this chamber, but also of all of us being engaged in what I think is a policy issue that

must be given one of the highest levels of priority if we are genuine about providing a united nation.

Cyclone Larry

Senator McLUCAS (Queensland) (10.09 pm)—Last Monday, one of the most destructive cyclones ever seen in Australia crossed the Far North Queensland coast with 300 kilometre an hour winds that lashed an area that extended from south of Cairns to Cardwell, several hundred kilometres along the coast. It also travelled several hundred kilometres inland to the central and southern tablelands. An area about half the size of Tasmania is suffering the effects of Cyclone Larry. It was a terrifying ordeal. It lasted a number of hours but, thankfully, most of it was experienced in daylight. For that we can only be thankful.

The photos that many senators would have seen in the newspaper and on the television portray an horrific result of this horrible cyclone, but to see it first hand is almost numbing. You can hardly describe the enormity of its effects in words, it was so devastating. House after house has been extensively damaged, particularly along the coast. For example, at Babinda, a small sugar town, the mill looks like it would never start again, although we are assured that it will be up and running at the end of the year. House after house is unroofed or structurally blown apart. Innisfail is much the same, especially towards the coast. At Mission Beach, in particular, the rainforest is unrecognisable as rainforest at the moment.

But we cannot forget that the area of the Atherton Tableland, which does not often get cyclones like we get on the coast, has suffered very significantly. As a tablelander I have to say that I feel a bit for those people because they have been a bit forgotten in the media discussions. To those towns of Ravenhoe, Millaa Millaa, Malanda and Atherton,

for example, that have suffered significant damage, we are thinking about you.

The state of play at the moment is that the overall damage bill looks as if it will be something like \$1.5 billion. That is a very expensive cyclone. At the moment about 1,000 people are homeless. There have been 6,000 homes damaged or totally destroyed. A very large number of commercial business or farm buildings have been damaged or destroyed. There has been severe damage to roads, bridges, rail infrastructure, and power, water and communications infrastructure. The damage bill to public infrastructure is presently at \$600 million and rising. Can I say that I thank the government for finally agreeing to fund the flood proofing of the Bruce Highway around the Tully area. When you have a cyclone like this, it spurs the government into some sort of action, and I thank the government for finally handing over the cheque.

Primary producers have been hit hard, mainly in agriculture, as you would imagine. As you know, the banana crop has been totally destroyed, and those banana growers who tried to diversify and move part of their plantations up onto the tablelands to avoid an event such as this have got it at both ends, and I really feel sorry for them. My heart goes out to those growers. The cost to the banana industry at the moment is \$300 million, which is similar to the effects on the sugar cane industry in North Queensland.

Fruit and vegetable crops have also suffered significant damage. Avocado production has basically been finished—certainly until we can get trees standing back up, with flowers on those trees and maybe some fruit next year. Dairy farming is a significant industry on the tablelands. I do not know how they are coping without power. We know that many generators have been brought in. I have only ever had to hand-milk a herd of

dairy cows once in my life, but these people are looking at three weeks before they will have power on in some parts of the Atherton Tablelands. Some of the flowers that we saw at the Commonwealth Games came from farms that were devastated by the cyclone.

At the moment, we are looking at 4,000 jobs gone across all sectors. However, we have an absolute army of people who are there to support us, and that is what I want to focus on tonight. More than 1,000 emergency workers are in action as we speak. Defence Force personnel were in action by Wednesday. We thank them. The police, the fire brigade and ambulance officers were in action from the minute it started, and we thank them. The SES—those wonderful, orange clad SES people—do an enormous amount of work. They plan and get into action. I know the effort they put in prior to an event like this, and it works. To each and every one of those people, I give our sincere thanks. I heard the Governor-General talking to a group of them today—he was up in North Queensland today—and they were so tired they almost could not speak. Apparently they have been working 14 hours a day. So I say to those SES people: look after yourselves; this is going to take some time, so do not overdo it.

I also pay my thanks to workers from the state and local governments and the Commonwealth government. Significant numbers of Centrelink people have moved in and are working over weekends. I thank them very much for that. As you know, local government people are the first port of call. They devised the disaster management strategy and they put it into action, and they have done a terrific job. I also particularly want to pay tribute to Ergon workers, who have been working in very difficult circumstances. It is very dangerous, and they are working an enormous number of hours. As I said, it is going to take three weeks for some custom-

ers to get power back, but Ergon workers are doing a fantastic job. They are also making sure that people know what to expect, with regular radio broadcasts about what is going to occur.

Teams of tradespeople are starting to work together, and this has to be structured particularly well. I understand Qantas has brought a load of some 100-odd tradespeople into Cairns today. I also know that a lot of people in Cairns are putting up some of these workers so that they can live free of charge. I cannot list the number of charitable organisations that got themselves organised and into effect, basically from Tuesday, making sure that everything that could be provided was being provided. I thank the state and federal governments for their response—the cash support is very welcome. But I also particularly want to thank those people who are donating to the Premier's disaster appeal. I understand it has collected over \$1.5 million now. We are going to need a little more, so if you can find a few more pennies we would certainly value it. We will use it well.

On Saturday night we had a great night in Townsville. The North Queensland Cowboys defeated the Melbourne Storm. It could not have been a more appropriate contest that we had. So North Queensland knocked off the Storm last Saturday night. It is the view of North Queensland that we will defeat the other storm, Cyclone Larry, as well. I thank those fans of the Cowboys, and the Cowboys themselves, for raising \$150,000 that night.

Most important of all is that neighbours are helping each other out. Whole communities are providing support to each other—physical labour and cleaning up each others' yards. It happened in my street, and I thank my neighbours for helping me clean up my yard. A fine example of this is the Hmong community in and around Innisfail. They have been devastated. Their entire vegetable

crop has been wiped out, but they have formally volunteered to pick up as many of the bananas that are on the ground now as they can.

We are a resilient mob in North Queensland. We are strong and we stick together. I am a little concerned that that strength and the stoic nature of North Queensland may be a problem into the future. I say to men who are feeling troubled: please do not bottle it up; please make sure that you seek the counselling that you need; please make sure that we continue to talk. The other group of people I want us to be vigilant about is children. Children who witnessed this event may need support into the future. It was terrifying, and we will need to be there for them. I might take an opportunity later in the week to make a longer contribution. Finally, I want to thank the media for their support in helping us through this event. *(Time expired)*

Senate adjourned at 10.20 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

A New Tax System (Wine Equalisation Tax) Act—

Wine Equalisation Tax New Zealand Producer Rebate Claim Lodgment Determination 2006 [F2006L00925]*.

Wine Equalisation Tax New Zealand Producer Rebate Foreign Exchange Conversion Determination 2006 [F2006L00923]*.

Acts Interpretation Act—Acts Interpretation (Substituted References—Section 19B) Amendment Order 2006 (No. 1) [F2006L00655]*.

Appropriation Act (No. 1) 2004-2005 and Appropriation (Tsunami Financial Assis-

tance) Act 2004-2005—Determination to Reduce Appropriation Upon Request—Determination No. 3 of 2005-2006 [F2006L00670].*

Appropriation Act (No. 2) 2005-2006—Advances to the Finance Minister—Determinations Nos—

4 of 2005-2006 [F2006L00607]*.

5 of 2005-2006 [F2006L00771]*.

Australian Crime Commission Act—Select Legislative Instrument 2006 No. 43—Australian Crime Commission Amendment Regulations 2006 (No. 1) [F2006L00592].*

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Amendment Order 2006 (No. 1) [F2006L00760].*

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (confidentiality) determinations Nos—

3 of 2006—Information provided by general insurers under certain reporting standards [F2006L00762]*.

4 of 2006—Information provided by general insurers under certain reporting standards [F2006L00829]*.

5 of 2006—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 (2005) [F2006L00869]*.

Australian Sports Anti-Doping Authority Act—Select Legislative Instrument 2006 No. 47—Australian Sports Anti-Doping Authority Regulations 2006 [F2006L00765].*

Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Act—Select Legislative Instrument 2006 No. 46—Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) (Transfer of Staff) Regulations 2006 [F2006L00767].*

Aviation Transport Security Act—Select Legislative Instrument 2006 No. 45—

Aviation Transport Security Amendment Regulations 2006 (No. 2) [F2006L00654].*

Banking Act—Banking (prudential standard) determination No. 1 of 2006—Prudential Standard APS 520 Fit and Proper [F2006L00666].*

Broadcasting Services Act—Broadcasting Services (Anti-terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2006 [F2006L00871].*

Civil Aviation Act—

Civil Aviation Regulations—

Civil Aviation Order 95.12 Amendment Order (No. 2) 2006 [F2006L00840].*

Civil Aviation Order 95.12.1 Amendment Order (No. 2) 2006 [F2006L00841].*

Civil Aviation Order 95.56 Instrument 2006 [F2006L00838].*

Instruments Nos—

CASA EX06/06—Exemption—maintenance on limited category and experimental aircraft [F2006L00636].*

CASA EX13/06—Exemption—from requirement to carry published charts [F2006L00752].*

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

105—

AD/A320/190 Amdt 2—Engine Pylon Spar Box Ribs [F2006L00738].*

AD/A330/56—Wing Leading Edge Blow-Down Panels [F2006L00737].*

AD/AS 355/89—Tail Rotor Drive Shaft—Forward Shaft Section [F2006L00746].*

AD/AS 355/90—Main Servo-Controls [F2006L00672].*

AD/B727/201—Trailing Edge Flap Foreflap [F2006L00736].*

AD/B737/40 Amdt 2—Structural Modification and Inspection Program [F2006L00734]*.

AD/B737/181 Amdt 1—Flap Track Assembly and Rear Spar Attachments [F2006L00733]*.

AD/B737/229 Amdt 1—Lavatory Drain System [F2006L00745]*.

AD/B737/242 Amdt 1—Fuselage Skin, Doubler, Strap, and Frames Surrounding Cargo Doors [F2006L00731]*.

AD/B737/262 Amdt 1—Wing Outboard Flap Inboard Flap Track [F2006L00730]*.

AD/B737/279—Fuselage Skin Panels Aft of Main Wheel Well [F2006L00759]*.

AD/B737/280—Aileron Tab [F2006L00729]*.

AD/B737/281—Fuselage Stringer 14 Lap Joint at Body Station 727 [F2006L00728]*.

AD/B737/282—Outboard Mid-flap Carriage Spindles [F2006L00727]*.

AD/B737/283—Horizontal Stabiliser Hinge Outboard Fitting Attachment [F2006L00725]*.

AD/B737/284—Wire Bundle Chafing [F2006L00757]*.

AD/B747/258 Amdt 1—Engine Pylon Diagonal Brace Underwing Fitting [F2006L00726]*.

AD/BAe 146/119—Hydraulic System—Accumulators with Suspect Defect [F2006L00887]*.

AD/BELL 427/2—Horizontal Stabiliser Auxiliary Fin Assemblies [F2006L00723]*.

AD/CONVAIR/1—Horizontal Stabiliser Attachment Fitting Lugs [F2006L00722]*.

AD/DAUPHIN/72 Amdt 1—Hydraulic Power—Hydraulic Pipes Clamps [F2006L00744]*.

AD/DHC-3/40—Elevator Trim Tab Assembly [F2006L00701]*.

AD/DHC-8/113—Fuel & Hydraulic Tubes Chafing [F2006L00743]*.

AD/DHC-8/114—Pitch Trim Control [F2006L00756]*.

AD/DHC-8/115—Main Landing Gear Proximity Sensors [F2006L00754]*.

AD/DHC-8/116—Fuel Tank Lightning Protection [F2006L00753]*.

AD/DHC-8/117—Rudder Trim Switch Wiring [F2006L00751]*.

AD/DHC-8/118—Spoiler Lift Dump Valves [F2006L00750]*.

AD/DO 228/7—Main Landing Gear Axles [F2006L00700]*.

AD/DO 228/8—Main Wheel/Brake Assembly [F2006L00699]*.

AD/DO 228/9—Fuel Tank Lightning Protection [F2006L00697]*.

AD/DO 328/55—APU Fire Extinguisher Cartridge [F2006L00749]*.

AD/DO 328/56—Rudder Torsion Bar Retainer [F2006L00748]*.

AD/ECUREUIL/117—Main Servo-Controls [F2006L00674]*.

AD/ECUREUIL/118—Upper and Lower Fins of Stabilisers [F2006L00787]*.

AD/F100/77—Main Landing Gear Main Fitting—4 [F2006L00696]*.

AD/F406/6 Amdt 1—Elevator Forward Spar [F2006L00693]*.

AD/F2000/9—Engine Fuel System [F2006L00747]*.

AD/G1159/45—Cockpit Flight Panel Displays [F2006L00839]*.

AD/GA8/4—Seat Track Stops [F2006L00758]*.

| | |
|--|---------------------------|
| AD/GENERAL/84 Amdt 1— Thermal/Acoustic Insulation Ma- terials [F2006L00691]*. | Tariff Concession Orders— |
| AD/JETSTREAM/94 Amdt 2— Frame 199 Wing Spigot Post As- sembly Bolts [F2006L00671]*. | 0513494 [F2006L00676]*. |
| AD/PA-18/4 Amdt 6—Wing Lift Strut Forks [F2006L00695]*. | 0514517 [F2006L00810]*. |
| AD/SD3-60/69 Amdt 1—Rudder Horn Spar [F2006L00694]*. | 0516323 [F2006L00822]*. |
| AD/TBM 700/44—Elevator Trim Tab Lateral Play [F2006L00739]*. | 0516519 [F2006L00794]*. |
| 106— | 0516693 [F2006L00872]*. |
| AD/LYC/113 Amdt 1—ECi Cyl- inder Assemblies [F2006L00742]*. | 0516744 [F2006L00702]*. |
| AD/MAKILA/7—Digital Engine Control Unit Software [F2006L00741]*. | 0516748 [F2006L00793]*. |
| 107— | 0516750 [F2006L00792]*. |
| AD/GAS/1 Amdt 8—Inspection, Test and Retirement [F2006L00692]*. | 0516753 [F2006L00704]*. |
| AD/PHZL/68 Amdt 3—Turbine engine; Steel Hub Propellers [F2006L00740]*. | 0516754 [F2006L00791]*. |
| Instrument No. CASA EX10/06— Exemption—from provisions of CASR Part 172 [F2006L00665]*. | 0516756 [F2006L00705]*. |
| Class Rulings CR 2006/7-CR 2006/20. | 0516757 [F2006L00677]*. |
| Commonwealth Authorities and Compa- nies Act—Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 1 July 2005) [F2006L00605]*. | 0516759 [F2006L00706]*. |
| Corporations Act—Select Legislative In- strument 2006 No. 57—Corporations Amendment Regulations 2006 (No. 2) [F2006L00802]*. | 0516762 [F2006L00707]*. |
| Customs Act— | 0516763 [F2006L00790]*. |
| Select Legislative Instrument 2006 No. 44—Customs (Prohibited Imports) Amendment Regulations 2006 (No. 1) [F2006L00652]*. | 0516764 [F2006L00708]*. |
| | 0516765 [F2006L00709]*. |
| | 0516766 [F2006L00678]*. |
| | 0516767 [F2006L00679]*. |
| | 0516768 [F2006L00680]*. |
| | 0516769 [F2006L00681]*. |
| | 0516770 [F2006L00682]*. |
| | 0516771 [F2006L00683]*. |
| | 0516772 [F2006L00684]*. |
| | 0516773 [F2006L00685]*. |
| | 0516774 [F2006L00686]*. |
| | 0516775 [F2006L00687]*. |
| | 0516776 [F2006L00688]*. |
| | 0516777 [F2006L00712]*. |
| | 0516778 [F2006L00769]*. |
| | 0516779 [F2006L00714]*. |
| | 0516780 [F2006L00848]*. |
| | 0516782 [F2006L00715]*. |
| | 0516784 [F2006L00735]*. |
| | 0516785 [F2006L00849]*. |
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| | 0516787 [F2006L00717]*. |
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- 0516789 [F2006L00811]*.
 0516790 [F2006L00828]*.
 0516791 [F2006L00826]*.
 0516793 [F2006L00698]*.
 0516794 [F2006L00689]*.
 0516798 [F2006L00825]*.
 0516800 [F2006L00824]*.
 0516802 [F2006L00852]*.
 0516803 [F2006L00853]*.
 0516808 [F2006L00812]*.
 0516809 [F2006L00873]*.
 0516810 [F2006L00874]*.
 0516811 [F2006L00854]*.
 0516812 [F2006L00855]*.
 0516813 [F2006L00823]*.
 0516814 [F2006L00857]*.
 0516816 [F2006L00813]*.
 0516884 [F2006L00718]*.
 0516886 [F2006L00690]*.
 0601589 [F2006L00814]*.
 0601591 [F2006L00816]*.
 0601593 [F2006L00875]*.
 0601596 [F2006L00903]*.
 0601599 [F2006L00817]*.
 0601600 [F2006L00877]*.
 0601799 [F2006L00905]*.
 0601822 [F2006L00878]*.
 0601825 [F2006L00879]*.
 0602225 [F2006L00880]*.
- Tariff Concession Revocation Instruments—
 9/2006 [F2006L00660]*.
 15/2006 [F2006L00805]*.
 16/2006 [F2006L00806]*.
 17/2006 [F2006L00807]*.
 18/2006 [F2006L00808]*.
 19/2006 [F2006L00809]*.
- Excise Act—Select Legislative Instrument 2006 No. 58—Excise Amendment Regulations 2006 (No. 1) [F2006L00799]*.
- Family Law Act—Family Law (Superannuation) Regulations—Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2006 (No. 1) [F2006L00897]*.
- Financial Management and Accountability Act—
 Adjustments of Appropriations on Change of Agency Functions—Directions Nos—
 14 of 2005-2006 [F2006L00657]*.
 15 of 2005-2006 [F2006L00659]*.
- Financial Management and Accountability Orders (Financial Statements for reporting periods ending on or after 1 July 2005) [F2006L00603]*.
- Select Legislative Instruments 2006 Nos—
 53—Financial Management and Accountability Amendment Regulations 2006 (No. 1) [F2006L00909]*.
 63—Financial Management and Accountability Amendment Regulations 2006 (No. 2) [F2006L00910]*.
- Fisheries Management Act—Northern Prawn Fishery Management Plan 1995—NPF Directions Nos—
 90—First Season Closures [F2006L00867]*.
 91—Gear Trials [F2006L00831]*.
 92—Prohibition on Trawling [F2006L00832]*.
 93—Prohibition on Fishing (Prior to Seasons) [F2006L00833]*.
- Goods and Services Tax Rulings—
 Addenda—GSTR 2000/1, GSTR 2000/3 and GSTR 2000/17.
 GSTR 2006/1.
- Health Insurance Act—Determinations of patient contributions—
 HIB 07/2006 [F2006L00859]*.
 HIB 08/2006 [F2006L00860]*.
 HIB 09/2006 [F2006L00861]*.

- HIB 10/2006 [F2006L00863]*.
 HIB 11/2006 [F2006L00864]*.
 HIB 12/2006 [F2006L00866]*.
- Higher Education Support Act—
 Higher Education Provider Approval
 (No. 3 of 2006)—Gordon Institute of
 TAFE [F2006L00721]*.
 Other Grants Guidelines—
 Amendment No. 5 [F2006L00761]*.
 Amendment No. 6 [F2006L00847]*.
- Income Tax Assessment Act 1936*—Select
 Legislative Instrument 2006 No. 59—
 Income Tax Amendment Regulations 2006
 (No. 1) [F2006L00797]*.
- Income Tax Assessment Act 1997*—Select
 Legislative Instruments 2006 Nos—
 60—Income Tax Assessment Amend-
 ment Regulations 2006 (No. 1)
 [F2006L00800]*.
 61—Income Tax Assessment Amend-
 ment Regulations 2006 (No. 2)
 [F2006L00821]*.
- Insurance Act—Insurance (prudential stan-
 dard) determination No. 4 of 2006—
 Prudential Standard GPS 520 Fit and
 Proper [F2006L00668]*.
- International Transfer of Prisoners Act—
 Select Legislative Instrument 2006 No.
 48—International Transfer of Prisoners
 (Hong Kong) Regulations 2006
 [F2006L00844]*.
- Interstate Road Transport Act—Select Leg-
 islative Instrument 2006 No. 56—Interstate
 Road Transport Amendment Regulations
 2006 (No. 1) [F2006L00843]*.
- Lands Acquisition Act—Statements de-
 scribing property acquired by agreement
 for specified public purposes under sec-
 tions—
 40.
 125.
- Life Insurance Act—Life insurance (pru-
 dential standard) determination No. 1 of
 2006—Prudential Standard LPS 520 Fit
 and Proper [F2006L00667]*.
- Marriage Act—Marriage (Recognised De-
 nominations) Proclamation 2006
 [F2006L00633]*.
- Migration Act—
 Migration Regulations—Instrument
 IMMI06/008—Arrangements for Work
 and Holiday Visa Applicants from Thai-
 land and Iran [F2006L00774]*.
- Statements for period 1 July to 31 De-
 cember 2005 under sections—
 46B.
 48B [38].
 91L.
 91Q.
 195A [18].
 197AB [13].
 345.
 351 [70].
 417 [127].
- National Health Act—Determination HIB
 06/2006 [F2006L00856]*.
- National Residue Survey (Excise) Levy
 Act—Select Legislative Instrument 2006
 No. 42—Primary Industries Levies and
 Charges (National Residue Survey Levies)
 Amendment Regulations 2006 (No. 1)
 [F2006L00644]*.
- Native Title Act—Select Legislative In-
 strument 2006 No. 49—Native Title (In-
 digenous Land Use Agreements) Amend-
 ment Regulations 2006 (No. 1)
 [F2006L00845]*.
- Occupational Health and Safety (Com-
 monwealth Employment) Act—
 Occupational Health and Safety (Defini-
 tion of Employee) Notice 2006 (1)
 [F2006L00770]*.
- Patents Act—Select Legislative Instrument
 2006 No. 55—Patents Amendment Regula-
 tions 2006 (No. 1) [F2006L00846]*.
- Product Rulings—
 Addenda—
 PR 2003/1, PR 2003/9, PR 2003/10,
 PR 2003/15, PR 2003/16, PR

2003/27, PR 2003/31 and PR 2003/66.

PR 2005/44, PR 2005/45, PR 2005/49 and PR 2005/50.

Errata—

PR 2005/117 and PR 2005/118.

PR 2006/14.

PR 2006/5-PR 2006/23.

Safety, Rehabilitation and Compensation Act—Safety, Rehabilitation and Compensation (Definition of Employee) Notice 2006 (1) [F2006L00755]*.

Social Security Act—

Social Security Exempt Lump Sum (Fisheries Adjustment Package (Securing Our Fishing Future) 2005) (DEST) Determination 2006 [F2006L00720]*.

Social Security Exempt Lump Sum (Fisheries Adjustment Package (Securing Our Fishing Future) 2005) (DEWR) Determination 2006 [F2006L00819]*.

Social Security Exempt Lump Sum (Fisheries Adjustment Package (Securing Our Fishing Future) 2005) (FaCSIA) Determination 2006 [F2006L00713]*.

Social Security (Personal Care Support Scheme—NSW Department of Ageing, Disability and Home Care (DADHC) Direct Payment Pilot Project) (DEST) Determination 2006 [F2006L00895]*.

Social Security (Personal Care Support Scheme—NSW Department of Ageing, Disability and Home Care (DADHC) Direct Payment Pilot Project) (DEWR) Determination 2006 [F2006L00858]*.

Social Security (Personal Care Support Scheme—NSW Department of Ageing, Disability and Home Care (DADHC) Direct Payment Pilot Project) (FaCSIA) Determination 2006 [F2006L00719]*.

Superannuation Act 1976—

Select Legislative Instrument 2006 No. 54—Superannuation (CSS) Salary Amendment Regulations 2006 (No. 1) [F2006L00801]*.

Superannuation (CSS) Assets Transfer Determination (No. 9) [F2006L00795]*.

Superannuation Guarantee (Administration) Act—Select Legislative Instrument 2006 No. 62—Superannuation Guarantee (Administration) Amendment Regulations 2006 (No. 1) [F2006L00798]*.

Taxation Determinations—

Notice of Withdrawal—TD 95/25.

TD 2006/2-TD 2006/9.

Taxation Ruling TR 2006/1.

Torres Strait Fisheries Act—Torres Strait Tropical Rock Lobster Fishery—Torres Strait Fisheries Management Notice No. 73—Prohibitions relating to the taking, processing and carrying of tropical rock lobster (size restriction, closed seasons, gear restrictions and bag limits) [F2006L00669]*.

Veterans' Entitlements Act—

Veterans' Entitlements (Child-Related Rent Assistance Payments) Determination No. R12 of 2006 [F2006L00837]*.

Veterans' Entitlements Income (Exempt Lump Sum—New South Wales Aboriginal Trust Fund Repayment Scheme) Determination No. R8 of 2006 [F2006L00656]*.

Workplace Relations Act—Select Legislative Instruments 2006 Nos—

51—Workplace Relations (Registration and Accountability of Organisations) Amendment Regulations 2006 (No. 1) [F2006L00834]*.

52—Workplace Relations Regulations 2006 [F2006L00835]*.

Workplace Relations Amendment (Work Choices) Act, Bankruptcy Act, Federal Magistrates Act, Public Service Act and Public Employment (Consequential and Transitional) Amendment Act—Select Legislative Instrument 2006 No. 50—Workplace Relations Amendment (Work Choices) (Consequential Amendments)

Regulations 2006 (No. 1)
[F2006L00820]*.

*Governor-General's Proclamations—
Commencement of Provisions of Acts—*

*Australian Sports Anti-Doping Authority
Act 2006—Sections 3 to 79—13 March
2006 [F2006L00764]*.*

*Workplace Relations Amendment (Work
Choices) Act 2005—Schedules 1, 2 and
5—27 March 2006 [F2006L00836]*.*

* Explanatory statement tabled with legis-
lative instrument.

Indexed Lists of Files

The following documents were tabled
pursuant to the order of the Senate of 30 May
1996, as amended:

Indexed lists of departmental and agency
files for the period 1 July to 31 December
2005—Statements of compliance—

Australian Taxation Office.

Comcare.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Gallipoli

(Question No. 584)

Senator George Campbell asked the Minister representing the Minister for Veterans' Affairs, upon notice, on 3 May 2005:

With reference to the road works at Anzac Cove and other work/maintenance at the Gallipoli Peninsula:

- (1) Has the Government contributed any funding for the upkeep, maintenance or construction work at Gallipoli since 2001; if so, can details be provided of the amounts and the purpose of the expenditure.
- (2) Did the Government offer to contribute to the cost of the road works at Anzac Cove, undertaken after 2 August 2004, the date on which the former Minister for Veterans' Affairs wrote to the Turkish Government.
- (3) Did the Government contribute to the cost of the road works at Anzac Cove, undertaken after 2 August 2004, the date on which the former Minister for Veterans' Affairs wrote to the Turkish Government; if so:
 - (a) how much was spent and what was it spent on; and (b) where was the funding drawn from and who approved its expenditure.

Senator Ian Campbell—The Minister for Veterans' Affairs has advised that the answer to the senator's question is as follows:

- (1) Yes.

| | 2000-01 | 2001-02 | 2002-03 | 2003-04 | 2004-05 |
|--------------|------------------|------------------|-----------------|-----------------|-----------------|
| (a) | \$380 000 | \$177 000 | | | |
| (b) | \$17 000 | \$17 000 | \$17 000 | \$17 000 | \$25 600 |
| (c) | | \$ 6 400 | \$ 2 570 | | |
| (d) | | | \$ 1 300 | | |
| Total | \$397 000 | \$200 400 | \$20 870 | \$17 000 | \$25 600 |

- (a) Residual amount from a total expenditure of \$1.5 million for the construction of the ANZAC Commemorative Site, North Beach
 - (b) Annual Site Maintenance and storage costs
 - (c) Foundations for visitors' stands at Lone Pine
 - (d) Gabion wall rectification at Anzac Commemorative Site
- Note: Costings for (b),(c) & (d) are USD conversion rates.
- (2) No.
 - (3) No.

Treasury: Consultants

(Question No. 607)

Senator Chris Evans asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 4 May 2005:

With reference to the department and/or its agencies:

- (1) For each financial year from 2000-01 to 2004-05 to date: (a) how many, and what was the cost of consultants engaged by the department and/or its agencies to conduct surveys of community attitudes to departmental programs; and (b) for each consultancy: (i) what was the cost, and (ii) who was the consultant, and (iii) was this consultant selected by tender; if so, was the tender select or open; if not, why not.
- (2) Were any of the surveys released publicly; if so, in each case, when was the material released; if not, in each case, what was the basis for not releasing the material publicly.

Senator Coonan—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator's question:

I refer the Senator to the Senate *Hansard* of 27 February 2006 and the Treasurer's response to Question 587 at pages 93 and 94.

Veterans' Affairs: Consultants
(Question No. 613)

Senator Chris Evans asked the Minister representing the Minister for Veterans' Affairs, upon notice, on 4 May 2005:

With reference to the department and/or its agencies:

- (1) For each financial year from 2000-01 to 2004-05 to date: (a) how many, and what was the cost of consultants engaged by the department and/or its agencies to conduct surveys of community attitudes to departmental programs; and (b) for each consultancy: (i) what was the cost, and (ii) who was the consultant, and (iii) was this consultant selected by tender; if so, was the tender select or open; if not, why not.
- (2) Were any of the surveys released publicly; if so, in each case, when was the material released; if not, in each case, what was the basis for not releasing the material publicly.

Senator Ian Campbell—The Minister for Veterans' Affairs has provided the following answer to the honourable senator's question:

- (1) (a) Nil
 - (b) (i) Not applicable
 - (ii) Not applicable
 - (iii) Not applicable
- (2) The Department of Veterans' Affairs does not contract consultants to conduct general community surveys.

It does, however conduct veteran satisfaction surveys, the details of which are recorded at Appendix D of the Department's Annual Reports at:

2000-01, pp 289

2001-02, pp 315

2002-03, pp 268

2003-04, pp 285

2004-05, pp 279

Veterans' Affairs: Staffing
(Question No. 675)

Senator Chris Evans asked the Minister representing the Minister for Veterans' Affairs, 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 Ian Campbell—The Minister for Veterans' Affairs has provided the following answer to the honourable senator's question:

- (1) to (3) and (6) to (10) Parts were answered by Senator Abetz on behalf of all Ministers.
- (4) (a) 2000-01, 36
2001-02, 41
2002-03, 40
2003-04, 37
2004-05, 41
- (b) 2000-01, \$435,511
2001-02, \$459,094
2002-03, \$371,513
2003-04, \$388,565
2004-05, \$381,954

- (5) (a) The Department supplies a mobile phone to all Senior Executive Service Officers. For the period 2000-01 to 2003-04, the number of mobile phones supplied is not available because extracting information would require significant diversion of resources.
During 2004-05, 41 Senior Executive Service employees were supplied with a mobile phone.
- (b) Cost of mobile phones for Senior Executive Service employees for the period 2000-01 to 2003-04 is not available because extracting the information would require significant diversion of resources.
In 2004-05, the cost was \$36 507.
- (11) (a) There were no domestic air charters used from 2001-01 to 2004-05.
- (b) Not applicable

Advertising Campaigns

(Question No. 741)

Senator Chris Evans asked the Minister representing the Prime Minister, upon notice, on 4 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information with regards to advertising be provided:

- (1) (a) What advertising campaigns were commenced; and (b) for what programs.
- (2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.
- (3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.
- (4) Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.
- (5) (a) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.
- (6) (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) which financial year will these appropriations be made; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.
- (7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.
- (8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.
- (9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator's question:

I am advised that:

- (1) (a) The following campaigns commenced:

| Financial Year | Campaigns |
|----------------|--|
| 2000-01 | Domestic Violence - Indigenous campaign |
| 2001-02 | Nil |
| 2002-03 | Domestic Violence - NESB campaign & National Security campaign |

- (b) The programme for the Domestic Violence campaigns was the Women's Programme. The National Security campaign was for Output 3.1: International Policy.
- (2) The total cost of the two components of the Domestic Violence campaign was \$871,596 and the National Security campaign was \$18,548,907.

- (a) Total Media and Research Expenditure

| | Domestic Violence NESB & Indigenous | National Security |
|-------------------------------|--|-------------------|
| (i) Television | Nil | \$3,119,103 |
| (ii) Radio | \$83,430 | \$1,661,070 |
| (iii) Newspaper | \$139,142 | \$1,280,630 |
| (iv) Mail outs with brochures | Nil | \$5,851,437 |
| (v) Research on advertising | \$181,775 | \$446,697 |

- (b) Campaign Commencement and Cessation Date by Media and Research

| | Domestic Violence NESB & Indigenous | National Security |
|-------------------------------|---|---|
| (i) Television | Nil | Start: December 02 Finish: February 03 |
| (ii) Radio | Start: April 01 Finish: October 02 | Start: December 02 Finish: March 03 |
| (iii) Newspaper | Start: April 01 Finish: October 02 | Start: December 02 Finish: March 03 |
| (iv) Mail outs with brochures | N/A | February/March 03 |
| (v) Research on advertising | Start: December 00 Finish: November 02 | Start: December 02 Finish: May 03 |

- (3) Media outlets used.

| Campaign | (a) Television Stations | (b) Radio Stations | (c) Newspapers |
|---|--|---------------------------------------|--------------------------------------|
| Domestic Violence (Indigenous) 2000-2001, 2001-2002 | Nil | Indigenous Radio* | Indigenous newspapers and magazines* |
| Domestic Violence (NESB) 2002-2003 | Nil | Table A lists the radio stations used | Table A lists the newspapers used |
| National Security – 2002-2003 | Table B lists the television stations used | Table B lists the radio stations used | Table B lists the newspapers used |

* Detailed information on actual magazines, newspapers or radio stations used is no longer available within the Department.

(4)

| Campaign | (a) Creative Agencies | (b) Research Agencies |
|---|--|--|
| Domestic Violence (Indigenous) 2000-2001, 2001-2002 | Gavin Jones Communication and Cultural Partners | Cultural Partners |
| Domestic Violence (NESB) 2002-2003 | Sudler & Hennessy/Mosaica | Cultural Perspectives. |
| National Security – 2002-2003 | Brown Melhuish Fishlock and Cultural Partners (NESB) | Worthington Di Marzio and Cultural Partners (NESB) |

(5) (a) The National Security campaign used Australia Post to distribute an “all households” booklet to all households.

(6)

| Domestic Violence (Indigenous) | Domestic Violence (NESB) | National Security* |
|---|-----------------------------------|--|
| (a) Appropriation Act No. 1 2000-01 and 2001-02 | Appropriation Act No. 1 2001-2002 | Appropriation Act No. 1 2002-2003 |
| (b) 2000-01 and 2001-02 | 2001-02 | 2002-03 |
| (c) Administered item | Administered item | Administered item and Advance to the Finance Minister* |
| (d) Women’s Programme | Women’s Programme | Women’s Programme* |

* This campaign was funded using unspent 2002-03 funding estimated for Women’s programmes and funding from the Advance to the Finance Minister. This arrangement was done on the basis that there was no disadvantage to existing administered items and was disclosed on page 24 of the Prime Minister and Cabinet Portfolio Budget Statements 2003-04.

(7) (a) No. (b) Not applicable.

(8) Not applicable.

(9) Not applicable.

Advertising Campaigns

(Question No. 742)

Senator Chris Evans asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 18 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information relating to advertising be provided:

- (1) (a) What advertising campaigns were commenced; and (b) for what programs.
- (2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.
- (3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.
- (4) Which: (a) creative agency or agencies; and (b) research agency and agencies, were engaged for the campaign.

- (5) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.
- (6) (a) what appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) in which financial year will these appropriations be made; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item the relevant Portfolio Budget Statement for that item.
- (7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.
- (8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.
- (9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) (a) The Commonwealth Regional Information Service campaign was undertaken for (b) The Commonwealth Regional Information Service.
- (2) All costs are GST exclusive

| | 2000-01 and 2001-02 | | 2002-03 | |
|-------------------------------|----------------------|--------------------------------------|----------------------|--------------------------------------|
| | (a) Advertising cost | (b) Commencement and cessation dates | (a) Advertising cost | (b) Commencement and cessation dates |
| (i) Television | - | - | \$1,427,411* | August 2002 - November 2002 |
| (ii) Radio | - | - | \$301,630* | August 2002 - November 2002 |
| (iii) Newspapers | - | - | \$876,873* | August 2002 - December 2002 |
| (iv) Mail outs with Brochures | - | - | \$1,191,999 | July 2002 - August 2002 |
| (v) Research on Advertising | - | - | \$40,524 | June 2002 – December 2002 |
| (a) Total | - | - | \$3,838,437 | |

* These figures are the booked media costs and do not include production and distribution costs. The final expenditure on these elements may differ from the booked costs due to unachieved media placements or ratings, and as a result of discounts or rebated commissions on the total media invoice.

- (3) (a) Television (by State and Territory)
 Capital TV-Southern NSW
 NBN- Northern NSW
 Prime-Griffith NSW
 Prime-Northern NSW
 Prime-Southern NSW

-
- NRTV-Northern NSW
 - WinTV-Griffith NSW
 - WinTV-Southern NSW
 - Central Television NT
 - Dar 7 - Darwin NT
 - Ntd-8 Darwin
 - Golden West Network
 - QTV-Queensland
 - Sunshine-Queensland
 - WinTV-Queensland
 - Southern Cross TV Tasmania
 - TAS TV-Tasmania
 - Southern Cross-Victoria
 - VIC TV-Mildura
 - VIC TV-Victoria
 - Prime-Mildura
 - Prime-Victoria
 - WinTV - Western Australia
 - (b) Radio (by State and Territory)
 - 104.7fm Canberra
 - 2cc Canberra
 - Mix 106.3 Canberra
 - 105.9fm Orange
 - 2ad Armidale
 - 2ay Albury
 - 2bh Broken Hill
 - 2bs Bathurst
 - 2cs Coffs Harbour
 - 2du Dubbo
 - 2ec Bega/Batemans Bay
 - 2gf Grafton
 - 2gn Goulburn
 - 2go Gosford
 - 2gz Orange
 - 2hd Newcastle
 - 2ko Fm Newcastle
 - 2ky Sydney
 - 2lf Young
 - 2lm NSW North Coast (Lismore)

2lt Lithgow
2mc Port Macquarie
2mg Mudgee
2mo Gunnedah
2nm Hunter Valley
2nz Inverall
2pk Parkes
2qn Deniliquin
2re Taree
2rg Griffith
2tm Tamworth
2vm Moree
2web Bourke
2wg Wagga
2XL Cooma
Eaglefm Goulburn
Fm93.9 Young
Fm99.7 Griffith
Hillfm Broken Hill
I98fm Wollongong
Kissfm Lithgow
Radio 97 Tweed Heads
Seafm Gosford
Snowfm Cooma
Starfm Port Macquarie
Sunfm 93.7- Mount Buller
Wavefm Wollongong
8ha Alice Springs
Hotfm Darwin
Mixfm Darwin
4am Atherton / Mareeba / Cairns
4bu Bundaberg
4ca Cairns
4cc - Gladstone
4db Dalby Radio
4gc Charters Towers
4gr Toowoomba
4gy Sunshine Coast Gympie
4hi Emerald

4kz Innisfail
4lg Longreach
4lm Mount Isa
4mk Mackay
4ro Rockhampton
4tab Brisbane - Statewide Racing Radio
4to Townsville
4vl Charleville
4wk Darling Downs (Toowoomba)
4zr Roma
Gold 92.5 Fm Gold Coast
Hotfm Emerald
Hotfm Mackay
Hotfm Mareeba / Atherton
Hotfm Mount Isa
Hotfm Roma
Hotfm Townsville
Mixfm 103.5 Maryborough
Mixfm Sunshine Coast
River 94.9 Brisbane
Seafm Cairns
Seafm Gold Coast
Seafm Maryborough
Seafm Sunshine Coast
Sunfm Chinchilla
Sunfm Tenterfield
5au Port Augusta / Whyalla
5cc Port Lincoln
5cc Magic Port Lincoln
5cs Port Pirie
5mu Murray Bridge
5rm Renmark
5se Mount Gambier
96.1fm Mount Gambier
Starfm Coffs Harbour
Tab Adelaide - Statewide Racing Radio
7ad Devonport
7bu Burnie
7la Launceston

7sd Scottsdale
7tab Hobart - Statewide Racing Radio
7ttt Fm Hobart
7xs Queenstown
756am Busseltown
Hofm Hobart
Magicfm Hobart
Seafm Devonport
1071 Am Kingaroy
3ba Ballarat
3bo Bendigo
3cs Colac
3gg Gippsland
3ha Hamilton
3ma Mildura
3ne Wangaratta
3sh Swan Hill
3sr Shepparton
3wm Horsham
3yb Warrnambool
Bayfm Geelong
Fm101.3 Horsham
Fm106.3 Colac
Fm107.7 Swan Hill
Hotfm Charter Towers
K-rockfm Geelong
Sport927 Melbourne - Statewide Racing Radio
Starfm Bendigo
Starfm Mildura
Sunfm Shepparton
1206am Perth
6am Northam
6by Bridgetown
6ci Collie
6ka Karratha
6kg Kalgoorlie
6ln Carnavon
6md Merredin
6mm Mandurah

-
- 6na Narrogin
 - 6nw Port Headland
 - 6se Esperance
 - 6tz Bunbury
 - 6va Albany
 - 98.1fm Geraldton
 - Hotfm Albany
 - Hotfm Esperance
 - Hotfm Kalgoorlie
 - Redfm Pilbra Area
 - Rfm Broome
 - The River Fm Albury
 - WAfm Outback
 - (c) Newspapers (alphabetically)
 - Adelaide News Review Messenger
 - Adelaide Plains Producer
 - Adelaide Southern Times Messenger
 - Albany Advertiser
 - Albany Great Southern Weekender
 - Albury Border Morning Mail
 - Albert & Logan News
 - Alexandra & Eildon Standard
 - Alice Springs Centralian Advocate
 - Alice Springs News
 - Angaston Leader
 - Ararat Advertiser
 - Armidale Express
 - Atherton Tablelander
 - Augusta Margaret River Mail
 - Avon Valley Advocate
 - Ayr Advocate
 - Ballan Moorabool News
 - Ballarat Courier
 - Ballarat Courier Direct Booked
 - Ballarat News
 - Ballina North Coast Advocate
 - Bairnsdale Advertiser
 - Bairnsdale East Gippsland News
 - Barossa & Light Herald

Barraba Gazette
Batemans Bay Post
Bathurst Western Advocate
Bathurst Western Times
Beaudesert News & Views
Beaudesert Times
Beaufort Pyrenees Advocate
Beechworth Ovens & Murray Advocate
Bega News
Bellingen Courier Sun
Benalla Ensign
Bendigo Advertiser
Bendigo Advertiser Direct Booked
Berwick City News
Biloela Telegraph
Bingara Advocate
Blackwater Herald
Blayney Lyndhurst Shire Chronicle
Blue Mountains Gazette
Bombala Times
Boonah / Fassifern Guardian
Boorowa News
Bowral Highlands Post
Bowral South Highland News
Bordertown Border Chronicle
Bourke Western Herald
Bowen Independent
Braidwood Tallaganda Times
Bribie Island & Mainland News
Bribie Island Weekly
Bridgetown Donnybrook Mail
Bright Alpine Observer
Broome Advertiser
Bullsbrook, Bindoon, Gingin Advocate
Bunbury Mail
Bunbury South Western Times
Bundaberg Guardian
Bundaberg News Mail
Burra Broadcaster

Busselton Dunsborough Mail
Busselton Margaret Times
Byron Shire Echo
Caboolture News
Caboolture Northern Times
Cairns Post
Camden Haven Courier
Camden Wollondilly Times
Camperdown Chronicle
Canowindra News
Carnarvon Northern Guardian
Casterton News
Castlemaine Mail
Ceduna West Coast Sentinel
Cessnock Advertiser
Charters Towers Northern Miner
Charleville Western Times
Childers Isis Town & Country
Chinchilla News
Clare Northern Argus
Clifton Courier
Cobar Age
Cobden Times
Cobram Courier
Coffs Harbour Advocate
Cohuna Farmers' Weekly
Colac Herald
Collie Mail
Coly-Point Observer
Cooma Monaro Express
Cootamundra Herald
Cowra Guardian
Comment News
Condobolin Argus
Cook Town Local News
Coonabarabran Times
Coonamble Times
Corowa Free Press
Corryong Courier

Cranbourne Leader
Crookwell Gazette
Cranbourne Independent
Cranbourne News
Cunnamulla Western Sun
Dalby Herald
Dandenong Examiner
Dandenong Journal
Daylesford Advocate
Deniliquin Pastoral Times
Derwent Valley Gazette
Dimboola Banner
Donald Buloke Times
Dorrigo Gazette
Dubbo Daily Liberal
Dubbo Mailbox Shopper
Dungog Chronicle
Echuca Riverine Herald
Edenhope Advocate
Eden Imlay Magnet
Emerald Central QLD News
Esk Brisbane Valley Kilcoy Sun
Esperance Express
Euroa Gazette
Evans Head River Town Times
Eyre Peninsula Tribune
Finley Southern Riverina News
Forbes Advocate
Forster Great Lakes Advocate
Foster Mirror
Frankston & Hastings Independent.
Frankston Standard Leader
Fraser Coast Chronicle
Gawler Bunyip
Geelong Advertiser
Geraldton Guardian
Geraldton Midwest Times
Gilgandra Weekly
Gladstone Observer

Glen Innes Examiner
Gloucester Advocate
Gnowangerup Star
Gold Coast Bulletin
Gold Coast Mail
Goondiwindi Argus
Gosford Central Coast Express
Goulburn Post
Goulburn Post Weekly
Grafton Examiner
Grenfell Record
Griffith Area News
Gympie Times
Gundagai Independent
Guyra Argus
Hamilton Spectator
Harden Murrumburrah Express
Harvey Waroona Reporter
Hawkesbury Courier
Hawkesbury Gazette
Hawks Nest Nota
Hay Riverine Grazier
Healesville Mountain Views
Heathcote McIvor Times
Henty Eastern Riverina Observer
Hervey Bay Independent
Hervey Bay Observer
Hillston-Ivanhoe Spectator
Holbrook Chronicle
Home Hill Observer
Hopetoun Courier
Horsham District Advertiser
Horsham Wimmera Mail-times
Hunter Valley News
Huon Valley News
Ingham Herbert River Express
Innisfail Advocate
Inverell Times
Ipswich Advertiser

Ipswich QLD Times
Ipswich Satellite
June Southern Cross
Kalgoorlie Golden Mail
Kalgoorlie Miner
Kangaroo Islander
Kaniva West Wimmera Messenger
Katanning Great Southern Herald
Katherine Times
Kempsey Macleay Argus
Kempsey Mid Coast Observer
Kerang Northern Times
Kiama Independent
Kilcoy Sentinel
Kilmore Free Press
Kimberley Echo
Kingaroy Central & North Burnett Times (Mundubbera)
Kingaroy South Burnett Times
King Island Courier
Kingscliffe Tweed Times
Kingston Coastal Leader
Knox Journal
Koondrook & Barham Bridge
Kyabram Free Press
Kyneton Midland Express
Lake Cargelligo News
Lake Macquarie News
Lakes Entrance Lakes Post
La Trobe Valley Express
Leeton Murrumbidgee Irrigator
Leongatha Great Southern Star
Lightning Ridge News
Lilydale / Yarra Valley Leader
Lismore Northern Rivers Echo
Lismore Northern Star
Lismore Western Plains Advocate
Litchfield Times
Lithgow Mercury
Loddon Times

Longreach Leader
Loxton News
Macarthur Advertiser
Macarthur Chronicle
Macedon Ranges Telegraph
Mackay Mercury
Mackay Midweek
Maclean Coastal Views
Macintrye Gazette
Maitland Lower Hunter Star News
Maitland Mercury
Maldon Tarrangower Times
Mandurah Mail
Mandurah Telegraph
Manilla Express
Manjimup-Bridgetown Times
Manning Great Lakes Extra
Mansfield Courier
Mareeba Tablelands Advertiser
Maryborough Advertiser
Maryborough Heritage Herald
Melton / Bacchus Marsh Express Telegraph
Merimbula News Weekly
Merredin Wheatbelt Mercury
Midland- Kalamunda Reporter
Mildura Midweek
Mildura Sunraysia Daily
Millicent South East Times
Milton Ulladulla Times
Moe & Narracan Shire News
Molong Express
Monbulk Yarra Ranges Trader
Moree Champion
Mornington Peninsula Leader
Mortlake Dispatch
Mount Barker Courier
Mount Gambier Border Watch
Mount. Isa North West Star
Mudgee Guardian

Murray Valley Standard
Musswellbrook Chronicle
Myrtleford Times
Nambour & District Chronicle
Nambucca Guardian
Namoi Valley Independent
Naracoorte Herald
Narooma News
Narrabri Courier
Narrandera Argus
Narrogin Observer
Narromine News
Newcastle Herald
Nhill Hindmarsh Messenger
Noosa News
Northam Central Midlands Advocate (Moorabool)
North Queensland Register
Nowra South Coast Register
Numurkah Leader
Nyngan Observer
Oberon Review
Orange Central Western Daily
Orange Midstate Observer
Orbost Snowy River Mail
Ouyen North West Express
Pakenham Gazette
Parkes Champion Post
Penola Pennant
Penrith Press
Penrith Valley Western Weekender
Phillip Island / San Remo Advertiser
Pilbara News
Pinnaroo Border Times
Pittsworth Sentinel
Port Augusta Transcontinental
Port Curtis Post
Port Douglas & Mossman Gazette
Port Fairy Moyne Gazette
Port Hedland Northwest Telegraph

Portland Observer & Guardian
Port Lincoln Times
Port Macquarie Express
Port Macquarie News
Port Pirie Flinders News
Port Pirie Recorder
Portside Messenger
Port Stephens Examiner
Proserpine Guardian
QLD Country Life
Queanbeyan Age
Quindiri Advocate
Rainbow Argus
Range News Maleny
Redcliffe Herald
Redland Bayside Bulletin
Renmark Murray Pioneer
Richmond River Express
Riverina Leader
Robinvale Sentinel
Rochester Campaspe Valley News
Rockhampton Capricorn Coast Mirror (Yeppoon)
Rockhampton Capricorn Local News
Rockhampton Morning Bulletin
Rockingham-Sound Telegraph
Rockingham Weekend Courier
Roma Western Star
Rosebery Western Herald
Roxby Downs Northern Sun
Sale Gippsland Times
Saint Arnaud North Central News
Saint George Balonne Beacon
SA Stock Journal
Scone Advocate
Sealake Times Ensign
Seymour Telegraph
Shepparton Advisor
Shepparton News
Shoalhaven & Nowra News Chronicle

Singleton Argus
Smithton Circular Head Chronicle
South Gippsland Sentinel Times
Stanthorpe Border Post
Stawell Times News
Stock & Land
Strathalbyn Argus
Sunday Territorian (newsnet)
Sunshine Coast Daily
Sunshine Coast Weekly
Sussex Inlet Times
Swan Hill Guardian
Tamworth Northern Daily Leader
Tamworth Times
Taree Manning River Times
Tasmanian Country
Temora Independent
Tennant & District Times
Tenterfield Star
Terang Express
The Land
The Weekly Times
Toowoomba Chronicle
Torres Strait News
Townsville Daily Bulletin
Traralgon Journal
Tully Times
Tumbarumba Times
Tumut & Adelong Times
Tweed Heads Daily News
Victor Harbor Times
WA Countryman
WA Farm Weekly
Wagga Daily Advertiser
Wagin Argus
Waikerie River News
Walcha News
Walgett Spectator
Wangaratta Chronicle

Wanneroo Times
Warialda Standard
Warilla Lakes Times
Warracknabeal Herald
Warragul Gazette
Warren Advocate
Warrnambool Standard
Wauchope Hastings Gazette
Warwick Daily News
Warwick Southern Free Times
Wee Waa News
Weipa Bulletin
Wellington Times
West Gippsland Trader
West Wyalong Advocate
Whitsunday Times
Whittlesea Leader
Whyalla News
Wingham Chronicle
Wollongong Illawarra Mercury
Woolgoolga Advertiser
Wynnum Herald
Yamba Lower Clarence Review
Yarram Standard News
Yass Tribune
Yarra Valley Guardian
Yarrowonga Chronicle
Yea Chronicle
Yorke Peninsula Country Times
Young Witness

- (4) (a) Singleton, Ogilvy & Mather. (b) Quantum Market Research Pty Ltd
- (5) The 2002 Commonwealth Regional Information Book was distributed by Australia Post to all households within a range of postcodes that were determined by Australia Post on advice from the department about the required rural and regional demographic targeting. Individual households were not identified by the department for this mail-out, and no databases showing individual citizen or household details was accessed.
- (6) (a) The department authorised payments from departmental annual price of outputs appropriations for Outcome 2. (b) The appropriations were provided in the 2002-03 financial year. (c) The appropriation relates to a departmental item. (d) Funding was provided in 2001-02. Refer to the measure Stronger Regions Programme – awareness raising and access to information on page 27 of the 2001-02 Portfolio Additional Estimates Statements.

- (7) No specific drawing rights were requested for this advertising campaign. Payments were covered by the drawing rights for departmental appropriations.
- (8) No – See 7 above.
- (9) Payments for services provided in 2002-03 in association with the advertising campaign have been made under the power of the department's general drawing rights.

Advertising Campaigns

(Question No. 745)

Senator Chris Evans asked the Minister for Defence, upon notice, on 4 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information with regards to advertising be provided:

- (1) (a) What advertising campaigns were commenced; and (b) for what programs.
- (2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.
- (3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.
- (4) Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.
- (5) (a) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.
- (6) (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) which financial year will these appropriations be made; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.
- (7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.
- (8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.
- (9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Ian Campbell—The answer of the then Minister for Defence, Senator the Hon. Robert Hill, to the honourable senator's question is as follows:

The information sought in the honourable senator's question is not readily available due to archiving of data from a information technology system no longer in use. To collect and assemble the information solely for the purpose of answering the question would be a major task, and I am not prepared to authorise the expenditure and effort that would be required.

Advertising Campaigns**(Question No. 755)**

Senator Chris Evans asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 4 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information relating to advertising be provided:

- (1) (a) What advertising campaigns were commenced; and (b) for what programs.
- (2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.
- (3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.
- (4) Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.
- (5) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.
- (6) (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) in which financial year will these appropriations be made; (c) will the appropriations relate to a departmental No. 22—10 May 2005 99 or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.
- (7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.
- (8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.
- (9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

No advertising campaigns were commenced by the Department and its Agencies for each financial year from 2000-01 to 2002-03.

Advertising Campaigns**(Question No. 768)**

Senator Chris Evans asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 18 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information relating to advertising be provided:

- (1) (a) What advertising campaigns were commenced; and (b) for what programs.

- (2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.
- (3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.
- (4) Which: (a) creative agency or agencies; and (b) research agency and agencies, were engaged for the campaign.
- (5) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.
- (6) (a) what appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) in which financial year will these appropriations be made; (c) will the appropriations relate to a departmental or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item I the relevant Portfolio Budget Statement for that item.
- (7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.
- (8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.
- (9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Ian Campbell—The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator's question:

The Minister for Transport and Regional Services will provide a response to this question on behalf of the portfolio. Please refer to the Minister's response to question on notice number 742.

Advertising Campaigns

(Question No. 770)

Senator Chris Evans asked the Minister representing the Minister for Workforce Participation, upon notice, on 4 May 2005:

For each financial year from 2000-01 to 2002-03 can the following information relating to advertising be provided:

- (1) (a) What advertising campaigns were commenced; and (b) for what programs.
- (2) In relation to each campaign: (a) what was its total cost, including a breakdown of advertising costs for: (i) television placements, (ii) radio placements, (iii) newspaper placements, (iv) mail outs with brochures, and (v) research on advertising; and (b) what was the commencement and cessation date for each aspect of the campaign placement.
- (3) For each campaign: (a) on which television stations did the advertising campaign screen; (b) on which radio stations did the advertising campaign feature; and (c) in which newspapers did the advertising campaign feature.
- (4) Which: (a) creative agency or agencies; and (b) research agency or agencies, were engaged for the campaign.

- (5) In the event of a mail out, what database was used to select addresses – the Australian Taxation Office database, the electoral database or other.
- (6) (a) What appropriations did the department use to authorise any of the payments either committed to be made or proposed to be made as part of this advertising campaign; (b) in which financial year will these appropriations be made; (c) will the appropriations relate to a departmental No. 22—10 May 2005 99 or administered item or the Advance to the Minister for Finance and Administration; and (d) if an appropriation relates to a departmental or administered item, what is the relevant line item in the relevant Portfolio Budget Statement for that item.
- (7) Was a request made of the Minister for Finance and Administration to issue a drawing right to pay out moneys for any part of the advertising campaign; if so: (a) what are the details of that request; and (b) against which particular appropriation is it requested that the money be paid.
- (8) Did the Minister for Finance and Administration issue a drawing right as referred to in paragraph (7); if so, what are the details of that drawing right.
- (9) Has an official or minister made a payment of public money or debited an amount against an appropriation in accordance with a drawing right issued by the Minister for Finance and Administration for any part of the advertising campaign.

Senator Abetz—The Minister for Workforce Participation has provided the following answer to the honourable senator's question:

No advertising campaigns were commenced by the Department and its Agencies for each financial year from 2000-01 to 2002-03.

Transport and Regional Services: Customer Service

(Question No. 834)

Senator Chris Evans asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 4 May 2005:

With reference to the department and/or its agencies:

- (1) For each of the financial years 2000-01 to 2004-05 to date, can a list be provided of customer service telephone lines, including: (a) the telephone number of each customer service line; (b) whether the number is toll free and open 24 hours; (c) which output area is responsible for the customer service line; and (d) where this call centre is located.
- (2) For each of the financial years 2000-01 to 2004-05 to date, what was the cost of maintaining the customer service lines.
- (3) For each of the financial years 2000-01 to 2004-05 to date, can a breakdown be provided of all direct and indirect costs, including: (a) staff costs; (b) infrastructure costs (including maintenance); (c) telephone costs; (d) departmental costs; and (e) any other costs.
- (4) How many calls have been received, by year, in each year of the customer service line's operation.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) The following tables outline the telephone numbers, activity, responsible division (output area), call centre and operative hours for 1800 & 1300 lines in 2004-2005 for the Department and its agencies. This information is not readily available for prior years and it would require significant resources to extract the information which the Department and its agencies are unable to commit.

Department of Transport and Regional Services input for 2004-05

| Service Line | Responsible Division/ Output area | Call Centre | Hours/Toll Free | Purpose |
|--------------|---|-----------------------------------|------------------------|---|
| 1300132400 | Office of Transport Security | Operations Centre Canberra Office | 24 hours/charges apply | Public response 1 - used for adverts in press for items such as ASIC requests |
| 1300307288 | Office of Transport Security | Operations Centre Canberra Office | 24 hours/charges apply | Security reporting Hotline - used by Maritime and Aviation Industries |
| 1300307761 | Office of Transport Security | Operations Centre Canberra Office | 24 hours/charges apply | Cabotage - Used for Coastal trading permits and licences |
| 1300556841 | Office of Transport Security | Operations Centre Canberra Office | 24 hours/charges apply | Operations centre - Aviation and Security line - priority 2 |
| 1300556925 | Office of Transport Security | Operations Centre Canberra Office | 24 hours/charges apply | Operations centre - Aviation and Security line - priority 2 |
| 1300732579 | Office of Transport Security | Operations Centre Canberra Office | 24 hours/charges apply | Used for OTS executive to contact Operations Centre |
| 1300732749 | Corporate Services | Canberra office | 24 hours/charges apply | Media enquires |
| 1300734950 | Office of Transport Security | Operations Centre Canberra Office | 24 hours/charges apply | Operations centre - Aviation and Security line - priority 2 |
| 1300764958 | Office of Transport Security | Operations Centre Canberra Office | 24 hours/charges apply | Public response 2 - Used for adverts in press for items such as ASIC requests |
| 1800005221 | Auslink | Canberra office | 9:00-5:00/toll free | Green Paper / Auslink enquiries |
| 1800005494 | Regional Services | Cooma call centre | 9:00 – 6:00/toll free | Australian Government Regional information service |
| 1800007024 | Aviation and Airports | Cooma call centre | 9:00 – 5:00/toll free | Airspace Reform Hotline |
| 1800011034 | Australian Transport Safety Bureau | Canberra Office | 24 hours/toll free | Aviation, Maritime and Rail accident notification (24 hour) |
| 1800020505 | Australian Transport Safety Bureau | Canberra Office | 9:00 – 5:00/toll free | The Aviation self reporting scheme and Confidential Marine reporting scheme |
| 1800026170 | Maritime and Land Transport | Canberra Office | 9:00 – 5:00/toll free | FIRS information line |
| 1800026222 | Regional Services and Maritime & Land Transport | Cooma call centre | 9:00-6:00/toll free | AGRIS inquiries (Regional Services) and Green Vehicle Guide (MALT) |
| 1800038160 | Regional Services | Canberra office | 24 hour/toll free | Rural Transaction Centres Hotline |
| 1800065113 | Territories and Local Govt. | Canberra Office | 24 hour/toll free | Local Government inquiries |

| Service Line | Responsible Division/ Output area | Call Centre | Hours/Toll Free | Purpose |
|--------------|--------------------------------------|-----------------|-----------------------|---|
| 1800621372 | Australian Transport Safety Bureau | Canberra Office | 9:00 – 5:00/toll free | ATSB safety information |
| 1800812069 | Aviation and Airports | Canberra Office | 9:00 – 5:00/toll free | Sydney Airport Consultative Forum contact line |
| 1800815272 | Maritime and Land Transport | Canberra Office | 9:00 – 5:00/toll free | Vehicle imports hotline |
| 1800992986 | Aviation and Airports | Canberra Office | 9:00-5:00/toll free | Noise Insulation information line |
| 1800075001 | Governance Centre | Canberra Office | 8:00 – 5:30/toll free | General feedback and queries on the Department. |

Civil Aviation Safety Authority (CASA) input for 2004-05

| Service Line | Responsible Division/ Output area | Call centre | Hours/Toll Free | Purpose |
|--------------|---|-------------|--------------------|---|
| 0500 531 747 | Information Services Group | Canberra | 24 hours | Accident Notification |
| 1300 308 830 | Finance | Canberra | 24 hours | Account receivable |
| 131 757 | Information Services Group | Canberra | 24 hours | Main Switchboard |
| 136 773 | General Aviation Operations Group | Brisbane | 24 hours/toll free | Service Centre |
| 1800 074 737 | Information Services Group | Canberra | 24 hours/toll free | CASA Hotline |
| 1800 113 323 | Manufacturing, Certification & New Technologies Office | Canberra | 24 hours/toll free | Aircraft Flight Manuals |
| 1800 245 011 | Air Transport Operations Group/ General Aviation Operations Group | Canberra | 24 hours/toll free | Suspected unapproved parts hotline |
| 1800 653 897 | Legal Services Group | Canberra | 24 hours/toll free | Regulatory Reform Programme Free Fax Delivery Service |
| 1800 656 721 | Information Services Group | Canberra | 24 hours/toll free | Hunt Group for Remote Access |
| 1800 657 990 | Legal Services Group | Melbourne | 24 hours/toll free | Broadcast 24 Hours Fax Delivery Service |
| 1800 676 063 | Personnel Licensing, Education and Training Group | Canberra | 24 hours/toll free | Safety Promotions |
| 1800 687 342 | Legal Services Group | Canberra | 24 hours/toll free | Regulatory Reform Programme Infoline |

Airservices Australia input for 2004-05

| Service Line | Call Centre | Hours/Toll free | Purpose |
|--------------|------------------|--------------------------|---|
| 1300 134 931 | Brisbane Airport | 24 hours/local call cost | Brisbane/Flight Information Centre/Flightwatch Number |
| 1300 136 079 | Brisbane Airport | 24 hours/local call cost | Brisbane/Military Pilot Briefing Number |
| 1300 136 089 | Brisbane Airport | 24 hours/local call cost | Brisbane/Military Pilot Briefing Number |
| 1300 300 719 | Canberra Office | 24 hours/local call cost | Aviation Library Canberra - White Pages listed |

| Service Line | Call Centre | Hours/Toll free | Purpose |
|--------------|--------------------|--------------------------|---|
| 1300 301 120 | Canberra Office | 24 hours/local call cost | Airservices Australia Main Number - White Pages listed |
| 1300 302 240 | Sydney Airport | 24 hours/local call cost | Aircraft Noise Enquiries Number - White Pages listed |
| 1300 306 630 | Canberra Office | 24 hours/local call cost | Publications Number - Head Office |
| 1800 020 626 | Sydney Airport | 24 hours/toll free | Sydney Terminal Control Unit (TCU) - Air Traffic Management |
| 1800 021 788 | Brindabella Centre | 24 hours/toll free | Airport Services Business Development (now cancelled) |
| 1800 026 147 | Canberra Office | 24 hours/toll free | Accounts Receivable Billing queries Number |
| 1800 026 157 | Canberra Office | 24 hours/toll free | Accounts Receivable Billing queries Fax Number |
| 1800 111 247 | Canberra Office | 24 hours/toll free | ATM Customers Service Line |
| 1800 249 030 | Brisbane Airport | 24 hours/toll free | Brisbane Briefing Office |
| 1800 443 550 | Brisbane Airport | 24 hours/toll free | Brisbane Technical Customer Interface Number |
| 1800 620 313 | Brisbane Airport | 24 hours/toll free | Brisbane Noise Enquiry Number |
| 1800 628 043 | Sydney Airport | 24 hours/toll free | Sydney Flight Data Coordinator |
| 1800 672 352 | Melbourne Airport | 24 hours/toll free | Melbourne Airservices College |
| 1800 801 960 | Brisbane Airport | 24 hours/toll free | Helpdesk – Pilot Briefing Office |
| 1800 802 584 | Sydney Airport | 24 hours/toll free | WA Noise Enquiry 1800 |
| 1800 814 931 | Brisbane Airport | 24 hours/toll free | Brisbane SARWatch < 1800 |
| 1800 816 089 | Brisbane Airport | 24 hours/toll free | Brisbane RBA Military Fax <1800 |

Australian Maritime Safety Authority's (AMSA) input for 2004-05

| Service line | Call centre | Hours/Toll free | Purpose |
|--------------|-------------|--------------------------|--|
| 1800 815 257 | Canberra | 24 hour/toll free | Aviation hotline -Rescue Coordination Centre |
| 1800 622 153 | Canberra | 24 hour/toll free | Facsimile - Rescue Coordination Centre |
| 1800 641 792 | Canberra | 24 hour/toll free | Maritime hotline -Rescue Coordination Centre |
| 1800 643 586 | Canberra | 24 hour/toll free | Australian Maritime Mobile Service Identity (MMSI) Database Registration |
| 1800 813 855 | Canberra | 24 hour/toll free | Response Search and rescue resources hotline -Emergency |
| 1800 021 098 | Canberra | Business hours/toll free | Ship operations and qualifications enquiries |
| 1800 624 077 | Canberra | 24 hour/toll free | Aviation - Rescue Coordination Centre |
| 1800 640 507 | Canberra | 24 hour/toll free | Aviation - Rescue Coordination Centre |
| 1800 133 558 | Canberra | Business hours/toll free | Service charter – comments about AMSA services |

- (2) The total cost for the above lines by agency are:
 Department of Transport and Regional Services: approximately \$53,000 for 2004-05
 Civil Aviation Safety Authority: \$65,632 for 2004-05
 Airservices Australia: \$52,845 for 2004-05
 Australian Maritime Safety Authority: \$18,982 for 2004-05
- (3) This information is not readily available and it would require significant resources to extract the information which the Department and its agencies are unable to commit.

- (4) This information is not readily available and it would require significant resources to extract the information which the Department and its agencies are unable to commit.

**Transport and Regional Services: Customer Service
(Question No. 860)**

Senator Chris Evans asked the Minister representing the Minister for Local Government, Territories and Roads, upon notice, on 4 May 2005:

With reference to the department and/or its agencies:

- (1) For each of the financial years 2000-01 to 2004-05 to date, can a list be provided of customer service telephone lines, including: (a) the telephone number of each customer service line; (b) whether the number is toll free and open 24 hours; (c) which output area is responsible for the customer service line; and (d) where this call centre is located.
- (2) For each of the financial years 2000-01 to 2004-05 to date, what was the cost of maintaining the customer service lines.
- (3) For each of the financial years 2000-01 to 2004-05 to date, can a breakdown be provided of all direct and indirect costs, including: (a) staff costs; (b) infrastructure costs (including maintenance); (c) telephone costs; (d) departmental costs; and (e) any other costs.
- (4) How many calls have been received, by year, in each year of the customer service line's operation.

Senator Ian Campbell—The Minister for Local Government, Territories and Roads has provided the following answer to the honourable senator's question:

The Minister for Transport and Regional Service will provide a response to this question on behalf of the portfolio. Please refer to the Minister's response to Question on Notice number 834.

**Veterans' Affairs: Customer Service
(Question No. 861)**

Senator Chris Evans asked the Minister representing the Minister for Veterans' Affairs, upon notice, on 4 May 2005:

- (1) For each of the financial years 2000-01 to 2004-05 to date, can a list be provided of customer service telephone lines, including: (a) the telephone number of each customer service line; (b) whether the number is toll free and open 24 hours; (c) which output area is responsible for the customer service line; and (d) where this call centre is located.
- (2) For each of the financial years 2000-01 to 2004-05 to date, what was the cost of maintaining the customer service lines.
- (3) For each of the financial years 2000-01 to 2004-05 to date, can a breakdown be provided of all direct and indirect costs, including: (a) staff costs; (b) infrastructure costs (including maintenance); (c) telephone costs; (d) departmental costs; and (e) any other costs.
- (4) How many calls have been received, by year, in each year of the customer service line's operation.

Senator Ian Campbell—The Minister for Veterans' Affairs has provided the following answer to the honourable senator's question:

While the Department has a number of customer service lines, only one of them terminates in a DVA call centre. This service is the Veterans' Affairs Pharmaceutical Approvals Centre (VAPAC).

For VAPAC Customer Service Line only

- (1) (a) Veterans Affairs Pharmaceutical Approvals Centre (VAPAC) 1800 552 580
(b) Service is toll free and open 24 hours

(c) Health - Arrangements for delivery of services in health and other care services.

(d) Brisbane

(2) The costs for this service is service costs \$440.00 per annum.

| Financial Year | Service Cost | Call Cost |
|----------------|--------------|-----------|
| 01-02 | \$440 | \$60,962 |
| 02-03 | \$440 | \$71,238 |
| 03-04 | \$440 | \$76,339 |
| 04-05 | \$440 | \$53,552 |

(3) Costs of running the VAPAC Call Centre

| | 2000-01 | 2001-02 | 2002-03 | 2003-04 | 2004-05 |
|---|-------------|-------------|-------------|-------------|-------------|
| Salaried Staffing costs – above and below line | \$269,350 | \$265,511 | \$233,649 | \$241,488 | \$249,468 |
| Computer leasing costs | \$70,044 | \$70,044 | \$70,044 | \$75,859 | \$84,000 |
| Telephone leasing costs | \$5,616 | \$5,616 | \$5,616 | \$6,276 | \$7,200 |
| Property leasing costs | \$62,628 | \$62,628 | \$62,628 | \$74,568 | \$91,284 |
| Contracted pharmacist services (who process telephone requests) | \$1,283,321 | \$1,387,932 | \$1,569,122 | \$1,633,315 | \$1,733,737 |

(4)

| Financial Year | IncomingCalls |
|----------------|---------------|
| 01-02 | 334,292 |
| 02-03 | 407,282 |
| 03-04 | 441,680 |
| 04-05 | 387,623 |

For all other Customer Service Lines

(1) (a) All DVA Customer Service Lines are advertised in the Whitepages and on the Departments internet site.

Only data for the financial periods 2003-04 and 2004-05 could be obtained from the Department's carrier against each Customer Service Lines.

See attached spreadsheet

(b) DVA provides both toll free and free call customer service lines operating during business hours.

The Vietnam Veterans' Counselling Service service 1800 011 046 operates an emergency counselling service 24 hours a day.

(c) The Department delivers services against five outcomes.

Outcome 1 Compensation and Support

Outcome 2 Health

Outcome 3 Commemorations

Outcome 4 Service delivery

Outcome 5 Defence Force Services

The attached spreadsheet lists each Customer Service Line listed against the respective outcome.

(d) Not applicable.

- (2) DVA's Customer Service Lines terminate in each of the six State Offices at an annual service cost of \$1,640 per Service Line.

The exceptions are:

- The DVA General Inquiries number 133 254 annual service cost is \$19,440.
- The Veterans' Affairs Network number 1300 55 1918, which terminates at each of the 25 VAN offices, has an annual service cost of \$6,200.

- (3) The attached spreadsheet lists the service and call costs for each Customer Service Line.

As these services terminate in a State Office and not a discreet area such as a call centre, it is not practicable to provide the full cost breakdown as requested.

- (4) The attached spreadsheet lists the number of calls on each Customer Service Line for each of the relevant periods.

| Question | | 1(C) | 1(A) | 4 | 3 |
|-----------|---|---------|------------|-------------|-------------|
| Year | Business Area | Outcome | Service No | No of Calls | Call Cost |
| 2003/2004 | Veterans Review Board | 1 | 1300135574 | 41 | \$207.76 |
| | Defence Service Homes | 1 | 1300304989 | 12842 | \$4,726.39 |
| | Compensation | 1 | 1800550451 | 370 | \$383.98 |
| | Income Support | 1 | 1800550452 | 3811 | \$3,776.62 |
| | Veterans Review Board | 1 | 1800550460 | 4522 | \$2,224.20 |
| | Military Compensation and Rehabilitation Scheme | 1 | 1300550461 | 17250 | \$12,042.05 |
| | Income Support Trust and Companies | 1 | 1800550462 | 3630 | \$2,609.41 |
| | Defence Service Homes Insurance | 1 | 1300552662 | 57516 | \$34,756.16 |
| | Defence Service Homes Loans | 1 | 1800722000 | 12868 | \$6,820.97 |
| | Clarke Review | 1 | 1300735464 | 1144 | \$934.95 |
| | Service Pension Review | 1 | 1300781646 | 76 | \$61.10 |
| | Bereavement | 2 | 1800550463 | 1058 | \$1,807.45 |
| | Community Health | 2 | 1800002890 | 71 | \$205.50 |
| | Community Nursing | 2 | 1300550466 | 86 | \$638.58 |
| | DVA Health Care | 2 | 1300301610 | 62 | \$1,221.99 |
| | Exceptional Case Unit | 2 | 1800636428 | 3039 | \$1,746.32 |
| | Health Aircraft Maintenance | 2 | 1800555323 | 154 | \$209.45 |
| | Health GST | 2 | 1800555212 | 482 | \$152.16 |
| | Health Medical | 2 | 1800550456 | 1707 | \$807.17 |
| | Health Non-Medical | 2 | 1800550457 | 454 | \$1,394.35 |
| | Health Studies Enquiries | 2 | 1800502302 | 561 | \$416.14 |
| | Health Study Hotline | 2 | 1800728007 | 2063 | \$981.12 |
| | Hospital Approvals NSW SO | 2 | 1800816306 | 1244 | \$742.41 |
| | Prescriber Information - mate line Doctors | 2 | 1800500869 | 75 | \$1,171.72 |
| | Rehabilitation Appliances Program | 2 | 1800550458 | 2349 | \$3,300.24 |
| | Transport Bookings | 2 | 1800550455 | 4557 | \$3,097.45 |
| | Transport Claims | 2 | 1800550454 | 3200 | \$3,148.49 |
| | Treatment Card Enquiries | 2 | 1800550453 | 1235 | \$1,934.48 |
| | Veterans Affairs Network | 2 | 1300551918 | 22861 | \$21,827.31 |
| | Veterans Home Care | 2 | 1800001806 | 67711 | \$28,853.44 |
| | Vietnam Veterans Childrens Support Program | 2 | 1800550504 | 212 | \$296.32 |
| | Vietnam Veterans Counselling Service | 2 | 1800011046 | 16324 | \$11,145.55 |
| | Vietnam Veterans Counselling Service | 2 | 1800180868 | 827 | \$692.65 |
| | Change the Mix | | | | |
| | Commemorations | 3 | 1800550459 | 135 | \$72.11 |

| Question Year | Business Area | 1(C) Outcome | 1(A) Service No | 4 No of Calls | 3 Call Cost |
|------------------|--|-----------------|--------------------|------------------|----------------|
| | Community Grants | 3 | 1300550465 | 452 | \$212.02 |
| | Nominal Rolls | 3 | 1800445006 | 140 | \$267.42 |
| | SWAC Programme | 3 | 1300132515 | 45 | \$7.62 |
| | WW2 Nominal Roll | 3 | 1300780133 | 1120 | \$588.35 |
| | Interstate General inquiries Dial Back | 4 | 1300131945 | 16282 | \$15,198.36 |
| | General Inquiries | 4 | 133254 | 725239 | \$268,879.59 |
| | Feedback Line | 4 | 1300555785 | 167 | \$1,307.13 |
| | National IT Security | 4 | 1300301575 | 144 | \$43.29 |
| | Personnel National Office | 4 | 1300555246 | 1996 | \$1,149.41 |
| 2004/2005 | Veterans Review Board | 1 | 1300135574 | 40 | \$131.49 |
| | Defence Service Homes Insurance Payment Line | 1 | 1300304989 | 30093 | \$9,058.80 |
| | Gold Card Enquiries | 1 | 1300307901 | 14 | \$187.73 |
| | Compensation | 1 | 1800550451 | 492 | \$867.77 |
| | Income Support | 1 | 1800550452 | 4985 | \$3,314.39 |
| | Veterans Review Board | 1 | 1800550460 | 5516 | \$2,706.30 |
| | Military Compensation and Rehabilitation Scheme | 1 | 1300550461 | 20843 | \$11,087.30 |
| | Income Support Trust and Companies | 1 | 1800550462 | 5919 | \$3,072.68 |
| | Defence Service Homes Insurance | 1 | 1300552662 | 57195 | \$25,985.45 |
| | Defence Service Homes Loans | 1 | 1800722000 | 12616 | \$5,373.71 |
| | Clarke Review | 1 | 1300735464 | 4915 | \$2,727.24 |
| | Service Pension Review | 1 | 1300781646 | 960 | \$852.45 |
| | Vietnam Veterans Counselling Service | 2 | 1800001285 | 8 | \$0.64 |
| | Veterans Affairs Network Canberra | 2 | 1800001287 | 3 | \$0.16 |
| | Veterans Home Care | 2 | 1800001806 | 6 | \$0.23 |
| | Community Health | 2 | 1800002890 | 147 | \$1,217.96 |
| | Vietnam Veterans Counselling Service | 2 | 1800011046 | 24160 | \$14,301.09 |
| | Veterans Affairs Network Gosford | 2 | 1300134965 | 120 | \$300.15 |
| | Vietnam Veterans Counselling Service | 2 | 1800180868 | 55 | \$8.87 |
| | Change the Mix | | | | |
| | Vietnam Veterans Counselling Service National Office | 2 | 1800204767 | 146 | \$18.63 |
| | DVA Health Care | 2 | 1300301610 | 90 | \$1,462.88 |
| | Vietnam Veterans Counselling Service | 2 | 1800445014 | 2 | \$0.16 |
| | Prescriber Information - mate line Doctors | 2 | 1800500869 | 421 | \$596.05 |
| | Health Studies Enquires | 2 | 1800502302 | 123 | \$166.18 |
| | Veteran Home Care | 2 | 1300550450 | 84978 | \$29,408.65 |
| | Treatment Card Enquires | 2 | 1800550453 | 1509 | \$2,484.99 |
| | Transport Claims | 2 | 1800550454 | 3689 | \$3,060.99 |
| | Transport Bookings | 2 | 1800550455 | 9830 | \$4,480.77 |
| | Health Medical | 2 | 1800550456 | 2661 | \$1,341.60 |
| | Health non-medical | 2 | 1800550457 | 485 | \$1,611.91 |
| | Rehabilitation Appliances Program | 2 | 1800550458 | 7553 | \$3,923.53 |
| | Bereavement | 2 | 1800550463 | 1285 | \$2,325.69 |
| | Community Nursing | 2 | 1300550466 | 100 | \$754.30 |
| | Vietnam Veterans Children's Support Program | 2 | 1800550504 | 274 | \$565.91 |
| | Veterans Affairs Network | 2 | 1300551918 | 28034 | \$24,229.85 |
| | Health GST | 2 | 1800555212 | 46 | \$14.22 |

| Question Year | Business Area | 1(C) Outcome | 1(A) Service No | 4 No of Calls | 3 Call Cost |
|---------------|--|-----------------|--------------------|------------------|----------------|
| | Health Aircraft Maintenance | 2 | 1800555323 | 114 | \$133.55 |
| | Prescriber Information Mates line Veterans | 2 | 1300556906 | 1189 | \$743.98 |
| | Exceptional Case Unit | 2 | 1800636428 | 5024 | \$2,020.29 |
| | Health Study Hotline | 2 | 1800728007 | 2400 | \$941.38 |
| | Hospital Approvals NSW | 2 | 1800816306 | 1789 | \$813.46 |
| | SWAC Programme | 3 | 1300132515 | 304 | \$359.56 |
| | Nominal Rolls | 3 | 1800445006 | 78 | \$373.00 |
| | Commemorations | 3 | 1800550459 | 223 | \$407.91 |
| | Community Grants | 3 | 1300550465 | 605 | \$553.67 |
| | Victory in the Pacific Medallion Line | 3 | 1300665706 | 2 | \$25.81 |
| | WW2 Nominal Roll | 3 | 1300780133 | 1347 | \$1,066.00 |
| | Interstate General inquiries Dial Back | 4 | 1300131945 | 19820 | \$11,108.89 |
| | Budget and Election | 4 | 1800238254 | 1198 | \$306.26 |
| | National IT Security | 4 | 1300301575 | 159 | \$349.53 |
| | Tender Contracts Line | 4 | 1800332968 | 284 | \$290.59 |
| | Personnel National Office | 4 | 1300555246 | 2322 | \$987.47 |
| | DVA General Enquires | 4 | 133254 | 884788 | \$275,006.56 |
| | Feedback Line | 4 | 1300555785 | 163 | \$1,103.31 |

Budget: Media Lock-up

(Question No. 864)

Senator Murray asked the Minister representing the Treasurer, upon notice, on 4 May 2005:

- (1) Will the Minister provide the eligibility criteria used by the Government to determine media attendance at the 2004 and the 2005 Budget lock-up.
- (2) Will the Minister provide a definition of mainstream media, taking into account the following extract from Mr Peter McGuaran's second reading speech, for the Broadcasting Services (Media Ownership) Bill 2002 on 21 March 2003:

Technological progress and globalisation are changing the structure of the Australian media market and patterns of media consumption—undeniably Australian media organisations are responding to these changes by investing in new technology enterprises and forming broader strategic partnerships, but the regulation of ownership and control of Australian media has been largely static. This creates ongoing tension between the trend towards convergence in the communications market and a regulatory framework which is based on sector-specific regulation and an assumption that influential sources of news and opinion are limited to the traditional domestic media outlets... The government is committed to the need for ongoing diversity of opinion and information in the Australian media.

- (3) Will the Minister provide a list of media outlets attending the 2005 Budget lock-up.
- (4) Will the Minister provide a list of press gallery members, that is those members with press gallery accreditation, who have been excluded from the 2005 Budget lock-up.
- (5) Will the Minister provide an explanation why some staff members of crikey.com.au gained accreditation to attend the 2004 Budget lock-up, but none have been granted access to the 2005 Budget lock-up.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator's question:

- (1) The purpose of the Budget media lockup is to provide secure embargoed access to Budget documents to assist media organisations prepare their reports and analysis of the Budget to meet short publishing deadlines for a wide audience.

The Budget contains market sensitive information, and for this reason access to the lock-up is restricted to a limited number of organisations who sign agreements to maintain confidentiality. Such arrangements have proven to be an effective way of communicating the Budget in a timely fashion to the largest number of people with a minimal amount of risk.

A small circulation e-zine such as Crikey (whose self-described specialities are 'juicy gossip' and 'rumour') is unlikely to widen the audience for budget coverage or deepen the analysis that is currently made available from the lock-up.

- (2) Consistent with the purpose of the lockup, attendance is directed toward media organisations that focus on providing information and economic analysis that is widely available. A range of newspaper, radio, television and on-line news services are included in the list of attendees. Budget information is available on-line from 7.30 pm on Budget night at www.budget.gov.au and publications are available the following day in capital cities. These distribution arrangements provide ready access for all organisations who may wish to comment on the Budget. As mentioned above, a small circulation e-zine which describes its specialities as juicy gossip and rumour is not regarded as mainstream media.
- (3) See attached.
- (4) Press gallery accreditation is not required to attend the lockup.
- (5) No staff members of crikey.com.au received approval to attend the 2004 Budget media lockup.

Attachment

| | |
|------------------------------------|----------------------------------|
| 2GB | Daily Telegraph |
| 2UE (Southern Cross Broadcasting) | Dow Jones Newswires |
| AAP | Fibak Press |
| ABC Radio | Herald-Sun-HWT |
| ABC TV | Illawarra Mercury |
| Access Communications | Kyodo News |
| Adelaide Advertiser | Media Monitors |
| AP | National Capital Newsletters |
| ATP – (Australian Tax Practice) | New Zealand Herald |
| Australian Defence Business Review | Newcastle Herald |
| Australian Defence Magazine | News Interactive (News.com.au) |
| Australian Financial Review | News Limited Community Newspaper |
| Australian Jewish News | Reuters |
| Australian Press Services | Rural Press Limited |
| Australian Radio Network | SBS Radio |
| Bloomberg | SBS TV |
| Border Mail | Sky News Australia |
| Business Review Weekly | Sydney Morning Herald |
| Canberra Times | The Age |
| Capital Monitor | The Australian |
| CCH Australia Ltd | The Economist |
| Channel Nine | The Gold Coast Bulletin |
| Channel Seven | West Australian |
| Channel Ten | |
| Commerce Management | |
| Courier Mail | |

Veterans**(Question No. 1130)**

Senator Allison asked the Minister representing the Minister for Veterans' Affairs, upon notice, on 1 September 2005:

- (1) To date, how many compensation payments have been made to nuclear test veterans and what were the amounts paid.
- (2) How many of these veterans were on the nominal roll.
- (3) Why is it necessary for veterans to sign secrecy agreements about the amounts of compensation.
- (4) Is there a restricted list of lawyers who are eligible to handle these claims for compensation; if so, which lawyers are eligible.
- (5) How much has been paid to the lawyers of successful claimants.
- (6) How much has been paid for medical opinions in relation to these cases.
- (7) What progress has been made on the Nuclear Participants Health Study.
- (8) (a) When was the last Consultative Forum meeting conducted and can copies of the minutes be provided; and (b) when is the next Consultative Forum meeting to be held.
- (9) Has the Consultative Forum considered the documents submitted by Major Alan Batchelor (Retired), namely 'Observations on Dosimetry Panel Considerations', the Imperial War Museum DVD 'Films on Hurricane, Totem and Buffalo' and 'Material prepared by Mr Johnstone for an aborted review by Professor Robotham'.
- (10) What progress has been made by the Dosimetry Panel.

Senator Ian Campbell—The Minister for Veterans' Affairs has provided the following answer to the honourable senator's question:

- (1) There have been a number of means by which those who participated in the British Atomic Weapons Testing program have been able to claim compensation benefits for the health effects which they claim to have suffered as a result of the tests.

The Safety, Rehabilitation and Compensation Act 1988 (SRCA), which is administered by Comcare Australia in relation to civilian employees of the Commonwealth and more recently by the Department of Veterans' Affairs in relation to Australian Defence Force personnel, has applied at all times during and since the tests were carried out in the 1950s and 1960s.

The Department of Veterans' Affairs and the Department of Defence have accepted 25 claims from claimants for services related to nuclear tests, the majority of which have not been related to ionising radiation but were for other conditions. Nine (9) were for the effects of ionising radiation and they have been paid in total \$1 047 781.12.

The Department of Education, Science and Training (DEST) and the Australian Government Solicitor's office have also been involved in compensation matters relating to the British Atomic Weapons Testing program. That involvement has been in relation to common law actions for damages which have been made against the Commonwealth for the effects of the tests.

In addition to the common law actions, the Commonwealth had a "Special Administrative Scheme" which is now closed and which provided compensation for participants in the tests who developed multiple myeloma or leukaemia (other than chronic lymphatic leukaemia) within 25 years of participation in the tests.

There was also an "Act of Grace" scheme that was jointly administered by the former Department of Primary Industry and Energy and the Attorney-General's Department. This enabled plaintiffs

with common law actions issued and served on the Commonwealth from 1988 until September 1989 to have their cases settled outside of the Court system.

- (2) All nine (9) former members who received SRCA payments are named on the nominal roll.
- (3) It is not necessary for recipients of compensation benefits under the SRCA to sign secrecy agreements regarding any amounts of compensation that they may be awarded, or have been awarded.
- (4) In relation to matters arising under the SRCA, there is no restricted list of lawyers who are eligible to represent compensation claimants in relation to their claims for compensation for the effects of the British Atomic Weapons Tests. Claimants are free to engage whichever legal firm they wish if they feel that it is necessary that they be legally represented.

Where the Department of Veterans' Affairs consider that they need legal representation in relation to claims under the SRCA, they may engage the services of a legal firm on the Comcare approved panel of legal providers. The current providers on that list are the Australian Government Solicitor, Phillips Fox, Sparke Helmore and Dibbs, Abbott, Stillman.

- (5) If a claim for compensation benefits under the SRCA becomes the subject of an appeal to the Administrative Appeals Tribunal (AAT) or to the Federal Court or the High Court, legal costs may be awarded against the Commonwealth. Information available to the Department of Veterans' Affairs indicate that there has not been any costs awarded relating to the nine successful claimants.
- (6) A total amount of \$5 730.80 has been paid for the cost of obtaining medical opinions in relation to these successful claims.
- (7) The Nuclear Participants Health Study is approaching completion. Three reports are due from the study. These are on Dosimetry, Mortality and Cancer Incidence. Completed drafts of all three reports were presented to the Scientific Advisory Committee meeting on 6 December 2005, and revised drafts are presently with the committee for further consideration.
- 8) (a) The last Consultative Forum meeting was conducted on 11 November 2005 and minutes are provided to Forum members only. (b) A date for the next meeting of the Consultative Forum will be sought following sign off of the study reports by the Scientific Advisory Committee, which is expected before the end of February 2006.
- (9) The documents submitted on 9 June 2005 by Major Alan Batchelor (Retired) at the Dosimetry Subcommittee meeting with key members of the Consultative Forum were tabled at the Consultative Forum meeting on 11 November 2005 and will be further considered at the next meeting.
- (10) The Dosimetry Subcommittee and its Exposure Panel completed a draft Dosimetry report which was considered by the Scientific Advisory Committee on 6 December 2005. The Committee is presently considering a further draft and the report is expected to be finalised shortly. The Exposure Panel also completed its reassessment and validation of exposure estimates for the case control study on leukaemia. It has been incorporated into the Cancer Incidence study, the report of which is also presently being considered by the Scientific Advisory Committee.

Truancy Trial

(Question No. 1376)

Senator Chris Evans asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 24 November 2005:

With reference to the Centrelink-truancy trial in Halls Creek, Western Australia:

- (1) How and when was the idea for the trial conceived.
- (2) What were the objectives of the trial.

- (3) Was legal advice sought on the legality of the arrangements before implementing the trial; if so: (a) when was the legal advice sought and received; (b) did the legal advice confirm that the arrangements were legal or illegal; and (c) if no legal advice was sought, why not.
- (4) When was the trial first implemented.
- (5) (a) What was the anticipated duration of the trial; and (b) when was the trial expected to finish.
- (6) Who participated in the trial.
- (7) Did all Indigenous parents on parental payments in Halls Creek participate in the trial; if not, why not.
- (8) (a) How were Indigenous parents on parental payments informed of the trial; (b) how was the trial advertised; and (c) can relevant advertisements or community information be provided.
- (9) Was the participation of parents in the trial voluntary or mandatory.
- (10) Was there any agreement between the parents and Centrelink; if so, can a copy of the agreement be provided; if not, can details of the contents and nature of the agreement be provided.
- (11) Was this agreement binding and did it allow for parents to 'walk away' from the trial if their payments were at risk.
- (12) Could one agreement cover more than one child.
- (13) How many agreements were entered into for the trial.
- (14) What was the legal basis for the agreements entered into between Centrelink and the parents.
- (15) Does current legislation provide for such agreements.
- (16) If there were no agreements, what was the basis for the arrangements.
- (17) (a) How many parents participated in the trial; and (b) how many children participated in the trial.
- (18) (a) How many times were payments suspended under the trial; and (b) how many times were payments cancelled under the trial.
- (19) How many parents had their payments suspended more than once and can a list with the corresponding number of occurrences be provided.
- (20) What was the legal impediment that caused the scheme to be suspended.

Senator Abetz—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

- (1) My Department has been advised by Centrelink that the trial was conceived by the Western Australian Education Department, which sought Centrelink's assistance in addressing the high truancy rate at the school.
- (2) My Department has been advised by Centrelink that the trial targeted parents on parenting payment whose children attended school 59-79% of the time to increase school attendance rates.
- (3) My Department has been advised by Centrelink that legal advice was not sought prior to the implementation of the trial: a) the trial ceased on 21 October 2005 pending legal advice by DEWR; b) legal advice indicated doubts about Centrelink's ability to call in voluntary participants to discuss children's school attendance under Social Security legislation; c) my Department has been advised by Centrelink that legal advice was not sought as it was initially considered that the process was within current agreed guidelines.
- (4) My Department has been advised by Centrelink that the trial was first implemented on 1 August 2005.
- (5) My Department has been advised by Centrelink that: (a) The trial was expected to be reviewed after 3 months and evaluated after 6 months; b) no end date was identified.

- (6) My Department has been advised by Centrelink that twenty parents on Parenting Payment participated in the trial.
- (7) No, my Department has been advised by Centrelink twenty parents participated, as this was considered to be a manageable sample size.
- (8) My Department has been advised by Centrelink that: a) Centrelink advised parents who attended a participation interview about this voluntary trial: b) the trial was not advertised: c) N/A
- (9) My Department has been advised by Centrelink that parents involved in the trial did so on a voluntary basis.
- (10) My Department has been advised by Centrelink that parents who participated in the trial entered into a voluntary participation plan with Centrelink. DEWR does not have a copy of a participation agreement as they are held by Centrelink. However, my Department has been advised by Centrelink that its content included an agreement to send children to school.
- (11) My Department has been advised by Centrelink that participation was voluntary only and parents could 'walk away' from the trial at any point and no payment was at risk.
- (12) My Department has been advised by Centrelink that an individual participation plan could cover school attendance by more than one child.
- (13) My Department has been advised by Centrelink that twenty Participation Plans were entered into.
- (14) My Department has been advised by Centrelink that participation plans were entered into on a voluntary basis. Voluntary plans or agreements are not legislated under Social Security law.
- (15) Voluntary plans or agreements are not legislated under Social Security law.
- (16) N/A
- (17) My Department has been advised by Centrelink that: a) Sixteen parents participated in the trial: b) 22 children were associated with the trial.
- (18) My Department has been advised by Centrelink that: a) Fifteen parents had their payments suspended once and all were ultimately restored with no actual loss of payment: b) no payments were cancelled during the trial.
- (19) My Department has been advised by Centrelink that no payments were suspended more than once.
- (20) The trial was stopped by Centrelink on 21 October 2005 due to legal doubts about Centrelink's ability to call in voluntary participants to discuss children's school attendance under Social Security legislation.

**Mature Aged Worker Tax Offset
(Question No. 1413)**

Senator Sherry asked the Minister representing the Treasurer, upon notice, on 1 December 2005:

- (1) Was advice provided to the Treasurer by the department, or any agency in the Treasurer's portfolio, that went towards, or informed, the Coalition's mature-aged worker tax offset released on 9 September 2004.
- (2) Was advice or input was given to, or received from, the Department of the Prime Minister and Cabinet, the Department of Employment and Workplace Relations or the Department of Finance and Administration in relation to (1) above.
- (3) If the answer is yes for (1) or (2) above: (a) what was the broad nature of that advice; and (b) was it provided before or after 31 August 2004.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator's question:

Australian Bureau of Statistics

(1) to (3) Nil

Australian Competition and Consumer Commission

(1) to (3) Nil

Australian Office of Financial Management

(1) to (3) Nil

Australian Prudential and Regulation Authority

(1) to (3) Nil

Australian Securities and Investments Commission

(1) to (3) Nil

Australian Taxation Office

(1) to (3) Nil

Corporations and Markets Advisory Committee

(1) to (3) Nil

Inspector-General of Taxation

(1) to (3) Nil

National Competition Council

(1) to (3) Nil

Productivity Commission

(1) to (3) Nil

Treasury

- (1) The Department of Treasury provided advice to the Treasurer during August 2004 that canvassed issues relating to promoting labour force participation among the mature aged.
- (2) The Department of Prime Minister and Cabinet provided input to Treasury on incentives for mature age worker participation. No advice or input was given to, or received from, the Department of Employment and Workplace Relations or the Department of Finance and Administration.
- (3) (a) See (1) and (2).
(b) Material was provided before 5pm on 31 August 2004.

Commemorative Events**(Question No. 1414)**

Senator Sherry asked the Minister representing the Prime Minister, upon notice, on 1 December 2005:

- (1) Was advice provided to the Prime Minister by the department, or any agency in the Prime Minister's portfolio, that went towards, or informed, the Coalition's Commemorative Events in 2005 policy released on 7 September 2004.
- (2) Was advice or input given to, or received from, the Department of Finance and Administration or the Department of the Treasury in relation to (1) above.
- (3) If the answer is yes for (1) or (2) above: (a) what was the broad nature of that advice; and (b) was it provided before or after 31 August 2004.

Senator Minchin—The Prime Minister has provided the following answer to the honourable senator's question:

- (1) to (3) (a) Advice on the development of a commemorative programme for 2005, including the possibility of an event to mark the 60th anniversary of Victory in the Pacific, was provided to the government by the relevant portfolio agencies in the usual manner. (b) Advice was provided before 31 August 2004.

Reserve Bank of Australia

(Question No. 1436)

Senator Sherry asked the Minister representing the Treasurer, upon notice, on 8 December 2005:

Would the Treasurer provide details of the occasions that the Treasurer's staff have contacted the Australian Taxation Office and the Australian Prudential Regulation Authority in relation to any appointments to the Board of the Reserve Bank since 2000.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator's question:

I refer the Senator to the House of Representatives *Official Hansard* of 7 December 2005, and the Treasurer's response to Questions without notice from the Member for Lilley.

Maritime Security Identification Cards

(Question No. 1439)

Senator Ludwig asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 9 December 2005:

With reference to the Australian Security Intelligence Organisation:

- (1) For each of the financial years 2002-03 to 2004-05 to date: (a) which agencies (including departments and non-government entities) requested Maritime Security Identification Cards (MSICs); (b) how many requests were received from each agency; and (c) for each agency, how many requests were: (i) vetted, and (ii) granted.
- (2) Does the issuing agency have a procedure for cancelling MSICs in cases where they are reported missing; if so, what is the procedure; if not, why not and to whom are missing, lost or stolen MSICs reported.
- (3) For each of the financial years 2002-03 to 2004-05 to date, how many MSICs have been reported lost, missing or stolen and can a breakdown be provided by agency.
- (4) For each of the financial years 2003-04 to 2005-06 to date, how many MSICs have expired and been returned to the issuing agency.
- (5) Does the issuing agency have a procedure for cancelling MSICs in cases where the recipient has been disqualified; if so, what is the procedure; if not, why not.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) Maritime Security Identification Cards can only be issued by approved MSIC Issuing Bodies. Any organisation seeking approval for MSIC Issuing Body status must apply in writing to the Secretary of the Department of Transport and Regional Services for authorisation, and include a draft Issuing Body MSIC plan consistent with the regulations for assessment. The following may apply, in writing, to the Secretary for authorisation as an Issuing Body:
 - a maritime industry participant;
 - a Body representing participants;
 - a Body representing employees of participants;

- a Commonwealth authority.

A participant may engage an agent to issue MSICs and the agent may apply to be an Issuing Body.

MSIC Issuing Bodies are authorised by the Secretary of DOTARS to issue MSICs to persons who have an operational need to access a maritime security zone and offshore security zone, and administer the Issuing Body MSIC plan consistent with the regulations.

An Issuing Body can assume the full responsibilities for processing applications for MSICs, producing MSICs and issuing MSICs to applicants. Alternatively, Issuing Bodies are able to subcontract some of the processes for MSIC issue. In such instances, the Issuing Body will retain full responsibility for the overall MSIC production and issue process consistent with their Issuing Body MSIC plan that is to be approved by the Secretary of the Department.

A maritime industry participant can also engage an agent to be an Issuing Body consistent with regulation 6.070(2). However, the agent must submit to the Secretary of DOTARS an application to be an Issuing Body, along with an accompanied draft Issuing Body MSIC plan that must be approved by the Secretary.

The MSIC scheme commenced in November 2005 accordingly there is no information for the financial years 2002-03, 2003-04 and 2004-05.

The initial rollout of the MSIC scheme was due to start on 28 November 2005 but was delayed until the end of January 2006 because MSIC Issuing Bodies at Melbourne experienced difficulties in establishing their IT systems. The Background Checking Unit in Melbourne has received over 200 applications for AFP criminal history checks and ASIO security assessments from the Port of Brisbane Issuing Body.

- (a) The Department of Transport and Regional Services (DOTARS) does not receive requests for the issue of a maritime security identification card (MSIC).
 - (b) DOTARS does not receive requests for the issue of an MSIC.
 - (c) (i) All MSIC applications are vetted.
(ii) DOTARS does not issue MSICs.
- (2) Yes, as specified in the Maritime Transport and Offshore Facilities Security Regulations (MTOFSR) 2003.

There are strict regulations that govern issuing and accountability for cards that apply to both Issuing Bodies and card holders.

- (3) Each MSIC Issuing Body is required to maintain an MSIC register for inspection by a maritime security inspector on request, including details of lost, stolen or destroyed MSICs.

Where an MSIC is lost, stolen or destroyed, the holder must notify the MSIC Issuing Body, in the form of a Statutory Declaration, within seven days of becoming aware of the loss, theft or destruction. Details of lost, stolen or destroyed MSICs are to be recorded by the MSIC Issuing Body on their MSIC register. In practice stolen cards are also reported to the Police for investigation.

- (4) There is no requirement for an MSIC Issuing Body to provide this information to DOTARS.

The onus is on the holder of the MSIC to report to his or her original Issuing Body that they have lost or destroyed cards. This does not apply if the MSIC is destroyed by the original Issuing Body.

The holder of the MSIC must report a stolen MSIC to the police and give the original Issuing Body a copy of the police report.

- (5) Yes. The procedure is specified in the Maritime Transport and Offshore Facilities Security Regulations.

**Aviation Security Identification Cards
(Question No. 1440)**

Senator Ludwig asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 9 December 2005:

With reference to the Australian Security Intelligence Organisation:

- (1) For each of the financial years 2002-03 to 2004-05 to date: (a) which agencies (including departments and non-government entities) requested Aviation Security Identification Cards (ASIC); (b) how many requests were received from each agency; and (c) for each agency, how many requests were: (i) vetted, and (ii) granted.
- (2) Does the issuing agency have a procedure for cancelling ASICs in cases where they are reported missing; if so, what is the procedure; if not, why not and to whom are missing, lost or stolen ASICs reported.
- (3) For each of the financial years 2002-03 to 2004-05 to date, how many ASICs have been reported lost, missing or stolen and can a breakdown be provided by agency.
- (4) For each of the financial years 2003-04 to 2005-06 to date, how many ASICs have expired and been returned to the issuing agency.
- (5) Does the issuing agency have a procedure for cancelling ASICs in cases where the recipient has been disqualified; if so, what is the procedure; if not, why not.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) Aviation Security Identification Cards (ASICs) can only be issued by an approved ASIC issuing body. Any organisation seeking approval for ASIC issuing body status must apply in writing to the Secretary of the Department of Transport and Regional Services (DOTARS) for authorisation and include a draft ASIC program consistent with the regulations for assessment. There are currently 192 approved ASIC issuing bodies comprised of security controlled airports, Government agencies, major airlines and other suitable aviation industry participants.

ASIC issuing bodies are authorised by the Secretary of DOTARS to issue ASICs to persons who have an operational need to access a secure area of a security controlled airport with regular public transport services, and to administer their ASIC program consistent with the regulations.

An issuing body can assume the full responsibilities for processing applications for ASICs, producing ASICs and issuing ASICs to applicants. Alternatively, issuing bodies are able to subcontract some processes for ASIC issue. In such instances, the issuing body will retain full responsibility for the overall ASIC production and issue process, consistent with their ASIC program that is to be approved by the Secretary of DOTARS.

- (a) DOTARS does not receive requests for the issue of an ASIC.
 - (b) DOTARS does not receive requests for the issue of an ASIC.
 - (c) (i) All ASIC applications are vetted.
(ii) DOTARS does not issue ASICs.
- (2) Yes, as specified in the Aviation Transport Security Regulations 2005.
There are strict regulations that govern issuing and accountability for cards that apply to both issuing bodies and card holders. Industry has established stringent procedures to ensure reporting and cancellation of lost and stolen cards.
 - (3) Each ASIC issuing body is required to maintain an ASIC register for inspection by an aviation security inspector on request, including details of lost, stolen or destroyed ASICs.

Where an ASIC is lost, stolen or destroyed, the holder must notify the ASIC issuing body, in the form of a Statutory Declaration, within seven days of becoming aware of the loss, theft or destruction. Details of lost, stolen or destroyed ASICs are recorded by the ASIC issuing body on their ASIC register. In practice stolen cards are also reported to the Police for investigation.

- (4) There is no requirement for an ASIC issuing body to provide this information to DOTARS.

The onus is on the holder of the ASIC to report to his or her original issuing body that they have lost or destroyed cards. This does not apply if the ASIC is destroyed by the original issuing body.

The holder of an ASIC must report a stolen ASIC to the police and give the original issuing body a copy of the police report.

- (5) Yes. The procedure is specified in the Aviation Transport Security Regulations.

Maritime Security Identification Cards

(Question No. 1441)

Senator Ludwig asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 9 December 2005:

With reference to the Australian Federal Police:

- (1) For each of the financial years 2002-03 to 2004-05 to date: (a) which agencies (including departments and non-government entities) requested Maritime Security Identification Cards (MSICs); (b) how many requests were received from each agency; and (c) for each agency, how many requests were: (i) vetted, and (ii) granted.
- (2) Does the issuing agency have a procedure for cancelling MSICs in cases where they are reported missing; if so, what is the procedure; if not, why not and to whom are missing, lost or stolen MSICs reported.
- (3) For each of the financial years 2002-03 to 2004-05 to date, how many MSICs have been reported lost, missing or stolen and can a breakdown be provided by agency.
- (4) For each of the financial years 2003-04 to 2005-06 to date, how many MSICs have expired and been returned to the issuing agency.
- (5) Does the issuing agency have a procedure for cancelling MSICs in cases where the recipient has been disqualified; if so, what is the procedure; if not, why not.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) Maritime Security Identification Cards can only be issued by approved MSIC Issuing Bodies. Any organisation seeking approval for MSIC Issuing Body status must apply in writing to the Secretary of the Department of Transport and Regional Services for authorisation, and include a draft Issuing Body MSIC plan consistent with the regulations for assessment. The following may apply, in writing, to the Secretary for authorisation as an Issuing Body:
 - a maritime industry participant;
 - a Body representing participants;
 - a Body representing employees of participants;
 - a Commonwealth authority.

A participant may engage an agent to issue MSICs and the agent may apply to be an Issuing Body. MSIC Issuing Bodies are authorised by the Secretary of DOTARS to issue MSICs to persons who have an operational need to access a maritime security zone and offshore security zone, and administer the Issuing Body MSIC plan consistent with the regulations.

An Issuing Body can assume the full responsibilities for processing applications for MSICs, producing MSICs and issuing MSICs to applicants. Alternatively, Issuing Bodies are able to subcontract some of the processes for MSIC issue. In such instances, the Issuing Body will retain full responsibility for the overall MSIC production and issue process consistent with their Issuing Body MSIC plan that is to be approved by the Secretary of the Department.

A maritime industry participant can also engage an agent to be an Issuing Body consistent with regulation 6.07O(2). However, the agent must submit to the Secretary of DOTARS an application to be an Issuing Body, along with an accompanied draft Issuing Body MSIC plan that must be approved by the Secretary.

The MSIC scheme commenced on 28 November 2005 accordingly there is no information for the financial years 2002-03, 2003-04 and 2004-05.

The initial rollout of the MSIC scheme was due to start on 28 November 2005 but was delayed until the end of January 2006 because MSIC Issuing Bodies at Melbourne experienced difficulties in establishing their IT systems. The Background Checking Unit in Melbourne has received over 200 applications from the Port of Brisbane for AFP criminal history checks and ASIO security assessments.

- (a) The Department of Transport and Regional Services (DOTARS) does not receive requests for the issue of a maritime security identification card (MSIC).
 - (b) DOTARS does not receive requests for the issue of an MSIC.
 - (c) (i) All MSIC applications are vetted.
(ii) DOTARS does not issue MSICs.
- (2) Yes, as specified in the Maritime Transport and Offshore Facilities Security Regulations (MTOFSR) 2003.
- There are strict regulations that govern issuing and accountability for cards that apply to both Issuing Bodies and card holders. Industry has established stringent procedures to ensure reporting and cancellation of lost and stolen cards.
- (3) Each MSIC Issuing Body is required to maintain an MSIC register for inspection by a maritime security inspector on request, including details of lost, stolen or destroyed MSICs.
- Where an MSIC is lost, stolen or destroyed, the holder must notify the MSIC Issuing Body, in the form of a Statutory Declaration, within seven days of becoming aware of the loss, theft or destruction. Details of lost, stolen or destroyed MSICs are to be recorded by the MSIC Issuing Body on their MSIC register. In practice stolen cards are also reported to the Police for investigation.
- (4) There is no requirement for an MSIC Issuing Body to provide this information to DOTARS.
- The onus is on the holder of the MSIC to report to his or her original Issuing Body that they have lost or destroyed cards. This does not apply if the MSIC is destroyed by the original Issuing Body.
- The holder of the MSIC must report a stolen MSIC to the police and give the original Issuing Body a copy of the police report.
- (5) Yes. The procedure is specified in the Maritime Transport and Offshore Facilities Security Regulations

Aviation Security Identification Cards

(Question No. 1442)

Senator Ludwig asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 9 December 2005:

With reference to the Australian Federal Police:

- (1) For each of the financial years 2002-03 to 2004-05 to date: (a) which agencies (including departments and non-government entities) requested Aviation Security Identification Cards (ASIC); (b) how many requests were received from each agency; and (c) for each agency, how many requests were: (i) vetted, and (ii) granted.
- (2) Does the issuing agency have a procedure for cancelling ASICs in cases where they are reported missing; if so, what is the procedure; if not, why not and to whom are missing, lost or stolen ASICs reported.
- (3) For each of the financial years 2002-03 to 2004-05 to date, how many ASICs have been reported lost, missing or stolen and can a breakdown be provided by agency.
- (4) For each of the financial years 2003-04 to 2005-06 to date, how many ASICs have expired and been returned to the issuing agency.
- (5) Does the issuing agency have a procedure for cancelling ASICs in cases where the recipient has been disqualified; if so, what is the procedure; if not, why not.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) Aviation Security Identification Cards (ASICs) can only be issued by an approved ASIC issuing body. Any organisation seeking approval for ASIC issuing body status must apply in writing to the Secretary of the Department of Transport and Regional Services (DOTARS) for authorisation, and include a draft ASIC program consistent with the regulations for assessment. There are currently 192 approved ASIC issuing bodies comprised of security controlled airports, Government agencies, major airlines and other suitable aviation industry participants.

ASIC issuing bodies are authorised by the Secretary of DOTARS to issue ASICs to persons who have an operational need to access a secure area of a security controlled airport with regular public transport services, and to administer their ASIC program consistent with the regulations.

An issuing body can assume the full responsibilities for processing applications for ASICs, producing ASICs and issuing ASICs to applicants. Alternatively, issuing bodies are able to subcontract some processes for ASIC issue. In such instances, the issuing body will retain full responsibility for the overall ASIC production and issue process, consistent with their ASIC program that is to be approved by the Secretary of DOTARS.

- (a) DOTARS does not receive requests for the issue of an ASIC.
 - (b) DOTARS does not receive requests for the issue of an ASIC.
 - (c) (i) All ASIC applications are vetted.
(ii) DOTARS does not issue ASICs.
- (2) Yes, as specified in the Aviation Transport Security Regulations 2005 (ATSR).
There are strict regulations that govern issuing and accountability for cards that apply to both issuing bodies and card holders. Industry has established stringent procedures to ensure reporting and cancellation of lost and stolen cards.
 - (3) Each ASIC issuing body is required to maintain an ASIC register for inspection by an aviation security inspector on request, including details of lost, stolen or destroyed ASICs.
Where an ASIC is lost, stolen or destroyed, the holder must notify the ASIC issuing body, in the form of a Statutory Declaration, within seven days of becoming aware of the loss, theft or destruction. Details of lost, stolen or destroyed ASICs are recorded by the ASIC issuing body on their ASIC register. In practice stolen cards are also reported to the Police for investigation.
 - (4) There is no requirement for an ASIC issuing body to provide this information to DOTARS.

The onus is on the holder of the ASIC to report to his or her original issuing body that they have lost or destroyed cards. This does not apply if the ASIC is destroyed by the original issuing body.

The holder of an ASIC must report a stolen ASIC to the police and give the original issuing body a copy of the policy report.

- (5) Yes. The procedure is specified in the Aviation Transport Security Regulations.

Aviation: Operator Risk Model

(Question No. 1468)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 17 January 2006:

- (1) (a) When was the Operator Risk Model (ORM) established in the Civil Aviation Safety Authority (CASA); and (b) when was it first used in a trial for Regular Passenger Transport (RPT) aircraft.
- (2) (a) On how many occasions has the ORM been upgraded since its establishment; and (b) what was the nature of each upgrade.
- (3) (a) How many RPT operators are currently assessed through the ORM; (b) how are operators categorised by the ORM; and (c) how often are such assessments the subject of review.
- (4) (a) Who has access to the findings, or draft findings, of the ORM; and (b) how often is the assessment generated through the ORM circulated.
- (5) Has the Minister or his office been provided with material generated through the ORM; if so: (a) when was this material provided to the Minister or his office; (b) why was it provided to the Minister or his office; and (c) what action followed the provision of this material to the Minister or his office.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) (a) The Operator Risk Model (ORM), known within the Civil Aviation Safety Authority (CASA) as the Desktop Risk Tool (DRT), is currently under development.
(b) An official trial of the DRT for Regular Public Transport (RPT) Operations (not aircraft) commenced in February 2005.
- (2) (a) and (b) DRT is a work-in-progress project and has not yet been implemented as a working model within CASA. No upgrades have therefore been developed.
- (3) (a) 28 RPT operators are being assessed through the DRT during its trial.
(b) Operators are not categorised by the DRT. Their incidents are prioritised according to generic rankings of risk for further review. In terms of the DRT trial, data used from incidents are sourced from Aviation Safety Incident Reports, Electronic Safety Incident Reports and Service Difficulty Reports.
(c) As the model has yet to be established, the frequency of any review has not been determined.
- (4) (a) Operational staff members involved in the DRT trial have access to trial information as required. Draft conceptual reports were generated for members of the Executive, with access to these reports limited to the Executive, their support staff and the Trial Coordinators.
(b) As the DRT has yet to be established as a working model, details of the assessment process have not been finalised. However during the trial, data generated from the DRT was made available to the Risk and Audit Manager on a monthly basis.
- (5) CASA has not provided the Minister or the Minister's Office with material generated through the DRT trial.

Civil Aviation Safety Authority**(Question No. 1476)**

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 17 January 2006:

- (1) (a) When was the Change Implementation Team in the Civil Aviation Safety Authority established; and (b) what was its initial staff allocation annual budget.
- (2) For each year since the CIT's establishment, what was: (a) the annual budget; (b) the establishment staffing level; and (c) the actual staffing level.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) (a) The Change Implementation Team (CIT) was established on 3 March 2005. (b) CIT's initial staff allocation annual budget was \$276,325 for 2005-06.
- (2) (a) CIT's annual budget for the year 2005-2006 was \$ 2,158,596. (b) There are no formal staffing establishment positions for CIT. CIT has always been a flexible team with a mix of senior managers, permanent and fixed-term staff plus an external contractor. (c) The staffing level for 2005-2006, based on actual staffing for July 2005 to January 2006 is expected to be 3.00.

Civil Aviation Safety Authority**(Question No. 1477)**

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 17 January 2006:

- (1) Since its establishment, how many contracts have been entered into by the Civil Aviation Safety Authority (CASA) Change Implementation Team (CIT).
- (2) In each case: (a) was the contract the subject of a tender process; (b) was the tender process an open or restricted tender; (c) did the tender process comply with CASA procurement guidelines; if not, what was the nature of the non-compliance and who approved the non-complying tender process; (d) who was awarded the contract; (e) what was the value of the contract; (f) what was the contract term; and (g) what goods or services were purchased.
- (3) Which of the contracts in paragraph (2) above were the subject of an audit and, in each case: (a) who undertook the audit; (b) who initiated the audit; (c) when did the audit commence; (d) when was the audit completed; (e) who was provided with a copy of the audit report; and (f) what outcome was attributed to that audit process.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) Since its establishment, 17 contracts have been entered into by the Civil Aviation Safety Authority (CASA) for provision of services to the Change Implementation Team (CIT).
- (2) A table detailing the tender process, procurement guidelines, contract value, contract term and the nature of the goods or services provided in relation to the 17 contracts entered into by CASA for provision of services to the CIT is attached for your information.
- (3) A table detailing which of the 17 contracts entered into by CASA for the provision of services to the CIT were subjected to an audit and in each case who undertook the audit; who initiated the audit; when the audit commenced; when the audit was completed; who was provided with a copy of the audit report; and what outcome was attributed to that audit process is attached for information.

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| Q1 Seventeen Con- tracts have been entered into by the CASA CIT Contract Title | Q2 (a) Subject to Ten- der Process | Q2 (b) Tender – open or restricted | Q2 (c) (i) Complied with Procurement Guidelines | Q2 (c) (ii) If not, nature of compliance & who ap- proved it | Q2 (d) Who was awarded the contract | Q2 (e) Value of contract | Q2 (f) Contract Term | Q2 (g) Goods or Service purchased |
|--|--|---|--|--|--|--|---|---|
| Market Testing: Records Mgmt IT Support & In- formation Services Corporate Commu- nications Legal Services | Yes | Restricted to pre-approved consultants on the Pro- ject Services Panel (which was subject to open tender) | Yes | Not Applicable | WalterTurnbull Pty Ltd | Four separate con- tracts at a cost of \$91,258 each (incl.GST) Actual Expendi- ture: \$126,890.74 (ex GST) to date, for all four contracts combined Expected not to exceed \$150,000 (ex GST) | The initial contract term was from 15/08/05 to 31/12/05. However, this has been ex- tended to 15/04/06 to complete fur- ther stages of market testing in one area | Consulting Services |

QUESTIONS ON NOTICE

| Q1 Seventeen Con- tracts have been entered into by the CASA CIT Contract Title | Q2 (a) Subject to Ten- der Process | Q2 (b) Tender – open or restricted | Q2 (c) (i) Complied with Procurement Guidelines | Q2 (c) (ii) If not, nature of compliance & who ap- proved it | Q2 (d) Who was awarded the contract | Q2 (e) Value of contract | Q2 (f) Contract Term | Q2 (g) Goods or Service purchased |
|--|--|---|--|--|--|---|--|---|
| Market Testing: Property & Mainte- nance Security & Recep- tion Payroll HR Services Finance | Yes | Restricted to pre-approved consultants on the Pro- ject Services Panel (which was subject to open tender) | Yes | Not Applicable | Acumen Alliance Pty Ltd | Contract Amounts: \$51,480 \$26,111 \$70,290 \$70,290 \$60,264 (incl. GST) Actual Expenditure for all five con- tracts: \$23,347.50 (ex GST) | 15/8/05 – 31/12/05 NOTE: Actual expen- ditures for both WalterTurnbull and Acumen for the market testing con- tracts were much lower than the tender prices, as nearly all areas market tested did not go to the second stage of the process | Consulting Services |

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| Q1 Seventeen Con- tracts have been entered into by the CASA CIT Contract Title | Q2 (a) Subject to Ten- der Process | Q2 (b) Tender – open or restricted | Q2 (c) (i) Complied with Procurement Guidelines | Q2 (c) (ii) If not, nature of compliance & who ap- proved it | Q2 (d) Who was awarded the contract | Q2 (e) Value of contract | Q2 (f) Contract Term | Q2 (g) Goods or Service purchased |
|---|---|---|--|--|--|--|--|---|
| Market Testing Internal Audit and risk Management | Yes | Restricted | Yes | Not Applicable | Pat Farrelly & Associates Pty Ltd | Full Contract Amount: \$27,720 (incl. GST) Actual Expendi- ture: \$27,720 (incl. GST) | Commenced 5/9/05 for 18 consulting days | Consulting Services |
| Costing Analysis | Procurement was a Direct Source tender based on the decision that Acumen was the only suitable candidate for the position | Not Appli- cable | Yes | Not Applicable | Acumen Alliance Pty Ltd | Full Contract Amount: \$40,000 (ex GST) Actual Expendi- ture: \$16,800 (ex GST) | Commenced 13/7/05 for 2 months | Consulting Services |
| Program Manage- ment policy devel- opment | No. This was an extension of an existing contract completed by another CASA corporate sup- port area | Not Appli- cable | Yes | Not Applicable | Acumen Alliance Pty Ltd | Full Contract Amount: \$91,162.50 Actual Expendi- ture: \$17,722.50 (ex GST) to date | Contract origi- nated in Fi- nance and was carried over to the CIT. This is due to expire on 31/3/2006 | Consulting Services |

QUESTIONS ON NOTICE

| Q1 Seventeen Con- tracts have been entered into by the CASA CIT Contract Title | Q2 (a) Subject to Ten- der Process | Q2 (b) Tender – open or restricted | Q2 (c) (i) Complied with Procurement Guidelines | Q2 (c) (ii) If not, nature of compliance & who ap- proved it | Q2 (d) Who was awarded the contract | Q2 (e) Value of contract | Q2 (f) Contract Term | Q2 (g) Goods or Service purchased |
|---|---|---|--|--|--|---|--|---|
| “Quick Wins” analysis and report | Procurement was a direct source tender based on the decision that HanBry was the only suitable candidate for the position | Not Appli- cable | Yes – market specialist | Not Applicable | HanBry Pty Ltd | Full Contract Amount: \$32,000 + expenses Actual Expendi- ture: \$27,600.00 | Commenced on 13/9/05 for 40 consulting days | Consulting Services |
| Cost Recovery | Procurement was a direct source tender based on the decision that The Allen Con- sulting Group was the only suitable candi- date for the position | Not Appli- cable | Yes – Market Specialist | Not Applicable | The Allen Con- sulting Group | Full Contract Amount for stage 1: \$50,000 incl. GST Stage 2: \$20,000 Actual Expendi- ture: Stage 1: \$50,000 incl. GST Stage 2: Yet to be invoiced | 8/8/2005 – 30/9/2005 | Consulting Services |

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| Q1 Seventeen Con- tracts have been entered into by the CASA CIT Contract Title | Q2 (a) Subject to Ten- der Process | Q2 (b) Tender – open or restricted | Q2 (c) (i) Complied with Procurement Guidelines | Q2 (c) (ii) If not, nature of compliance & who ap- proved it | Q2 (d) Who was awarded the contract | Q2 (e) Value of contract | Q2 (f) Contract Term | Q2 (g) Goods or Service purchased |
|---|--|--|--|--|--|---|---|---|
| Location Review of GA offices | Procurement was a direct source tender based on the decision that Robson Huntley & Associates was the only suitable candi- date for the position | Not Appli- cable | Yes – Market Specialist | Not Applicable | Robson Huntley & Associates Pty Ltd | Full Contract Amount: \$105,000 Actual Expendi- ture: \$104,421.01 | Commenced on 13/7/05 for 2 months | Consulting Services |
| Surveillance IT System Implemen- tation Plan | Statement of Work based on the CASA IP Alliance Con- tract | Restricted, but carried out under the conditions of the head contract (subject to tender) | Yes | Not Applicable | Accenture Aus- tralia Holdings Pty Ltd | Full Contract Amount: \$15,000 + expenses Actual Expendi- ture: Yet to be invoiced | 16/1/2006 – 27/1/06 | Consulting Services |

QUESTIONS ON NOTICE

| Q1 Seventeen Con- tracts have been entered into by the CASA CIT Contract Title | Q2 (a) Subject to Ten- der Process | Q2 (b) Tender – open or restricted | Q2 (c) (i) Complied with Procurement Guidelines | Q2 (c) (ii) If not, nature of compliance & who ap- proved it | Q2 (d) Who was awarded the contract | Q2 (e) Value of contract | Q2 (f) Contract Term | Q2 (g) Goods or Service purchased |
|--|--|---|--|--|--|---|--|---|
| Review of particu- lar oversight proc- esses | Procurement was a direct source tender based on the decision that Dalmeahoy Graham Con- sulting was the only suitable candidate for the position | Not Appli- cable | Yes – Market Specialist | Not Applicable | Dalmeahoy Graham Consult- ing | Full Contract Amount: \$10,000 (ex GST) Actual Expendi- ture: Yet to be invoiced | 30/1/06 – 17/2/06 | Consulting Services |
| Market Testing: Records Mgmt IT Support & In- formation Services Corporate Commu- nications Legal Services | A review of the procurement process was carried out which was initi- ated by the CEO | Barbara Yeoh, Chair of the Audit & Risk Committee | CEO | October 2005 | December 2005 | Bruce Byron, CEO David Andersen, Office of CEO Peter Keogh, CIT Peter Boyd, CIT | CASA proc- esses were adhered to and protocol was observed. It was therefore found that Acumen Alli- ance did not have a conflict of interest. | |

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| Q1 | Q2 (a) | Q2 (b) | Q2 (c) (i) | Q2 (c) (ii) | Q2 (d) | Q2 (e) | Q2 (f) | Q2 (g) |
|---|--|---|--------------------------------------|--|------------------------------|--|--|----------------------------|
| Seventeen Contracts have been entered into by the CASA CIT Contract Title | Subject to Tender Process | Tender – open or restricted | Complied with Procurement Guidelines | If not, nature of compliance & who approved it | Who was awarded the contract | Value of contract | Contract Term | Goods or Service purchased |
| Market Testing: Property & Maintenance Security & Reception Payroll HR Services | A review of the procurement process was carried out which was initiated by the CEO | Barbara Yeoh, Chair of the Audit & Risk Committee | CEO | October 2005 | December 2005 | Bruce Byron, CEO David Andersen, Office of CEO Peter Keogh, CIT Peter Boyd, CIT | CASA processes were adhered to and protocol was observed. It was therefore found that Acumen Alliance did not have a conflict of interest. | |

QUESTIONS ON NOTICE

Treasury: Grants
(Question No. 1489)

Senator O'Brien asked the Minister representing the Treasurer, upon notice, on 18 January 2006:

- (1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Bass.
- (2) When did the delivery of these programs and/or grants commence.
- (3) For each of the financial years 2002-03, 2003-04 and 2004-05, what funding was provided through these programs and/or grants for the people of Bass.
- (4) For the 2005-06 financial year, what funding has been appropriated for these programs and/or grants.
- (5) For the 2005-06 financial year, what funding has been approved under these programs and/or grants to assist organisations and individuals in the electorate of Bass.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator's question:

- (1) The Treasury administers one programme, the HIH Claims Support Scheme, that community organisations, businesses and individuals in the federal electorate of Bass can apply for funding from. In order to qualify for support from the scheme individuals and not-for-profit organisations must have held an HIH policy at the time of the collapse of the company and have suffered an insurable loss or have been receiving salary continuance or other payments from HIH at that time. Eligibility for assistance is also means tested for some types of claim. Small businesses in Australia may also qualify for claims assistance in some circumstances.
- (2) The scheme commenced in July 2001. The scheme closed to new applicants in February 2004. However late claims may be made in limited circumstances.
- (3) The claims made against the scheme by organisations and individuals in the federal electorate of Bass, in the financial years 2002-03, 2003-04 and 2004-05 cannot readily be determined.
- (4) Funding of \$640 million was appropriated in 2001 to fund the scheme. No further appropriation has been made in relation to 2005-06.
- (5) The claims to be made against the scheme by organisations and individuals in the federal electorate of Bass, in the financial year 2005-06 cannot readily be determined.

Treasury: Grants
(Question No. 1519)

Senator O'Brien asked the Minister representing the Treasurer, upon notice, on 18 January 2006:

For each financial year since 2001-02, what grants or payments has the Minister's department, or have agencies for which the Minister is responsible, made to City View Christian Church Inc. (formerly known as Crusade Centre Inc.) based in Launceston, Tasmania.

Senator Minchin—The Treasurer has provided the following answer to the honourable senator's question:

Australian Bureau of Statistics

Nil for all financial years.

Australian Competition & Consumer Commission

Nil for all financial years.

Australian Office of Financial Management

Nil for all financial years.

Australian Prudential Regulation Authority

Nil for all financial years.

Australian Securities and Investments Commission

Nil for all financial years.

Australian Taxation Office

Nil for all financial years.

Corporations and Markets Advisory Committee

Nil for all financial years.

Inspector-General of Taxation

Nil for all financial years.

National Competition Council

Nil for all financial years.

Productivity Commission

Nil for all financial years.

Treasury

Nil for all financial years.

Education, Science and Training: Grants**(Question No. 1527)**

Senator O'Brien asked the Minister for Education, Science and Training, upon notice, on 18 January 2006:

For each financial year since 2001-02, what grants or payments has the Minister's department, or have agencies for which the Minister is responsible, made to City View Christian Church Inc. (formerly known as Crusade Centre Inc.) based in Launceston, Tasmania.

Senator Vanstone—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

Since 2001-02, no grants or payments have been made by the Department of Education, Science and Training or portfolio agencies to City View Christian Church Inc.

Transport and Regional Services: Staffing**(Question No. 1550)**

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 19 January 2006:

- (1) Can the Minister confirm that staff numbers in the Department will grow by 11.8 per cent in the 2005-06 financial year.
- (2) Can the Minister identify the projected actual and percentage employment growth in each division of the Department.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) The Department is now projected to grow by 14 per cent in the 2005-06 financial year in response to additional resources being allocated to the Department in the Additional Estimates process
- (2) The projected actual and percentage employment growth (FTE) for each division of the Department is provided in Attachment A.

Attachment A

Projected actual and percentage employment growth (FTE) by division.

| | Actual Growth (FTE) | % growth |
|---|---------------------|----------|
| Executive | -0.7 | -9.1% |
| Corporate Services | 7.6 | 4.9% |
| Regional Services | -1.8 | -0.8% |
| Territories and Local Government | 9.1 | 11.4% |
| Australian Transport Safety Bureau | 5.9 | 5.6% |
| Office of Transport Security | 103.3 | 43.9% |
| Aviation and Airports | 2.1 | 1.9% |
| AusLink | 2.4 | 2.9% |
| Maritime and Land Transport | 22.4 | 22.3% |
| Portfolio Strategic Projects and Policy | 4.7 | 10.2% |

Anangu-Pitjantjatjara Lands Trial

(Question No. 1562)

Senator Chris Evans asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 24 January 2006:

With reference to the request for quote documentation contained in Attachment A to the answer given by the department to question No.239 taken on notice during the supplementary budget estimates hearing of the Legal and Constitutional Legislation Committee on 1 November 2005, which: (a) outlined that the Office of Indigenous Policy Coordination (OIPC) sought to engage a consultant to conduct a formative evaluation of the South Australian Anangu-Pitjantjatjara Lands Council of Australian Governments (COAG) Indigenous trial; and (b) detailed a proposed timeline, including the submission of a final evaluation report to OIPC on 19 December 2005:

- (1) Which consultant was selected to conduct the formative evaluation on the Anangu-Pitjantjatjara Lands trial.
- (2) Has the final report been submitted by the consultant to OIPC; if so, on what date was it submitted; if not, when does OIPC expect to receive the report.
- (3) Has the draft report been submitted to OIPC and South Australian government staff; if so, on what date was the draft report submitted.
- (4) Will the final report be made publicly available; if so, can a copy be provided.
- (5) (a) Have consultants been selected to conduct formative evaluations of any other COAG trial sites; if so, can details be provided of: (a) the location of the trial site; (b) the date upon which the evaluation began or will begin; (c) the name of the consultant; and (d) the expected date of submission of the final report.
- (6) Have any final evaluation reports been submitted in relation to other COAG Indigenous trials; if so, can copies be provided.

Senator Kemp—The Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable senator's question:

- (1) The consultant selected to conduct the formative evaluation on the Anangu-Pitjantjatjara Lands COAG trial is Urbis Keys Young.
- (2) A final report is expected in March 2006.
- (3) Yes. The draft report was submitted to OIPC on 31 January 2006. OIPC provided a copy of the draft report to South Australia in early February 2006.
- (4) The release of the report is a matter for the Minister(s) involved.
- (5) The status of COAG trial evaluations as at 24 February 2006 is as follows:

| Location of the Trial Site | Date the evaluation began or will begin | Name of Consultant/Status | Expected date of submission of final report |
|----------------------------------|---|--|---|
| ACT | 26 October 2005 | Consultant (Morgan Disney) has provided a draft report. | February 2006 |
| SA – Anangu-Pitjantjatjara Lands | 15 November 2005 | Consultant (Urbis Keys Young) has provided a draft report. | 6 March 2006 |
| WA – East Kimberley | 15 November 2005 | Consultant (Quantum Consulting) has provided a draft report. | 28 April 2006 |
| QLD – Cape York | To be determined | Request for Quote documentation is being finalised. | To be determined |
| NSW – Murdi Paaki | February 2006 | A Request for Quote process will take place in February 2006. The evaluation will build on the Community Governance project undertaken in 2005. | 19 May 2006 |
| VIC - Shepparton | February 2006 | Consultant (Morgan Disney) selected and informed. Contract has not yet been signed. | 19 May 2006 |
| TAS – Northeast Tasmania | February 2006 | A Request for Quote process is underway. Proposals were received on 31 January. Assessment of proposals by the evaluation panel will commence in February. | 15 May 2006 |
| NT - Wadeye | March 2006 | Awaiting approval of consultant by the Evaluation Reference Group. | May 2006 |

- (6) No final reports have been submitted.

Civil Aviation Safety Authority

(Question No. 1566)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 25 January 2006:

- (1) How many senior Civil Aviation Safety Authority (CASA) officers are not resident in the Australian Capital Territory.
- (2) In each case since 2002-03, by year: (a) on how many occasions has each officer been required to travel to Canberra on official business; (b) what has been the cost of airfares and accommodation incurred in relation to travel to Canberra; (c) what other expenses, by expense category, have been incurred in relation to travel to Canberra; (d) who approved the travel; and (e) was it properly acquitted.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) CASA has interpreted Senior Officers as the CEO plus the 22 members of the Senior Management Group as at 31 January 2006. As at 31 January 2006, 10 were resident in the Australian Capital Territory (ACT) and surrounding region and 13 were located in other centres.

- (2) The six General Aviation Field Office Managers travel to Canberra for quarterly meetings and ad-hoc meetings from time to time. The three Air Transport Operations Field Office Managers travel between their respective offices and Canberra for six meetings a year and adhoc meetings from time to time. To itemise a complete break down on how much CASA spent in relation to travel to Canberra for these managers would require significant resources.

However, the following figures can be provided in relation to certain positions.

Group General Manager General Aviation Operations Group

- (a) 2002-03 – 47 trips
 2003-04 – 40 trips
 2004-05 – 30 trips
 2005-06 – 20 trips
- (b) 2002-03 – Airfares \$35,308, Accommodation \$10,017
 2003-04 – Airfares \$29,810, Accommodation \$11,691
 2004-05 – Airfares \$20,054, Accommodation \$7,747
 2005-06 – Airfares \$13,070, Accommodation \$4,956
- (c) 2002-03 – Incidentals & Taxis \$7,020
 2003-04 – Incidentals & Taxis \$7,811
 2004-05 – Incidentals & Taxis \$4,577
 2005-06 – Incidentals & Taxis \$3,382
- (d) and (e) CASA's Finance Office carries out a review of all travel related expenditure and it can be confirmed that it is approved by the appropriate officer and fully acquitted.

Group General Manager Air Transport Operations Group

- (a) 2005-06 – 12 trips (commenced Nov 2005)
 (b) 2005-06 – Airfares \$6,713, Accommodation \$3,857
 (c) 2005-06 – Incidentals & Taxis \$786
 (d) and (e) See answers provided above.

Head of Human Resources

- (a) 2004-05 – 11 trips (commenced Apr 2005)
 2005-06 – 30 trips
 (b) 2004-05 – Airfares \$10,629, Accommodation \$9,300
 2005-06 – Airfares \$21,154, Accommodation \$19,279
 (c) 2004-05 – Incidentals & Taxis \$2,256
 2005-06 – Incidentals & Taxis \$5,798
 (d) and (e) See answers provided above.

Australians Imprisoned in Foreign Jurisdictions

(Question No. 1568)

Senator Ludwig asked the Minister representing the Minister for Foreign Affairs, upon notice, on 30 January 2006:

- (1) How many Australian nationals are imprisoned in a foreign jurisdiction; and, in each case: (a) what was the offence; and (b) in which jurisdiction they are imprisoned.

- (2) What is the gender of the Australian nationals imprisoned in each foreign jurisdiction, broken down by the offence and jurisdiction.

Senator Coonan—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

- (1) At present there are 185 Australians serving prison sentences abroad. A break down by offence and location is attached.
- (2) Provision of a breakdown by gender is not available on the relevant database and a manual collation would involve an unreasonable diversion of resources.

Attachment

Australian Prisoners / Offences Overseas

As of 23 February 2006

| Location | Offence | Prisoners |
|------------------------------|------------------|-----------|
| Argentina | Drugs | 2 |
| Argentina Total | | 2 |
| Bosnia and Herzegovina | Murder | 2 |
| Bosnia and Herzegovina Total | | 2 |
| Cambodia | Drugs | 3 |
| | Paedophile | 1 |
| Cambodia Total | | 4 |
| Canada | Attempted Murder | 1 |
| Canada Total | | 1 |
| Chile | Murder | 1 |
| Chile Total | | 1 |
| China | Drugs | 1 |
| | Fraud | 7 |
| | Murder | 1 |
| | Other | 1 |
| | Rape | 1 |
| China Total | | 11 |
| Croatia | Attempted Murder | 1 |
| | Murder | 1 |
| Croatia Total | | 2 |
| Cyprus | Drugs | 1 |
| | Other | 1 |
| Cyprus Total | | 2 |
| Czech Republic | Fraud | 2 |
| Czech Republic Total | | 2 |
| El Salvador | Kidnapping | 2 |
| El Salvador Total | | 2 |
| Fiji | Indecency | 1 |
| | Paedophile | 1 |
| Fiji Total | | 2 |
| Germany | Drugs | 1 |
| | Murder | 1 |
| Germany Total | | 2 |
| Greece | Drugs | 4 |
| | Murder | 3 |
| Greece Total | | 7 |

| Location | Offence | Prisoners |
|--|------------------|-----------|
| Hong Kong | Drugs | 2 |
| | Other | 2 |
| | Theft | 2 |
| Hong Kong Total | | 6 |
| Hungary | Drugs | 2 |
| Hungary Total | | 2 |
| Indonesia | Drugs | 13 |
| Indonesia Total | | 13 |
| Ireland | Drugs | 1 |
| Ireland Total | | 1 |
| Italy | Drugs | 5 |
| | People Smuggling | 1 |
| Italy Total | | 6 |
| Japan | Drugs | 2 |
| Japan Total | | 2 |
| Country | Offence | Prisoners |
| Kazakhstan | Terrorism | 1 |
| Kazakhstan Total | | 1 |
| Korea, Republic Of | Drugs | 1 |
| Korea, Republic Of Total | | 1 |
| Lao People's Democratic Republic | Fraud | 1 |
| Lao People's Democratic Republic Total | | 1 |
| Lebanon | Drugs | 1 |
| | Murder | 1 |
| | Other | 2 |
| | Terrorism | 1 |
| Lebanon Total | | 5 |
| Maldives | Drugs | 1 |
| Maldives Total | | 1 |
| Mauritius | Drugs | 1 |
| Mauritius Total | | 1 |
| Mexico | Paedophile | 1 |
| Mexico Total | | 1 |
| Netherlands | Drugs | 1 |
| Netherlands Total | | 1 |
| New Zealand | Drugs | 9 |
| | Fraud | 1 |
| | Murder | 1 |
| | Prostitution | 1 |
| | Rape | 3 |
| | Sexual Assault | 3 |
| | Tax evasion | 1 |
| New Zealand Total | | 19 |
| Romania | Drugs | 1 |
| Romania Total | | 1 |
| Serbia and Montenegro | Drugs | 1 |
| | Fraud | 1 |
| | Murder | 1 |
| Serbia and Montenegro Total | | 3 |

| Location | Offence | Prisoners |
|--------------------------------|-------------------|-----------|
| Singapore | Assault | 1 |
| Singapore Total | | 1 |
| South Africa | Fraud | 1 |
| South Africa Total | | 1 |
| Spain | Drugs | 1 |
| Spain Total | | 1 |
| Sweden | Drugs | 1 |
| | Kidnapping | 1 |
| Sweden Total | | 2 |
| Switzerland | Drugs | 1 |
| Switzerland Total | | 1 |
| Syria | Unknown | 1 |
| Syria Total | | 1 |
| Syrian Arab Republic | Unknown | 1 |
| Syrian Arab Republic Total | | 1 |
| Thailand | Attempted Murder | 1 |
| | Drugs | 9 |
| | Fraud | 1 |
| | Murder | 1 |
| | Paedophile | 1 |
| Thailand Total | | 13 |
| The Philippines | Visa | 1 |
| The Philippines Total | | 1 |
| Country | Offence | Prisoners |
| United Kingdom | Assault | 1 |
| | Fraud | 1 |
| | Murder | 4 |
| | Other | 1 |
| | Rape | 1 |
| United Kingdom Total | | 8 |
| United States of America | Assault | 3 |
| | Child Pornography | 1 |
| | Drugs | 10 |
| | Espionage | 1 |
| | Fraud | 3 |
| | Manslaughter | 3 |
| | Murder | 4 |
| | Paedophile | 1 |
| | Rape | 1 |
| | Sexual Assault | 3 |
| | Theft | 5 |
| United States of America Total | | 35 |
| Uruguay | Murder | 1 |
| Uruguay Total | | 1 |
| Vietnam | Drugs | 12 |
| | Fraud | 1 |
| | People Smuggling | 1 |
| Vietnam Total | | 14 |
| Total | | 185 |

Tobacco Advertising
(Question No. 1570)

Senator Allison asked the Minister for the Arts and Sport, upon notice, on 31 January 2006:

With reference to an article in the *Herald Sun*, dated 18 October 2004, which reported that the Premier of Victoria (Mr Bracks) will ask for funds to compensate for the loss of revenue expected after September 2006 when exemptions for motor racing cease under the Tobacco Advertising Prohibition Act 1992:

- (1) Has the Government been approached to provide compensation, subsidies or any other kind of assistance to replace tobacco advertising revenue for the Melbourne Formula One Grand Prix and/or the Phillip Island MotoGP; if so, can copies of the correspondence or records be provided; if not, why not.
- (2) Has the Government considered providing revenue or assistance for this purpose; if so, why and will it do so.

Senator Kemp—The answer to the honourable senator's question is as follows:

- (1) Mr John Pandazopoulos MP, Victorian Minister for Tourism, wrote to me on 9 August 2005 regarding previous discussions about the possibility of the Australian Government providing support for the Australian Formula One Grand Prix and the Australian MotoGP events. Mr Pandazopoulos enclosed an earlier letter signed on 31 March 2005, but not sent due to an administrative error.

Copies of Mr Pandazopoulos' letter and my reply dated 7 September 2005 have been provided separately.

- (2) As I indicated in my response to Mr Pandazopoulos, funding for sport is provided by all tiers of government. I am proud to say that the current Australian government continues to deliver the most comprehensive and substantial commitment to sport ever seen in this country. During the 2004 election campaign, the Australian Government strengthened its support for elite and community sport through measures outlined in the "Building Australian Communities through Sport" policy. At a time when funding for sport is at record levels, the Australian Government will invest in excess of \$400 million into Australian sport in the 2005-06 financial year.

The Australian Government's commitment to sport includes, from time to time, support for major multi-sport events such as the Olympics, Paralympic and Commonwealth Games.

The overall value of the Australian government contribution to the Melbourne 2006 Commonwealth Games is currently estimated at around \$293 million.

Funding for events such as the Australian Formula One Grand Prix and the Australian MotoGP are normally the responsibility of relevant state and local governments. I have advised Mr Pandazopoulos both in discussions and in my written response of 7 September 2005, that there are no programs in the sports portfolio to support these events.

Trocadero Art Space Gallery
(Question No. 1573)

Senator Allison asked the Minister representing the Attorney-General, upon notice, on 3 February 2006:

- (1) Was the Australian Federal Police involved in the decision to seize the artwork Proudly unAustralian from a billboard belonging to the Trocadero Art Space gallery in Melbourne in the week beginning 29 January 2006; if so, on what grounds.

- (2) Is the Minister aware of any warrant to remove the artwork; if so, on what grounds was the warrant issued.
- (3) Is burning or defacing an Australian flag illegal under state or federal laws; if so, are artists protected from these laws by satirical or fair comment provisions.
- (4) Would such an act be considered seditious under anti-terrorist legislation.
- (5) What must be the nature and form of public complaint in order to justify such actions.

Senator Ellison—The Attorney-General has provided the following answer to the honourable senator's question:

- (1) No.
- (2) No. The Victoria Police advise no warrant was utilised.
- (3) No.
- (4) No.
- (5) Not applicable.

Perth Airport: Brickworks

(Question No. 1577)

Senator Siewert asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 8 February 2006:

- (1) Has the BGC Brickworks Major Development Plan, currently being considered by the Minister's office, been amended to account for issues raised through the public submission period; if so, what is the nature of these amendments.
- (2) Will the Minister make a decision on the BGC Brickworks based on the amended version of the Major Development Plan, or the original version.
- (3) Will the amended version of the BGC Brickworks Major Development Plan be released publicly; if not, why not.
- (4) If the Minister sets conditions for the BGC Brickworks proposal, which version of the plan will these conditions be based upon.
- (5) Will the Minister's conditions be made available for public comment; if not, why not.
- (6) Does the Minister agree that the community submission process for this proposal is disadvantaged because the full information about the project, including the proponent's amendments, licensing, plant operation and environmental conditions have not been available for consideration by the Western Australian State Government or the public of Western Australia during the only public comment period for the proposal.
- (7) Does the Minister have full confidence in making his decision about this proposal without feedback from the Western Australian public and State Government on all aspects of the proposal.

Senator Ian Campbell—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) Westralia Airports Corporation has not submitted a draft Major Development Plan for the proposed brickworks at Perth Airport for my consideration.
- (2) A decision would be based on the draft Major Development Plan that is submitted for my consideration, having due regard for all matters required under Division 4 of the Airports Act 1996.
- (3) Section 96 of the Airports Act 1996 requires that if a draft Major Development Plan is approved the airport-lessee company is to publish a notice stating that a draft MDP has been approved and that copies of the MDP will be available for inspection and purchase.

- (4) Any conditions placed on any approval would be based on the draft Major Development Plan that is submitted for my consideration.
- (5) No. There is no statutory requirement for proposed conditions to be provided for public comment.
- (6) No. In the case of the proposed brickworks, a 90 day public comment period was undertaken and the community, and State and Local Authorities, have had an opportunity for comment and input. The required statutory period for consultation provided by the Airports Act 1996 is considerable in length, especially when compared to the statutory requirements for similar development proposals in Western Australia and the rest of the country.
- (7) The community and the Western Australian Government have had the opportunity under the provisions of the Airports Act 1996 to put forward submissions with regard to the proposed development. In making a decision under the Act, I would consider the regard given (or not given) by Western Australia Airports Corporation to the submissions it received, pursuant to the Act. In addition I would also take advice from the Minister for the Environment and Heritage with regards to the potential environmental impacts of the proposed development and any measures he may deem appropriate for mitigation of such impacts.

Job Placement Services

(Question No. 1578)

Senator Allison asked the Minister representing the Minister for Workforce Participation, upon notice, on 9 February 2006:

- (1) How many complaints have been made to the Government by job seekers that labour hire companies are not hiring workers once they have worked for five fortnights, at which point their job search number is revoked and the financial incentive for employing such people is no longer available.
- (2) Has the Government investigated this practice; if so, was it found to be common.
- (3) What action, if any, will the Government take to ensure that those who do find casual work are not disadvantaged by the financial incentives directed at those with job search numbers.

Senator Abetz—The Minister for Workforce Participation has provided the following answer to the honourable senator's question:

- (1) The policy intent of Job Placement Services, which commenced on 1 July 2003, is to ensure that an increasing and diverse range of employment opportunities is available for registered job seekers by meeting the needs of employers, with particular focus on assisting disadvantaged, or Fully Job Network Eligible (FJNE) job seekers. Job Placement Licences (JPLs) are held by Job Placement Organisations (JPOs) which consist of Job Network members (JNMs) and Job Placement Licence Only Organisations (JPLOs). Many JPLOs are private recruitment companies.

Just under 20 per cent of the placements made under Job Placement to date have been into labour-hire positions. Around 60 per cent of the placements made by JPLOs have been on-hire compared to only 4 per cent of all the placements made by JNMs. These short-term on-hire engagements enhance future job prospects.

The practice that is described above does not generate a significant number of complaints.

It would appear that the issue being raised is the fact that once a job seeker has been in employment for more than five fortnights they can lose eligibility for Job Network assistance. Under Job Placement Services providers can only attract a fee for placement if the job seeker is in receipt of benefits or if the job seeker works less than 15 hours a week and is not in full-time education. Someone who is employed full-time will not attract a job placement fee. This may affect the decision of a labour hire firm to employ such a person at the margin. However, this simply reflects the

fact that Job Network assistance and Job Placement Services are targeted at disadvantaged job seekers.

- (2) The practice described above has not been specifically investigated because as outlined above Job Placement Services are focused on assisting disadvantaged job seekers and for that reason many individuals that are not eligible for income support do not attract Job Placement Fees. This reflects the policy intent of the programme. The department has several ways of ensuring that JPOs meet their obligations to job seekers while fulfilling the conditions of their contracts with the Commonwealth. These include desktop and post-programme monitoring, and job seeker surveys. All complaints from job seekers are examined and, where warranted, action is taken with the relevant organisation. Therefore, any complaints received through the Customer Service Line regarding labour hire companies not hiring certain job seekers would have been examined and action taken if appropriate.
- (3) If job seekers find casual work their eligibility for employment assistance from JPOs may cease if they are no longer in receipt of benefits. If they work less than 15 hours per week and are not full-time students then providers can still be paid a fee for placing them in employment.