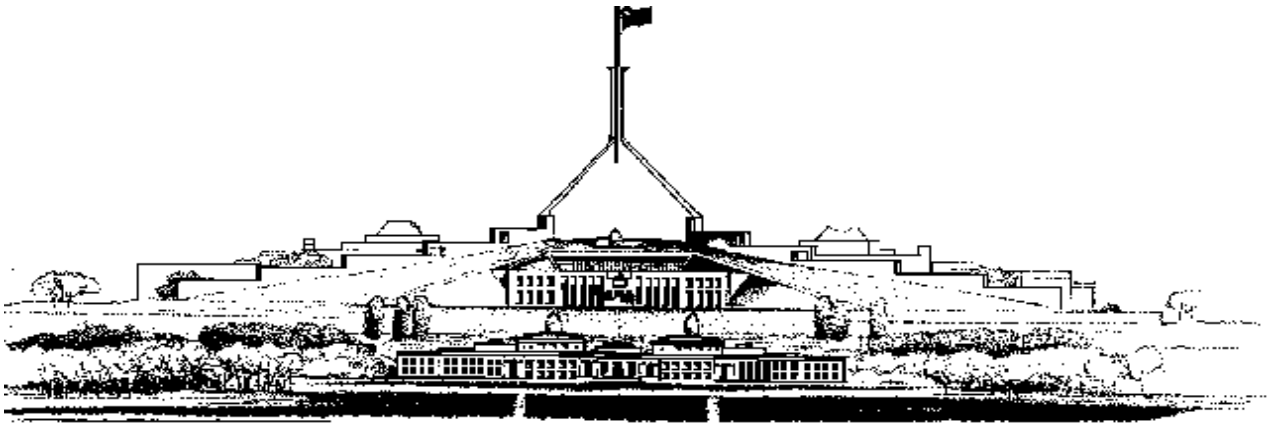




COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



**SENATE**

**Official Hansard**

No. 10, 2002

**TUESDAY, 24 SEPTEMBER 2002**

FORTIETH PARLIAMENT  
FIRST SESSION—THIRD PERIOD

BY AUTHORITY OF THE SENATE

### INTERNET

The Journals for the Senate are available at:

<http://www.aph.gov.au/senate/work/journals/index.htm>

Proof and Official Hansards for the House of Representatives,  
the Senate and committee hearings are available at:

<http://www.aph.gov.au/hansard>

### SITTING DAYS—2002

Month	Date
February	12, 13, 14
March	11, 12, 13, 14, 19, 20, 21
May	14, 15, 16
June	17, 18, 19, 20, 24, 25, 26, 27
August	19, 20, 21, 22, 26, 27, 28, 29
September	16, 17, 18, 19, 23, 24, 25, 26
October	14, 15, 16, 17, 21, 22, 23, 24
November	11, 12, 13, 14, 18, 19, 20, 21
December	2, 3, 4, 5, 9, 10, 11, 12

### RADIO BROADCASTS

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

<i>CANBERRA</i>	1440 AM
<i>SYDNEY</i>	630 AM
<i>NEWCASTLE</i>	1458 AM
<i>BRISBANE</i>	936 AM
<i>MELBOURNE</i>	1026 AM
<i>ADELAIDE</i>	972 AM
<i>PERTH</i>	585 AM
<i>HOBART</i>	729 AM
<i>DARWIN</i>	102.5 FM

## SENATE CONTENTS

TUESDAY, 24 SEPTEMBER

Questions Without Notice—	
Industry: Innovation Access Program .....	4717
Social Welfare: Pensions and Benefits .....	4717
Defence: Shipbuilding Industry .....	4718
Economy: Growth .....	4719
Defence: Shipbuilding .....	4720
Defence: Military Involvement in Iraq .....	4722
Fuel: Ethanol .....	4723
Environment: Murray-Darling Basin .....	4723
Fuel: Ethanol .....	4724
Business: Corporate Governance .....	4725
Fuel: Ethanol .....	4726
Telstra: Sale .....	4727
Radioactive Waste: Argentina .....	4728
CrimTrac .....	4729
Questions Without Notice: Additional Answers—	
Science: Funding .....	4730
Industry: Innovation Access Program .....	4730
Questions Without Notice: Take Note of Answers—	
Answers to Questions .....	4730
Defence: Military Involvement in Iraq .....	4735
Committees—	
Community Affairs Legislation Committee—Membership .....	4737
Condolences—	
Georges, Mr George .....	4737
Petitions—	
Terrorism: Suicide Bombings .....	4745
Notices—	
Presentation .....	4746
Postponements .....	4749
Business—	
Consideration of Legislation .....	4749
Committees—	
Foreign Affairs, Defence and Trade Committee: Joint—Meeting .....	4749
Basslink: Transmission Lines .....	4749
Committees—	
Environment, Communications, Information Technology and the Arts References Committee—Extension of Time .....	4750
Foreign Affairs: Zimbabwe .....	4750
United Nations International Day of Peace .....	4750
Environment: Proposed Charcoal Plant .....	4751
Ministerial Statements—	
Australia's Development Cooperation Program .....	4751
Committees—	
Rural and Regional Affairs and Transport Legislation Committee—Report .....	4755
Foreign Affairs, Defence and Trade Committee: Joint—Report .....	4758
Bills Returned from the House of Representatives .....	4760
Members of Parliament (Life Gold Pass) Bill 2002—	
First Reading .....	4760
Second Reading .....	4760
Workplace Relations Amendment (Genuine Bargaining) Bill 2002 .....	4762

SENATE CONTENTS—*continued*

Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002— Second Reading .....	4762
Documents—	
Productivity Commission .....	4775
Attorney-General's Department: Australian Government Solicitor .....	4777
United Nations: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.....	4778
United Nations: International Covenant on Civil and Political Rights.....	4778
Adjournment—	
Information Technology: Singapore .....	4779
Immigration: Border Protection.....	4781
Disabled Persons .....	4783
Agriculture: Cairns Group .....	4785
Telecommunications: Broadband Internet Connections .....	4787
Lee, Mrs Ida .....	4789
Maritime Union of Australia: Centenary.....	4790
Transport: Bass Strait Passenger Vehicle Equalisation Scheme .....	4792
Republic: Australian Republican Movement.....	4793
Documents—	
Tabling.....	4794
Tabling.....	4795
Indexed Lists of Files .....	4795
Departmental and Agency Contracts .....	4795
Questions on Notice—	
Minister for Agriculture, Fisheries and Forestry: Visit to Japan—(Question No. 527).....	4796
Trade: United States Beef Quota—(Question No. 550) .....	4796
Centrelink: Fraudulent Debt—(Question No. 555) .....	4797
Parliamentarians: Car Leasing—(Question No. 575).....	4797
Immigration: Compliance Activities—(Question No. 600) .....	4798

*Tuesday, 24 September 2002*

**The PRESIDENT (Senator the Hon. Paul Calvert)** took the chair at 2.00 p.m., and read prayers.

**QUESTIONS WITHOUT NOTICE**

**Industry: Innovation Access Program**

**Senator GEORGE CAMPBELL** (2.01 p.m.)—My question is to Senator Minchin, representing the Minister for Industry, Tourism and Resources. Can the minister confirm that more than \$20,000 of taxpayers' money from the government's Innovation Access Program was used to fund travel for executives from Microsoft Australia and Hawker de Havilland to attend conferences in the United States? How does the minister justify this expenditure on overseas travel for executives from multinational companies?

**Senator MINCHIN**—I have absolutely no knowledge whatsoever of the allegations or assertions which Senator Campbell makes but I am more than happy to look into them and come back to him if I have an answer.

**Social Welfare: Pensions and Benefits**

**Senator PAYNE** (2.02 p.m.)—My question without notice is to the Minister for Family and Community Services, Senator Vanstone. Will the minister outline to the Senate what steps the government is taking to lift the living standards of the most vulnerable in our community? Will the minister also advise the Senate what effect state taxes and charges are having on low income earners?

**Senator VANSTONE**—I thank Senator Payne for the question. She, along with all senators on this side, shares a concern for vulnerable Australians and I am very pleased to outline the Commonwealth's record in this respect. The linking of pensions to male total average weekly earnings means that single pensioners are \$24 a fortnight better off and couples are over \$20 a fortnight better off. We have allocated \$1.7 billion to create an active welfare system to help the most needy. We have put more than \$2 billion extra a year into family tax benefits. Of particular interest to female senators on the other side is the fact that, in six years of government,

we have spent 70 per cent more in child care than Labor did in its last six years. We are out there trying to help the most vulnerable Australians. Under us, the minimum wage has gone up; under the other side, under Labor, what happened to workers' wages? They went down. We have created a million new jobs and I sat on the other side in opposition when those people in government put a million people out of work. We can see the difference. We have affordable housing with interest rates now at seven per cent while they peaked at 17 per cent under the previous government.

I turn to look, for example, at what the states are doing—irrespective of their political persuasion, which happens to be Labor at the moment. The states definitely regressively tax low income earners. Some state taxes are the highest in the world and they hit the poor the hardest. In Victoria, which Senators Carr and Conroy might be interested in, they have the highest per person gambling tax in Australia of \$340 per person. Of course, that is laden more on the low income people who are doing the gambling. In New South Wales, which Senator Faulkner and Senator Forshaw might have an interest in, the average home buyer pays over \$12,000 just for the privilege of buying a new home. In Victoria, which Senator Jacinta Collins might have an interest in, they pay \$9,700—

*Honourable senators interjecting—*

**The PRESIDENT**—Order! Senators on my right and on my left will come to order.

**Senator VANSTONE**—Thank you—

**Senator Cook**—Tell the truth for a change.

**The PRESIDENT**—Senator Cook!

**Senator VANSTONE**—Mr President, I thought you were going to ask him to withdraw that but since you have not I will continue and take that matter up with you after question time. In Victoria, they pay \$9,700 in conveyancing tax on an entry level home—\$9,000 to the state government for the privilege of being able to buy one of the lowest priced homes in Victoria. In Western Australia the insurance tax burden has doubled in four years.

To help low income people and those who are needy, the Commonwealth decided that we would extend the benefits of the Commonwealth senior health care card. We have offered to the states that they should also extend the benefits of the pensioner card to people on the Commonwealth senior health care card in recognition that they have provided for themselves and as an incentive to provide for themselves for the future. If you do not offer incentives to people to provide for themselves, they simply will not do so and they will all go on the pension. What has the Commonwealth done? We have not just said to the states: 'You too should look after people who have provided for themselves.' We have said to the states: 'We'll give you 60 per cent of the money to do it.' And they will not do it. I am pleased to say that in New South Wales when we finally get a Liberal government back under John Brogden—

*Opposition senators interjecting—*

**Senator VANSTONE**—Laugh as you will—New South Wales will then meet the Commonwealth's offer and they will provide these benefits to Commonwealth senior health care card holders. Unless you get a change of government in New South Wales, Commonwealth senior health care card holders will not get these benefits. (*Time expired*)

#### **Defence: Shipbuilding Industry**

**Senator CHRIS EVANS** (2.06 p.m.)—My question is directed to the Minister for Defence, Senator Hill. Can the minister confirm that the government's monopoly shipbuilding sector plan states that demand for naval shipbuilding over the next 15 years will total \$6 billion? Can the minister then explain how the proposed single shipbuilder will be viable if its costs, as detailed on page 44 of the sector plan, total \$10.1 billion over the next 15 years? Isn't the government deliberately manipulating the figures when it uses one figure to justify rationalisation—\$6 billion—and another figure—more than \$10 billion—in its modelling of the sustainability of the sector? Isn't it a fact that the total income to the sector over the next 15 years, including construction, upgrades and repairs, will exceed \$12 billion, a figure that has sustained two shipbuilders over the last 15 years?

**Senator HILL**—The industry itself realises that there will be rationalisation. This is because the work from Defence will be significantly less over the next 10 to 15 years than what it has been over that previous period. That is because a number of our major shipbuilding projects are coming to an end—in particular, the Anzac frigate program and the Collins submarine program—and there will be a small break before we move into air warfare destroyers, replacement of the LPAs and also replacement of the support ships.

The industry, recognising that there will be less work than in the past, is of the same mind as government—that is, that it is better to face that reality and see if rationalisation can occur in an orderly way, rather than just simply allow the market to take its toll. That is of advantage to the government, because it means that we are more likely to get the type of long-term investment that we will need within the sector to maintain and service the high-end ships of the Australian Navy, in particular the submarines, frigates and the like. We recognise that to fulfil that task it is going to be necessary that we do invest in the intellectual capital within this area and provide young people, in particular the systems integrators, the Navy architects et cetera, with careers which they can be confident in.

That is why we have been working cooperatively with the industry to see if there is a way in which that rationalisation can occur towards a mutually beneficial outcome—that is, for Defence and for the industry as a whole. The paper to which Senator Evans refers has been produced out of that cooperative attitude. That has been made public and has been considered by me and by other interested players and commentators within the community. The next step will be for me to take propositions to cabinet and the cabinet will then decide what it sees as the next step forward.

In terms of there being insufficient naval work—I am not saying in relation to other civilian work, but insufficient naval work—to sustain the industry in its current form, that is accepted by all the players. Furthermore, it is accepted by all of the players that an orderly rationalisation would be in everyone's best interests. So what I respectfully

suggest the opposition do, if it wants to be constructive and helpful to both Defence and the industry, is to come on board and contribute constructively to the debate rather than quarrel about the fine print in terms of the figures in the paper.

**Senator Chris Evans**—There are a couple of basic assumptions though.

**Senator HILL**—I am prepared to look at the figures. I would not want to suggest, without looking at them, that they are being quoted out of context. It just seems to be extraordinary that industry, in this instance, supports the government's position and the government's figures. The only party that disagrees is the opposition. That is why I am suggesting to Senator Evans that perhaps here there might be an opportunity for him and his opposition to be constructive and helpful and perhaps even develop some policy for once in their political lives and contribute to— (*Time expired*)

**Senator CHRIS EVANS**—Mr President, I ask a supplementary question. I point out to the minister that I am actually asking him questions about the specifics of his paper so we can engage in that analysis. What I point out to him is that there are serious flaws in the analysis and that, in a number of places, the paper contradicts itself. What I ask is: does he admit that there are flaws in that analysis? Is it not, in many instances, plain wrong? Have those flaws been brought to your attention as minister? What have you done to correct the record in terms of the public's understanding of the analysis presented in the plan? Aren't many of the assumptions wrong? Aren't many of the figures contradictory, and should they not be corrected?

**Senator HILL**—No, I do not think there are flaws in the analysis at all. If there were flaws in the analysis, that is Senator Evans condemning industry. Industry in this instance recognises that the government's direction—

**Senator Chris Evans**—Not only do you wrap yourself in the plan, now you are wrapping yourself in industry.

**Senator HILL**—is the best direction, because what we want is a sustainable ship-

building industry in this country that can provide the services that Defence needs—

**Senator Chris Evans**—This is the same industry that you said could not fulfil a contract.

**The PRESIDENT**—Order! Senator Evans, you have asked a question.

**Senator HILL**—as well as an industry that can provide jobs and economic opportunities for Australians, something that the Labor Party these days does not seem to be concerned with at all. So what I am suggesting is: Labor could help. Here is an opportunity for a win-win outcome—good for industry, good for Defence and, therefore, good for the country. Here is an opportunity for the Labor Party. But will they come on board in a constructive way? Will they develop some useful policy? Of course not!

#### **Economy: Growth**

**Senator SCULLION** (2.13 p.m.)—My question is to Senator Minchin, the Minister representing the Treasurer. Is the minister aware of any recent assessments of Australia's economic performance and continued strong growth prospects? Is the minister aware of any alternative policies?

**Senator MINCHIN**—I thank Senator Scullion for his question and acknowledge his outstanding interest in sound economic management. The government are aware of recent assessments of our economy, and indeed the International Monetary Fund has recently released its annual assessment of the Australian economy. It does these reports for nearly every economy in the world. I am pleased to say that the latest report on Australia is a resounding endorsement of our economic performance in recent years, which the IMF attributes to our very skilful economic management of this nation. I think that is something that the Senate and all Australians should welcome, because the beneficiaries of that good economic management are ordinary Australians and their families.

Among the sound economic policies which, the IMF notes, have been sustained over the past several years under our government are fiscal consolidation—paying off that \$96 billion debt and returning sur-

pluses—maintenance of a low-inflation environment, significant labour market reforms and the reduction of barriers to trade. The IMF report, interestingly, also points out that our Intergenerational Report, released with this year's budget, is a very good tool to help Australia focus on the fiscal challenges which we are going to face down the track. It also notes that this very good performance comes despite the uncertainties and difficulties that we faced in the global economic environment and have been able to withstand—difficulties like the Asian downturn in 1997 and, more recently, the problems in the United States.

There is absolutely no question that the current drought—which is so severe, particularly in the state of New South Wales—is hitting many regional areas, is hurting farmers in particular and is going to have an effect on our economy. It looks likely to persist for some time. A worst-case scenario pointed out by some commentators is that it could take up to half a percentage point off overall economic growth. That would be serious, and we need to be conscious of it. Even if that were to occur, growth in Australia would remain at relatively strong levels. According to the IMF, in the year 2002 we will continue to be the strongest growing developed economy in the world.

Having that status is, of course, not something that happens simply by accident. It is the result of six years of solid performance in economic reform and good management, and indeed it is the result of some of the more sensible economic reforms introduced, with our support, during the Hawke-Keating government in the 1980s. It is a sad fact of life that the opposition has turned its back on economic reform and instead retreated to the politics of envy, class warfare and short-term opportunism. Labor consistently opposes our efforts to try to ensure that we maintain Australia's position as one of the world's best-performing economies. The IMF, while applauding our achievements, does point out that there are things that we need to continue to do if we are to maintain our strong performance. In particular, it points to our need for more labour market flexibility and efficiency. Of course, the La-

bor Party, in deference to its union mates, consistently opposes further labour market reform, thus condemning Australia to unnecessarily high unemployment rates.

The IMF also draws attention to our uncompetitive tax rates, which are threatening to drive our best and brightest offshore, and of course we get no joy from the opposition on that matter. The IMF points to the fiscal challenges we continue to face, and our attempts to constrain the fastest growing area of government expenditure—the Pharmaceutical Benefits Scheme—of course are met with opposition from the Labor Party. The IMF has given Australia a very good report card on our economic management but has warned us that we need to do more. Australia, under our government, is determined to maintain its good economic performance, despite the opposition of those on the other side.

#### **Defence: Shipbuilding Industry**

**Senator CHRIS EVANS** (2.17 p.m.)—My question is again directed to the Minister for Defence, Senator Hill. Can the minister confirm that the government's proposal to rationalise the shipbuilding industry relies on modelling that claims to show significant savings through the creation of a monopoly? Doesn't that modelling show, on page 95 of the sector plan, that in the years 2016 and 2017, when the finishing touches are being put on the last amphibious transport, the monopoly will have 650 employees in construction-related fields? Yet the same modelling shows only 500 construction employees will be required in 2008, when three large ships are under construction. Minister, do you stand by the modelling in the sector plan you released, or will you admit that it is flawed and needs to be corrected?

**Senator HILL**—I thought I answered that question a few minutes ago, but I will take Senator Evans through it again because he obviously needs some time on this particular issue. What is Labor's alternative? Presumably, it is to do nothing and to allow the collapse of a couple of shipbuilding companies. Where does he want them to collapse? In Perth? In Henderson, where his Labor government claims to be trying to build up a shipbuilding industry and about which his



Premier is writing to me and arguing that it should be given new opportunities in shipbuilding? Is that what he is suggesting? Or is he suggesting that it should happen in Newcastle, Senator Tierney? Or is he suggesting that it happen in Garden Island in Sydney or Williamstown in Victoria? Or is it South Australia that should suffer? It is the Labor Party's scheme, apparently, to wind up ASC, move them out of South Australia—probably under Senator Evans—and move that capability across to Western Australia—now don't smile, Senator Campbell! I wonder what Senator Evans's real agenda is in this matter.

We know what the story is: the Labor Party has no policy, because it never has a policy. So it will stand aside, allow the industry to implode, allow businesses to collapse, allow a lot of good Australians to be put out of work, and then it will say, 'Too bad; that is the market. Bad luck.' We, on the other hand, say that we want, firstly, an industry that is viable, that has a sustainable future, that can offer long-term benefits to young Australians and that can invest in Australia's intellectual property and in the sharp end of shipbuilding. That is what we would like to see in terms of a viable industry. Secondly, we want an industry that has the capability to meet the government's requirements for servicing and maintaining the Navy's ships. Thirdly, we want to have a shipbuilding industry that is capable of building the next range of naval ships. So what has happened in this instance—

**Senator Chris Evans**—Mr President, I rise on a point of order going to the question of relevance. I have given the minister two opportunities to answer the question, which went to whether he stood by the assumptions in the plan. He has failed to do so. He has blustered on with two answers now and has failed on both occasions to respond to the question asked of him: does he stand by the assumptions in the plan and the arguments that underpin it or not? That is the question. I am happy to debate the broader issues with him, and he can wrap himself in the rhetoric any time he likes. But he has not brought himself to the question on either occasion,

and people will wonder why he refuses to answer the detailed question.

**The PRESIDENT**—As you know, I cannot direct a minister in how he should answer a question, but Minister Hill has a minute and a half left to go, and no doubt you will ask him a supplementary question. I would ask the minister to return to the subject.

**Senator Cook**—Mr President, I rise on a point of order. Your ruling was that you do not have the power to direct him in how to answer the question, and that is quite right. But you do under the standing orders, I submit, have the power to prevent him debating the question and thereby trying to answer it. There is no doubt that the rave we heard from the minister a few minutes ago was an attempt to debate the question and evade the possibility of giving an answer. Can I suggest that, under the standing orders, you now direct the minister, with respect, to comply with the standing orders and to answer the question—not, as the standing orders forbid, to debate it.

**The PRESIDENT**—Senator, you may not have heard me over the interjections; I did ask the minister to return to the question, and I am sure that he will.

**Senator Faulkner**—I'm not so certain.

**Senator Cook**—About time!

**Senator HILL**—I will surprise you all. I stand by the assumptions in the paper; I stand by the analysis in the paper. It is a constructive attempt by both the industry and government to lead to reform which will give us a sustainable shipbuilding industry in this country for naval purposes and, at the same time, will give us a shipbuilding industry able to meet the capability needs in terms of servicing Navy ships in the future. I would have thought that that is the sort of thing that the public would want from its government. What is the opposition suggesting as an alternative? It has no policy. It is suggesting the industry therefore by default should be allowed to collapse and that jobs should be lost, that the naval capability should be lost—

**Senator Cook**—You are debating the question now. You are out of order.

**The PRESIDENT**—Senator Cook, you are out of order by interjecting.

**Senator Cook**—Call him to order!

**The PRESIDENT**—Senator Cook, I call you to order and I would ask the minister to complete his answer.

**Senator HILL**—This is a long, complex and thoughtful document that has been prepared cooperatively by industry and the defence department to significantly and constructively contribute to the debate. I invite the Labor Party to try, for the first time, to constructively and positively contribute to the debate. If it did that, it might be the first step towards developing a policy and starting to look like a real opposition, let alone an alternative government.

**Senator CHRIS EVANS**—Mr President, I ask a supplementary question. I thank the minister for his answer. I remind him that I asked for access to the discussion documents and he refused to provide them. If he were seriously interested in input, he would have provided them. Minister, have any flaws in the report been brought to your attention and, if so, when? Minister, why have you refused to release the details of the government's modelling in the shipbuilding plan? Minister, why did the consultant who audited the modelling not examine the assumptions or the data used and why has the report not been released? Minister, if you are so confident about the accuracy of the assumptions of data used in these models, why will you not release them now?

**Senator HILL**—This is a long and complex document. I invite honourable senators to start by reading the primary document. They should read the primary document. If they have trouble with the document and then want to work through the assumptions then I will see if we can provide the modelling as well. I welcome a constructive debate. If the Labor Party is now saying that it is going to transform and enter into a constructive and positive debate, how could I knock that? I would welcome that. If there is anything I can do to help the Labor Party in that regard, I will do my best to accommodate it.

### Foreign Affairs: Iraq

**Senator BARTLETT** (2.25 p.m.)—My question is to the Minister representing the Prime Minister, Senator Hill. Given the warnings issued by senior military leaders concerning potential Australian support for a US-led war against Iraq, the objection of Australians and the serious concerns being expressed by a growing number of Liberal and Labor members of parliament about any such Australian government involvement, will the government ensure that a conscience vote is granted to Liberal MPs for any vote that may occur on this issue? Does the minister agree with the Democrats call that both Labor and Liberal MPs should have a conscience vote on this important issue?

**Senator HILL**—I have said before that if Australia was asked to contribute to conflict and if the government decided to do so then it is the Prime Minister's intention to bring the issue to the parliament and to seek also the support of the parliament. In relation to the coalition parties, I naturally would hope, and I think reasonably expect, that they would support the government's executive decision having then been made. But the important thing is to recognise that such a request has not been made. Alternatives other than military action are still being pursued—and I applaud that. There is at least a collective effort by the international community to try and end this program of weapons of mass destruction. As I said before, Senator Bartlett, I think it would be better if we all put our efforts into achieving a positive conclusion to that challenge rather than speculating upon what might happen thereafter.

**Senator BARTLETT**—Mr President, I ask a supplementary question. Minister, in your answer, you indicated quite clearly that the Prime Minister would seek the support of the parliament in the event of military engagement by Australia. Will the minister guarantee that such parliamentary support will be genuine by ensuring that a conscience vote will be available to Liberal MPs and recommend that Labor MPs also have that opportunity? Is the minister aware of comments such as those made by Peter Lindsay, the Liberal member for Herbert—an electorate with a large military population—who

has utterly rejected the notion of a premature pre-emptive strike by the United States? Minister, will people such as Peter Lindsay have the opportunity to express their genuine views and reflect their views in a vote on the floor of parliament by ensuring a conscience vote?

**Senator HILL**—I have said that, from the coalition's perspective, if that came about—and it is a hypothetical situation—I think that the government would be looking for support from its parliamentary team. That seems to me to be a reasonable thing to do. What happens in relation to other parties is obviously up to them. But I only repeat what I said to Senator Bartlett a moment ago that there is now an effort—

**Senator Brown**—What about a conscience vote?

**Senator HILL**—On our side, as opposed to the Labor Party, the difference is that, in a way, all of our votes are on conscience. We do not get expelled if we wish to express a different point of view.

*Honourable senators interjecting—*

**The PRESIDENT**—Order! Senators on my left will come to order. There is too much chat on the right as well.

**Senator HILL**—That is why I said that the government would hope for the support of its parliamentary team. *(Time expired)*

#### **Fuel: Ethanol**

**Senator KIRK** (2.29 p.m.)—My question is directed to the Minister representing the Minister for the Environment and Heritage, Senator Hill. Can the minister confirm that Holden warned, in a letter dated 22 February 2002 to the environment department secretary, Roger Beale, that the use of between 10 and 20 per cent ethanol would cause problems with starting car engines in cold weather? Can the minister also confirm that Holden advised that standard car engines could not cope effectively with the leaner fuel mixtures of high ethanol blended petrol? Why has the government ignored this advice and refused to set a limit on ethanol petrol blends?

**Senator HILL**—The government has not ignored any advice. As I think Senator

Minchin acknowledged the other day, there is a debate as to what is a safe limit in terms of the effect of ethanol upon engines. That debate has been going on for some time. I recall a number of papers suggesting different limits as being appropriate. That issue, as I recall, is being considered as part of the whole issue of standards for biofuels. It is a complex debate; those detailed studies are taking considerable time. When the government has that considered and objective advice, I would expect that it would act upon it.

**Senator KIRK**—Mr President, I ask a supplementary question. Is the minister aware that Holden also warned in its letter of 22 February to the environment department secretary, Roger Beale, that the use of petrol with higher ethanol levels would add to vapour pressure in vehicles with carburettors and that this would lead to vapour lock and carburettor boiling in hot weather? Why has the government ignored this advice and refused to set a limit on ethanol petrol blends?

**Senator HILL**—Mr President, I did my best to answer that question; it was the primary question restated. The point is that there are different views as to what is an appropriate ethanol limit.

*Senator Conroy interjecting—*

**Senator HILL**—In this instance, Senator, you don't understand the issues. There are differing views that are being objectively assessed. When the government has that objective advice, it will act upon it.

#### **Environment: Murray-Darling Basin**

**Senator LEES** (2.32 p.m.)—My question is directed to the Minister representing the Minister for the Environment and Heritage, Senator Hill. I refer to a number of upgrades of irrigation channels across the Murray-Darling Basin which are designed to save water, and I ask: is the minister aware that the New South Wales and Victorian governments are intending to sell some of the water saved from the upgrades, including from the Darling Ana branch pipeline and the Wimmera-Mallee pipeline? This water is being sold, they say, to expand irrigation and also for their own revenue purposes. Does the federal government support the sale of water saved through these large infrastructure im-

provements rather than see it used for environment flows to improve the health of the river?

**Senator HILL**—In general, the government has accepted that savings can be utilised in more than one way. This government has always taken the approach that, when we can get economic and environmental benefits, we should seek to do so. One way of building cooperation in the rural sector, in terms of investing in more efficient irrigation and better use of water, is to allow a certain part of the savings to be reinvested in agricultural outcomes and another part of the savings to be reinvested in a more sustainable river system. So, in principle, the government does accept the sharing of the saving being appropriated towards the joint outcomes of a better environment and a more productive agricultural sector.

Having said that, I acknowledge—and I have acknowledged in answers to previous questions of Senator Lees—that the current level of withdrawal of water from the system is unsustainable. The cap needs to be implemented effectively, which requires more cooperation from Labor state governments. The current audits that are taking place need to be completed to determine to what extent, if any, the cap needs to be varied. If the cap does need to be tightened, the money must be found to, in effect, buy back more water, and efforts must be made in terms of sensible regulation at a statewide level to ensure that the river system is sustainable. So there is that overall challenge, but within achieving that overall challenge, where we can get both economic and environmental benefits, we will always seek to do so.

**Senator LEES**—Mr President, I ask a supplementary question. In response to the minister's answer, I must say that I am not sure why we have to buy back water that we are now selling. Specifically, I ask the minister: if, when water is freed up by large-scale improvements to infrastructure and then sold, and we have some environment flows being borrowed by water authorities and never paid back, and if water saved on-farm, which the minister just mentioned, through efficiency gains can then be used on those very farms because the water belongs

to the farmers, how are we actually going to find the water? What is the vision of the federal government with respect to where we target to find the water to make sure that we have environment flows in the river? At the moment, every time some water is freed up, someone either on-sells it or uses it.

**Senator HILL**—That is not correct. Under the Snowy Mountains program, water was used for two objectives: one was some for increased agriculture and the other was some for a net saving within the system, which is designed to achieve a more sustainable outcome. Why do we sell water? I would have thought Senator Lees would acknowledge that it is important to attach a real value to water. When a real value is attached, you get a more responsible use of the water that takes into account the environmental consequences, and that is a move in the right direction. It is a complex debate and there is not going to be a single solution to it; it requires a multifaceted approach. This government has the policies to achieve progress in the right direction, but we could do with some extra cooperation and support from the Labor state governments, particularly Queensland, that continually obstruct such progress.

#### **Fuel: Ethanol**

**Senator FAULKNER** (2.37 p.m.)—My question is directed to Senator Coonan, the Minister for Revenue and Assistant Treasurer. Can the minister give a guarantee that fuel prices will not increase as result of the new tax on ethanol? If so, how will the minister honour that guarantee?

**Senator COONAN**—Thank you for the question, Senator Faulkner. This is not a matter on which one can give guarantees about what will happen about fuel prices. I think it is fair to say that, with the government's strategy to encourage the use of bio-fuels and particularly in relation to the measure to do with ethanol, it should not necessarily mean that there will be an increase in the price of fuels. The improved legislative and administrative arrangements that the government has announced should not necessarily lead to an increase in petrol prices. Senator Faulkner can ask rhetorically: why would they? The petrol market is very price

competitive. Parties in the market will not use inputs to make fuels more expensive if they can avoid it, and they obviously want a price competitive product.

The current law enables ethanol to be imported free of customs duty for blending with petrol in Australia, but very little has been imported for that purpose. Plenty of pure petrol is imported into Australia—indeed, that is one of the drivers of competition—but not petrol blended with ethanol. Therefore, it is very difficult to see how this measure will affect the price of supply to any petrol outlets that rely on ethanol. It is appropriate that ethanol, which is an alternative fuel to petrol, is taxed on a similar basis to petrol; otherwise, if a non-excisable fuel were not to be used to replace an excisable fuel, it would open up the opportunity for ethanol importers to take advantage of the disparity.

The Prime Minister said in his announcement—I think it is very important to remind the Senate—that there is a very strong view in the community that Australia should move towards increased biofuel use to encourage sustainable energy resources for fuel in the future. The decision to change the excise regime for ethanol was taken as part of the government's strategy to do that. The short-term production subsidy will provide a targeted means for the use of biofuels in transport in Australia while the longer-term arrangements are considered by the government regarding the future of the emerging renewable energy industry. Taking into account those factors, whilst certainly I am not in a position to be giving guarantees, there is nothing in what I have said, nothing in what the Prime Minister has said and nothing in the consideration that has gone into the development of this response and the announcement for the use of ethanol that would suggest that there would be an increase in prices.

**Senator FAULKNER**—Mr President, I ask a supplementary question. I note that the minister was not willing to give the guarantee I asked for and I note the extraordinary qualifications in her answer. Minister, as you have mentioned the Prime Minister's announcement, isn't it the case, as the Prime Minister also announced last week, that the

imposition of an excise on ethanol is permanent but the producer subsidy remains for only 12 months? Minister, doesn't this mean that when the 12-month limit on the producer subsidy expires, the price of ethanol based petrol will rise by up to 4c a litre?

**Senator COONAN**—Thank you for the supplementary question, Senator Faulkner. I do not accept that that conclusion follows on from what you have said in your supplementary question.

**Senator Faulkner**—It's what the Prime Minister said.

**Senator COONAN**—As is my custom in this place, I never accept at face value anything that the opposition says that anyone else—that certainly includes the Prime Minister—says. The measure involves an excise that will be imposed on ethanol used in petrol at the rate currently applying to petrol and the production subsidy for ethanol used in petrol. The subsidy will be paid to producers of ethanol in Australia. (*Time expired*)

#### **Business: Corporate Governance**

**Senator BRANDIS** (2.42 p.m.)—My question is directed to the Minister for Revenue and Assistant Treasurer, Senator Coonan. What steps is the Howard government taking to modernise Australia's Corporations Law and improve the regulation of auditors? How will these steps improve protections for Australian shareholders? Is the minister aware of any alternative policies?

**Senator COONAN**—I thank Senator Brandis for the question and I welcome his ongoing interest in this very important issue of corporate governance. In June this year the government announced that, as part of its ongoing modernisation of Australia's corporate law, it would be releasing the Corporate Law Economic Reform Program No. 9 on corporate disclosure, thereby strengthening the financial reporting framework. The report, which was released last week, contains around 41 proposals to strengthen corporate disclosure and improve the regulation of the auditing profession. The government will be taking submissions in relation to these proposals until 22 November this year and will then prepare legislation for introduction into the parliament next year.

As well as allowing for consultation, which is always important if these things are to reflect the views of industry, that timetable will also give us the chance to respond to any new recommendations that come out of the HHH royal commission, which is expected to report in February next year. As senators on this side of the chamber would be aware, the government has substantially modernised Australia's system of Corporations Law through the corporate law reform program, CLERP. I acknowledge the work done by my colleague Senator Ian Campbell.

The opposition has only been a Johnny-come-lately on the government's CLERP packages. It is desperately trying now to regain some ground and some relevance in the debate after remaining silent on most of the CLERP reforms that have been implemented to date. Those on the other side, and Senator Conroy in particular, have slept through CLERPs 1 to 7 and it is only when we get to CLERP 9 that there appears to be a bit of activity—not only are the lights on but somebody might be home. It is breathtaking that, after 13 long years of Labor, Labor senators have had the gall to come into parliament over the last couple of days and complain about the lack of progress on corporate reform. Where on earth have they been through the CLERP reform processes? The program has only been in train for six years and it has covered a range of issues in relation to corporate and business law requirements. I know that Labor senators have only just realised that corporate law reform is getting a bit of traction in the community and that they had better have a view on this. They have been sitting around waiting for the government to act.

We know from the unfortunate experience last week when the disclosure regulations were voted down in the Senate that, if there is a knee-jerk response, as there was with the superannuation disclosure regulations, it will make things worse rather than better. Before Labor senators come charging into this place complaining about the government having the decency to consult industry and all key stakeholders on CLERP 9 reforms, it would be not only helpful but also illustrative if

they actually had some constructive contribution to make.

For the benefit of the Senate, over the last few days we have talked a lot about the essential elements of the CLERP 9 proposals. I think they are well known. There are some 41 proposals in the paper that will ensure that Australia enhances its effective disclosure regime and its effective disclosure framework and will provide for structures and incentives to deliver a fully informed market. These proposals and the whole of CLERP 9—indeed, the whole of CLERP—are designed to deliver a much better corporate culture. (*Time expired*)

#### **Fuel: Ethanol**

**Senator MOORE** (2.47 p.m.)—My question is also to Senator Coonan, the Minister for Revenue and Assistant Treasurer. Does the minister seriously expect us to believe her claim yesterday, in relation to the government's new excise and subsidy regime for ethanol:

... there is absolutely no benefit to any particular individual and that includes Manildra.

Can she explain then why a 12-month limit was placed on the producer subsidy on ethanol? Hasn't this just ensured that all the benefits will go to existing producers of ethanol, most notably the Manildra group, which is run by the Prime Minister's friend, Mr Dick Honan?

**Senator COONAN**—I thank the senator for her question but, once again, it is misconceived and it is tilting at windmills. I understand that Mr Dick Honan has made a statement to the effect that he not only made some representations in relation to his and Manildra's position on ethanol but also went to see Mr Crean, the Leader of the Opposition, on that very issue. The situation is that the Labor Party has tried to keep this up by suggesting that because Manildra is one of the largest producers of ethanol and because it gets some benefit it has all happened for Manildra's benefit. There is no suggestion of that at all. There is no individual producer who is being benefited to the exclusion of any other producer. The measures are well targeted and well thought out, and they are entirely appropriate to encourage the use of

biofuels and alternative energy. I would have thought that those on the other side and, I am certain, those on the crossbenches would have nothing but praise for the efforts made by this government to look at alternative sources of fuel. The issue relating to Manildra is a side wind; it has no relevance to the issue, which in all the circumstances is just a slur, and an unwarranted slur, on the Prime Minister.

**Senator MOORE**—Mr President, I ask a supplementary question. Given that these measures are so well targeted and well thought out, is the minister aware that major potential new investors such as Bundaberg Sugar have said that the 12-month limit means they will not commit to any new investment for ethanol production? Isn't it obvious then that the 12-month limit is a powerful disincentive to investment in new ethanol production? Doesn't this put the lie to the government's claim that this is part of an assistance package for that same sugar industry?

**Senator COONAN**—Thank you for the supplementary question, Senator, but once again you are not correct. It is a short-term subsidy to enable the environmental investigations to be continued. The task force has been appointed to continue to develop the policy, to look at the development of biofuels across a range of other measures and to ensure that this measure is well targeted. The subsidy will last for one year while the longer-term proposals are properly thought out. The fact that it lasts for a year, once again, has nothing to do with Manildra and it continues to be a totally unwarranted slur—a desperate tilting at windmills—which this whole issue has been from beginning to end.

#### **Telstra: Sale**

**Senator ALLISON** (2.51 p.m.)—My question is to the Minister for Communications, Information Technology and the Arts. Minister, fund managers are reported as saying that the government would have to offer instalment receipts and discounts of at least 10 per cent on any further sale of Telstra. Minister, isn't it the case that a 10 per cent discount would cost the public purse more than \$3 billion in revenue? Last year, the minister ruled out instalment receipts. Is

this still the case? Do you also rule out discounts?

**Senator ALSTON**—It might be getting a few people excited in the financial press, but it is an entirely hypothetical and academic debate at this stage because clearly, unless and until we get a favourable report from Mr Estens on 8 November, we will not be in a position to take the matter further. That will not stop a number of fund managers, investment houses and merchant banks all proposing various formulations and approaches that might be taken. Some of them will suggest instalments, some may suggest selling it all at once—there are any number of combinations. The fact is that these are just wish list items for many in the financial sector who would obviously hope to participate in any future sale. But it does not in any shape or form indicate the government's attitude at this stage, because, as I say, we are not in a position to consider these matters at least until 8 November.

**Senator ALLISON**—Mr President, I ask a supplementary question. Minister, you did consider that there would be three equal sales in the last budget papers. As you mentioned, it was reported yesterday that the government is seriously thinking of selling the rest of Telstra in one hit. Do you absolutely rule that option out, and can you comment on Telstra's share prices dropping 6c at the speculation of a one-hit approach? Have you calculated the loss to the public purse of this option?

**Senator ALSTON**—I do not think you have to be too familiar with the way markets operate to realise that you can never have a strict cause and effect. Certainly, in this situation, there are very many factors that will affect the daily movements in Telstra's share price. They have come down from around \$5 to \$4.75 or so in the last few weeks. I would be very surprised if much of that had anything to do with various proposals that have been put forward. It probably has more to do with what the markets perceive as the growth strategy and what Telstra itself says is likely to be a fairly flat environment in the months ahead. So I do not think that you should for a moment assume that the budget papers tell you the last word

on the subject. We will get expert advice if and when we are in a position to take further action, and we will then proceed in the way that we think makes the most sense for all concerned, including prospective purchasers.

#### **Radioactive Waste: Argentina**

**Senator CARR** (2.54 p.m.)—My question without notice is to Senator Alston, the Minister representing the Minister for Science. Can the minister explained to the Senate the reason for Mr McGauran's desperate, short-notice dash to Argentina earlier this month? Can the minister confirm that the Australian government has argued to Argentina that Australia's spent nuclear fuel is not 'radioactive waste'. Isn't this position in conflict with the statement of the government's own chief regulator, Dr Lloyd, who said:

Radioactive waste includes spent fuel where a country foresees no further use for that fuel ...

**Senator ALSTON**—It is interesting that Senator Carr uses the exact expression that has already been used in the media, so there is not much originality on that side of the chamber. In fact, I seem to recall that being written up a couple of weeks ago, so it is a bit of a slow boat as far as you are concerned, rather than a 'desperate dash'. Mr McGauran has made a trip to Argentina to encourage support for approval by the Argentine Congress of Australia's bilateral nuclear cooperation safeguards agreement and to discuss science issues with industry representatives and members of Argentina's science community. I know you do not think any of that is very important. You would obviously stay at home on all occasions and not seek to engage with the international community, but Mr McGauran was able to explain to members of the Argentine Congress and the media the nature of the agreement in the context of the ANSTO-INVAP commercial contract and Australia's management of spent fuel and radioactive waste.

*Senator Faulkner interjecting—*

**Senator ALSTON**—You have been before, haven't you? The visit also provided the opportunity to correct Greenpeace's persistent misrepresentation that the Australia-Argentina Nuclear Cooperation Agreement will lead to dumping of Australia's radioac-

tive waste in Argentina. Clearly, there is a very clear important public interest purpose to Mr McGauran having face-to-face discussions with his counterparts in a country which may well have been misled by some of those quite inaccurate statements.

In the event that the processing provisions of the agreement are ever invoked, processing will be conducted on the basis that all waste and conditioned spent fuel elements will be returned to Australia for long-term storage, and it is important that Mr McGauran underline that commitment. The office of the federal government attorney in Argentina has ruled that the temporary entry of irradiated fuel elements for treatment purposes does not breach the Argentine constitution, as claimed by Greenpeace. The spent fuel treatment provisions are a contingency arrangement that provides a backup for Australia's existing contract with the French company COGEMA. While appreciating that the Argentine Congress has other pressing preoccupations, Mr McGauran was encouraged by his discussions with parliamentary representatives and he expects the House of Deputies to endorse the agreement. It sounds like a very positive outcome and a very worthwhile visit.

**Senator CARR**—Mr President, I ask a supplementary question. Given his confidence, can the minister now confirm that the Australian government has been advised by the Argentinean government that it is pessimistic about the two-thirds majority being achieved to ratify the nuclear treaty? I ask the minister: what are the potential consequences for Australia if the Argentine Congress fails to ratify the bilateral nuclear treaty between Australia and Argentina?

**Senator ALSTON**—I would be very surprised if the Argentine government has been in touch with your office to express pessimism on the subject. They are probably more pessimistic about your total inability to understand the national interest dimensions of this particular proposition. Quite clearly, I know that they would be prepared to give you a briefing if you sought one, but beyond that I am not really in a position to advise you—



**Senator Faulkner**—How do you know that?

**Senator ALSTON**—It probably would not be worthwhile; you are right. I do not think you would even get to first base.

**Senator Faulkner**—So you are saying that there are no independent ears?

**Senator ALSTON**—No, I am not. I think, however, that it is unlikely that I would be in a position to confirm or deny any discussions that might have taken place between the Argentine government and Australian counterparts, and, as to the likely outcome of the parliamentary vote, I suppose you will just have to wait and see.

#### **CrimTrac**

**Senator JOHNSTON** (2.59 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister advise the Senate how the Howard government's \$50 million CrimTrac initiative is supporting Australia's law enforcement agencies in their fight against crime—in particular, the fight against child sex offenders—and in the establishment of a national DNA database?

**Senator ELLISON**—That is a very good question from Senator Johnston, who is very interested in law enforcement. CrimTrac was set up two years ago by the Howard government—in fact, my colleague Senator Vanstone was the minister then—and it has proved to be a great tool in crime fighting. It has provided the state and territory police forces with state-of-the-art modern IT resources in relation to the National Automated Fingerprint Identification System and the DNA database. Senator Johnston has also asked about the child sex register. But before I touch on that I just want to look at the achievements of CrimTrac since it was formed two years ago. We have set up the National Criminal Investigation DNA Database, the National Automated Fingerprint Identification System, a police reference system which has a national names index, a national firearms licensing and registration system, and a national vehicles of interest system—all of this aiding police across Australia to identify criminals and offences and to ensure that criminals in Australia do

not take advantage of state and territory borders.

Senator Johnston also asked about a child sex offenders register. Last week I called for a uniform approach on this subject by all the states and territories. We have, in a couple of states, initiatives under way in relation to this, but we do need to bring this together on a national basis to have complementary uniform legislation in relation to how we deal with this difficult issue. It is very important that we have safeguards in place so that this information is not publicly available so that we do not experience what has happened overseas in relation to vigilante squads and innocent people being wrongly targeted, and to this extent I support the Victorian government in its approach to this subject. But we do need a national child sex offender register in order to detect movement across state and territory borders of those people who have been convicted of these sorts of offences. If we rely on just states and territories to have their own regimes, then it will not work, because we will not have that national approach to it. We should be very careful what information we release and it should be via our police forces and available only to certain people, and there should be penalties involved of course for the inappropriate release of information. This is something which should come up at the November Police Ministers Council and something which the Commonwealth is taking a lead on. It is very important that we protect the children of Australia, and this is a key tool in fighting those child sex offenders and keeping track of people who are of interest, shall we say, or of concern to the authorities.

As well as that, Senator Johnston asked about the DNA database. This has progressed greatly. We had this raised at the leaders summit earlier this year and also at the Police Ministers Council in Darwin. We now have legislation enacted in New South Wales, Victoria, Western Australia, Tasmania and the ACT. This legislation is following in the footsteps of the Commonwealth's, and I understand that legislation is being drafted in South Australia and Queensland. It is unfortunate that the Northern Territory has not come on board as yet, and this is making it

difficult for other jurisdictions when they deal with the Northern Territory in relation to the exchange of DNA information, and you have seen that recently in some well-known cases. The Commonwealth is determined that we have this finalised as soon as possible. It is an essential weapon in the fight against crime and, of course, not only in detecting the guilty but in exonerating the innocent. We have seen overseas in places like New Zealand, for instance, some 30 per cent of unsolved crimes now being solved as a result of the DNA database there, and in the United Kingdom I think we are up to about 800 cases a week being solved. This is very good for crime fighting in Australia. It is another Howard government initiative in the fight against crime.

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

**QUESTIONS WITHOUT NOTICE:  
ADDITIONAL ANSWERS**

**Science: Funding**

**Senator ALSTON** (Victoria—Minister for Communications, Information Technology and the Arts) (3.03 p.m.)—On 23 September Senator Stott Despoja asked me, as the Minister representing the Minister for Science, a question regarding Mr McGauran's comments at the FASTS policy launch concerning future funding arrangements for Backing Australia's Ability. I undertook to provide additional information. I understand Senator Stott Despoja did not attend the FASTS policy launch in Parliament House. If she had, she would have heard the comments made by Mr McGauran when he made it clear that the government has no intention other than to fully implement Backing Australia's Ability as originally announced. As a matter of course and in keeping with good program management practices, all government programs are subject to monitoring and evaluation to ensure they are as effective as possible, represent good value for the Australian taxpayer and continue to meet government aims. Mr McGauran referred to the culling of any duplication or onerous reporting requirements for applicants and recipients of program funding within Backing Australia's Ability—an eminently sensible

comment. This government is committed to Australia's science and scientists and intends to allow them to spend the majority of their valuable time conducting research, not filling in paperwork.

**Industry: Innovation Access Program**

**Senator MINCHIN** (South Australia—Minister for Finance and Administration) (3.04 p.m.)—Senator George Campbell asked me a question today about the Innovation Access Program and the role of representatives of Microsoft and Boeing. I have information regarding the position of Microsoft which I would like to give to the Senate, and I will give further information with regard to Boeing in due course. In January 2002 the Collaborative Health and Informatics Centre was awarded a grant of \$8,600 from that program to coordinate a best practice study mission, which included visits to leading North American firms in health informatics. Each of the 11 participants in this mission paid for their own travel expenses. Funding was specifically provided for the travel costs of the coordinator of the group and for reporting costs associated with the mission. As part of the original application and the expressions of interest for this mission, a representative of Microsoft was nominated to be part of the mission. Ultimately the group that travelled did not include a representative of Microsoft. However, the group did this at the Microsoft Centre in the USA and this was considered to have been one of the highlights of the visit.

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

**Answers to Questions**

**Senator GEORGE CAMPBELL** (New South Wales) (3.05 p.m.)—I move:

That the Senate take note of the answers given by ministers to questions without notice asked today.

I particularly note that the Minister for Finance and Administration has stated that a representative of Microsoft did not travel with the group. That raises a question about the capacity of the department to give answers to questions, because in the information provided by the department they have

clearly stated that a representative of Microsoft actually did travel with the group.

**Senator Faulkner**—So someone is misleading.

**Senator GEORGE CAMPBELL**—So someone is misleading the parliament. I would suggest, Minister, it might be worth your while doing some more research and development on the answer; I suggest you do some more research and development in respect of this question. Perhaps, if you apply yourself to it, you may double the effort of this government's research and development contribution to the nation's economy, because the reality is that there are two multinational companies that have been funded and the interesting thing about what has occurred with the Microsoft and Boeing representatives is that they were both on programs that finished up visiting the town where their head office is located; they both visited Seattle—

**Senator Ian Campbell**—Scandalous!

**Senator GEORGE CAMPBELL**—Scandalous! It would be scandalous if you were only looking at this in isolation. But, when you compare this with what you have done in terms of research and development in this country, when you compare this with the decision of the minister to in fact suspend the funding of the R&D Start grant program from 1 January this year and the announcement that it probably will not start again—it probably will not get out of the sin-bin until the first quarter of next year—and when you compare this with the fact that you are allowing these sorts of programs to continue to run, you have to raise the question of where the government has set its priorities in terms of research and development.

This program substantially funds the executives of companies to go on overseas trips. We have that compared to the R&D Start program, which is about funding the research and development capacity of small and medium-sized enterprises in this country. They have all been seriously disadvantaged as a result of the decision by the government this year to suspend the R&D program. Yesterday and today we heard Senator Alston waxing lyrical in his response about Backing

Australia's Ability. The reality is that Backing Australia's Ability, despite being a \$2.9 billion program, was back-loaded in terms of the funding. The central feature of that program was the R&D Start program, which is now in suspension. It is now in the sin-bin for one reason and one reason only: if it had been allowed to continue under this year's budget, you would have had to come in here and admit you had a budget deficit. That is why the R&D Start program was suspended.

That is why other programs in this department were cut: to ensure that you were able to come in here in May this year and demonstrate that the budget was in surplus. But you did not cut programs that in many respects were superfluous to our R&D effort. We have had the situation, for example, of the minister of this department going out and claiming that we are one of the best performers in the OECD countries on research and development when all of the evidence proves the opposite. That is an absolute outrage. We are down at the bottom of the ladder in all of the OECD statistics in terms of our R&D efforts. But this minister has gone out and manipulated the figures to try and demonstrate that we are doing very well when we are doing very badly.

The R&D performance of this government has been appalling. It has been appalling since you came into office in March 1996. It has gone backwards from that point in time. We are now spending less on research and development as a nation than we were at the end of 1995—not a very good performance at all from a government that goes out there and claims to be—(*Time expired*)

**Senator TIERNEY (New South Wales)** (3.11 p.m.)—Senator George Campbell has moved that the Senate take note of all answers. The one I particularly want to focus on related to the question to Senator Hill concerning shipbuilding in Australia. It is terrific that, over the last 30 years in Australia, we have increasingly moved towards a system of actually building industry capability for Defence across this country. We have done that in major projects in not only shipbuilding but also aircraft and other military craft for the Army. This creates jobs, flow-on jobs and regional employment.

The question which came up today related to the way in which we may reorganise shipbuilding in this country. It is a complex issue. We have major projects. The flow of these tends to be uneven. We have major shipbuilding companies right around the coastline of Australia. How can we best use these facilities for the enhancement of defence equipment in this country? This government is going to do this in a very rational and systematic way.

I would like to contrast this with the way in which the Labor Party approached these projects when they were in government for over 13 years. We had a situation where major contracts were awarded by the last Labor government—I will focus on naval contracts here—depending on which particular state they wished to help and prop up at that time. Let me give you two examples. One is the submarine contract. The Bannon government was in some trouble, so they got the submarine contract. At the time, there was a far better proposal coming out of Newcastle and using a German submarine model. The Germans know something about building submarines—let me tell you. I think we would not have the problems we have at the moment if Robert Ray had made a decision at the time to choose the German-designed sub, built by a consortium, including BHP, out of Newcastle. He chose not to do that. We are now faced with a whole lot of bills to try to get the sub that was chosen to work.

This is how things can come back at you in politics: you make a decision in the eighties and here you are, two decades later, still suffering the financial consequences of such a bad decision. The corker of them all was the Anzac frigates. Again, Newcastle had a far superior project for those frigates, but what did the federal Labor government do? It wanted to prop up the Kirner government in Victoria, which was on the ropes as it approached that massive defeat in 1992. So whom did they give the project to? They gave the project to build the Anzac frigates to Williamstown, down in Melbourne.

Bob Hawke, knowing that Newcastle would be a bit disappointed, came up and proposed some flow-on work. One of the

things about building these frigates is that you do not build them all in one spot. You can do them around the country, move the units and put them all together. Bob Hawke came up and promised Newcastle that we would get \$972 million worth of work. We were incredibly impressed; he was right down to the last dollar! We got a few little units to put together and we made a few nuts and bolts for the project, but the amount of work that flowed on was pretty terrible for Newcastle.

Newcastle historically has a great history in shipbuilding. Recently we had Minister Hill come up to have a look at the minehunters. We were launching the last of the minehunters the day he was in town. The *Diamantina* was launched and all the workers who had put in such a terrific effort were there. It was penned off, and I am sure the minister was impressed with the technology. As I mentioned before, we have flows of work and we have to be a lot more sensible and rational in the way that we approach them. Having a prime contractor is the way to go about this and work can be then spread around. Shipyards in Newcastle are not uncomfortable with that. They see that there will be work, and, in the works program this government has put ahead, over the next 10 years there is plenty of work for shipyards. We just have to approach it in a rational and systematic way, and our Minister Robert Hill is proposing such an approach. It is a far better approach to shipbuilding than the mates approach of the previous ALP government. (*Time expired*)

**Senator CARR (Victoria)** (3.16 p.m.)—In response to the question asked today by Senator George Campbell on the issue of the research and development program and the government, the minister effectively said that he did not know the answer. He had to come back to us after question time to establish whether we have executives of major multinational corporations receiving support from this government to undertake travel as part of research and development. It is an extraordinary proposition. Senator Campbell had an answer back from the department through estimates which highlights that this event occurs, and now we have the minister sug-

gesting in the chamber that it has not. Clearly, we have a conflict in terms of the evidence presented to this parliament.

I think the broader question, however, goes to the way in which this government is dealing with research and development. I noticed that Senator Alston today indicated that Mr McGauran's claims at the launch of a paper yesterday by the Federation of Australian Scientific and Technological Societies were a misquote by Senator Stott Despoja. I had a staff member who was also present at that launch and the information that I have been given is that the minister did in fact indicate that Backing Australia's Ability programs were up for review and that some programs could possibly be culled, which is a different position from what has been put to us here today. This is a program, we recall, which was essentially back-loaded and put into the five-year program, with most of the money being spent in the last two years of that program. Eighteen months into the program, we have a statement by the Minister for Science suggesting that that program is now up for review, and part of the evidence for that is what we see with the R&D Start program, which of course has been put on hold.

However, we notice in general terms that this government has effectively failed to respond to the major problems faced by the research community. As a country, I think we are able to claim that we punch well above our weight when it comes to science and research. The real problem is that it requires governments to allow researchers to fulfil their full potential, and that clearly is a problem way beyond this government. In regard to industry development and assistance, the Federation of Australian Scientific and Technological Societies are telling us that there are well-founded concerns over the nation's recent performance compared with our major international competitors. The report that they launched yesterday, to which the minister spoke, said that the most worrying of these concerns was our performance in regard to BERD, which is business expenditure on research and development. They go on to say that there has been quite a significant decline in this country's capacity. They

also point out in this report that one of the major failings of this government is the failure to commit to a long-term strategy for Australian science and technology—to 'a vision', they say, that would allow it to serve its rightful place as a driver of the economy and solution to our environmental problems. Science and technology lie at the heart of Australia's national development.

This government has failed to appreciate that point which our scientists draw to our attention. They point to the fact that the brain drain is still progressing unabated. There is no real action by this government to head off the problem with our major scientists and our major researchers being forced to go overseas. There has been a decline of 25 per cent in the number of university academics, for instance, who have been studying mathematics over the last 10 years. We have seen a situation where our researchers are growing older, and now almost 25 per cent of our academics are over 50 and major numbers of them are likely to retire in the next couple of years. Our researchers are being forced by age to move out of the sector and there are no real strategies to bring young researchers back into the system.

We have a situation where our universities are facing a major funding crisis, where laboratories, libraries and lecture room spaces are declining at such a rate. This is a direct result of the government declining to provide funds, and the universities are then forced to use what money is available for capital to fund recurrent expenditure. We have a situation where our research resources are falling away, where the citation rates for Australian researchers are falling away internationally and, as a consequence, our place in the world is declining dramatically. This government should be condemned for its failure to address those problems. These issues have been raised in this parliament. The *Universities in crisis* report has been around for 12 months now and the government has failed to respond to it. (*Time expired*)

**Senator JOHNSTON** (Western Australia) (3.21 p.m.)—I note the earnest contribution of Senator George Campbell in this very important and serious matter of research and development. He could not even wait for the

debate to be completed. He was not interested in the outcome of the debate and left the chamber. I find that indicative of the degree—

**Senator Hill**—He had a press release—

**Senator JOHNSTON**—Yes. I find that indicative of the degree of seriousness with which he raises this issue. He says that the evidence is clear that we are at the bottom in terms of world performance on the issue of R&D. Where is the substance and detail to that allegation? It is simply a platitude, simply a statement—and a hollow one.

**Senator Carr**—Read the FASTS report from yesterday!

**Senator JOHNSTON**—There is an awful lot of reference from the other side after the issue is raised. But when they are in debate, they never think it is appropriate to actually come forward with the detail. It is always a shout across the floor whilst seated.

What we have achieved in research and development since taking office in 1996 has been quite remarkable and stark in contrast to the complete and utter lack of performance and, what is worse, lack of understanding of industry from the previous government until 1996. There we are with criticism and no detail; the allegations are hollow. Let me talk about a couple of projects that I am aware of as a casual observer. The first relates to the Commonwealth contribution to the Commonwealth cooperative research centre at Curtin University in Western Australia—a centre which specialises in extractive metallurgical technology. The centre has been responsible for the considerable reduction of the dollar cost per tonne in the treatment and processing of metallurgical ores, particularly gold. This centre, funded almost entirely by the Commonwealth, is a research centre bringing together the expertise of the CSIRO, Curtin University, Brisbane University and Murdoch University. Its contribution has been outstanding. I note that Senator Carr is again leaving the chamber. This centre is an example of this government working cooperatively with industry to produce a most excellent world-class outcome.

I turn also to the contribution made by the Commonwealth with respect to the gravita-

tional wave observatory and the spin-offs that have flowed from that. This is a project in Western Australia funded almost entirely by the Commonwealth, where we have joined five other countries in research associated with the measuring of gravitational waves. The development of this observatory, where two laser beams are sent out at right angles over a distance of two kilometres and the fluctuation of these laser beams is measured inside a minus 14 degree atmosphere vacuum tank, has led to the discovery of a number of substantial and important industrial breakthroughs, such as a refrigeration process, a radar amplifier and a stabilising system that eliminates vibration. There has been a whole host of spin-offs for industry through the research which this Commonwealth government, through its understanding, respect and ability to pick good projects, has promoted and this had led to an enormous amount of success.

Lastly, I want to comment on some of the software developments. Senator Campbell focused upon the fact that a Microsoft man was allegedly involved in the trip when we went over to Silicon Valley, and the \$8,600 was used to visit the Microsoft centre in the USA. Australia is on the cutting edge and is a leader in the development of software. This government has contributed to it substantially time and again. Let me give one example: Australian Defence Industries has developed software for a command and control system for terrorist and emergency services that brings together the operatives involved at short notice to alleviate a particular emergency or terrorist threatening situation. This software has enormous potential to be exported overseas, particularly to Europe. There again, the Australian government is on the front line as one of the principal customers of that organisation, assisting in its development. There is simply a host of things that this government has done in terms of industrial research and development. (*Time expired*)

**Senator MARSHALL (Victoria)** (3.26 p.m.)—I also rise to take note of the answer given today by Senator Minchin to Senator George Campbell's question about the use of taxpayer dollars being used to fly multina-

tional company executives to conferences in the United States, while funding for the government's R&D Start program has ceased due to an apparent shortage of funds. The minister's lack of knowledge in response to this question really begs the question: what commitment does this government have to the industries of this country and to the essential research and development which is crucial for industrial innovation, export growth and import substitution? The answer is, quite simply: not a very good one.

Senator Johnston asked about the figures and what actually backs up these allegations. He will be very appreciative to know that there are a substantial number of figures available. Let me go to them, as they speak for themselves. In figures released in the 2002 *OECD Observer*, Australia's public expenditure on research and development, as a percentage of gross domestic product, ranked 16th out of the 26 nations surveyed. That is, 15 other countries are getting the jump on Australia year after year, year in, year out. Money and investment which could be coming to this country are going elsewhere. Australia is missing these opportunities. Business expenditure on research and development has dropped from its peak—under, I might mention, a previous Labor government—of 0.87 per cent of GDP to 0.72 per cent of GDP, ranking Australia 11th out of the 16 countries surveyed. Remarkably, Australia's business expenditure on research and development as a ratio to GDP represents one-third the level of business funded R&D expenditure in Finland, the United States and South Korea. We are not leading edge; we are at the bottom edge.

Expenditure on research and development in the plastics and chemical industry has declined from \$181 million in 1995-96 to \$125 million in 1998-99, representing a decline in the ratio of R&D turnover from 0.86 to 0.60. It is another indicator of a decline in research and development funding, both public and private. Moreover, publicly funded research and development undertaken by the country's university sector has fallen steadily since this government took office. Senator Carr went into some of the facts and figures in relation to that industry. This is not a good

mid- to long-term outlook for the innovation and prosperity of our industrial sectors or the nation as a whole. If we do not invest in research and development now, we face lagging behind the rest of the developed world and paying dearly for it down the track.

The above-mentioned statistics are exacerbated by recent comments made by Intel chief, Dr Craig Barrett, who revealed in the *Australian* earlier this month that his company spends more on research and development than all Australian companies and the federal government itself. Mr Barrett said:

Australia spends something less than \$US3.5bn on R&D, while Intel spends \$US4.5bn ... my company spends more than your country.

It is a remarkable statistic. This government's record with research and development in pursuing innovation is a bad one. Its major problem is that its programs are primarily based on public relations and not public initiatives. For instance, let us look at the government's program Backing Australia's Ability, a cross-departmental program responsible to the Department of Industry, Tourism and Resources, the Department of Education, Science and Training and the National Office for the Information Economy. While Minister Macfarlane claimed that Backing Australia's Ability is boosting innovation by \$3 billion, the reality is that at the end of the second year of its five-year lifespan just under 20 per cent of the apparent \$3 billion available has been spent. Moreover, the R&D Start fund was so badly mismanaged that the money for this year ran out in January, leaving many companies high and dry without much-relied-on funds. The next R&D Start grant funds will not recommence until 2003. From the slashing of the research and development tax concession by 125 per cent to the complete mismanagement of the research and development—(*Time expired*)

Question agreed to.

#### Foreign Affairs: Iraq

**Senator BARTLETT (Queensland)** (3.31 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Bartlett today relating to parliamentary debate on any

involvement by Australia in military action against Iraq.

That question was about the fundamental issue of whether the government would guarantee a conscience vote for Liberal parliamentarians in the event of any such vote being put in relation to a war on Iraq. Senator Hill, not surprisingly, dodged that question comprehensively by saying it was simply hypothetical and therefore not one that he needed to enter into.

But the fact remains that, as the minister himself said, the Prime Minister will seek the support of both houses of parliament for any decision that he makes or cabinet makes to engage Australia's troops in any form of war on Iraq. If the Prime Minister is genuinely seeking the support of parliament then he should make sure that that support is genuine. The only way of ensuring that it is genuine is to allow it to be a conscience vote or a so-called free vote. Having a vote that is not free will not give a true representation of the views of the parliamentarians and therefore, I suggest, the views of the Australian electorate. It is the concerns of the Australian electorate that many parliamentarians are reflecting in the various concerns that they are raising and continue to raise.

I draw the Senate's attention again to comments made, for example, by Liberal MP Peter Lindsay, the member for Herbert, an electorate that has one of the highest concentrations—if not the highest—of Defence and military personnel in the country. That applies to my electorate also, in terms of being the state of Queensland. Mr Lindsay, who last time I looked did not have a reputation for being a hardline extremist left-wing pacifist, raised significant and genuine concerns about Australian involvement, particularly in a pre-emptive strike against Iraq. I quote from the AAP report. He said:

... I utterly reject the notion of a premature pre-emptive strike by the United States. I think that would be foolish, and I hope that Australia would have no part in that.

I very much agree with Mr Lindsay's comments, as do all the Australian Democrats, and I congratulate him on making them. The problem is this: what happens in a couple of months time if Mr Howard decides to sign

Australia up to supporting a pre-emptive strike? He will move a motion seeking the parliament's support. If there is no conscience vote, then Mr Lindsay will be required to vote, one would assume, against his beliefs and statements of today. That, therefore, would indicate that the vote would not be a genuine reflection of the parliamentarians' votes, let alone the views of his electorate.

It is no coincidence that Mr Lindsay's electorate is made up of a significant number of military personnel. Military figures such as past Australian military leaders General Peter Gration, Admiral Alan Beaumont and Admiral Michael Hudson—some of them involved in the previous Gulf War back in 1991—have all expressed grave reservations about Australia's involvement in a war against Iraq, particularly if it is a first strike pre-emptive involvement. Given that the government is refusing to rule that out—quite specifically refusing to rule out Australian support for such an action—then we need to take the concerns of senior military leaders genuinely. Obviously, again they are hardly people who can be put in the pacifist camp. Their concerns are serious and genuine—as of course are those expressed by pacifists, I hasten to add.

Similarly, some of the loudest concerns have come from the veterans' community—from RSL organisations. There is widespread concern across the community about Australia potentially getting involved in an action such as this. Surely the least that people can ask is that when their parliamentarians debate and particularly vote—the ultimate expression of their views is how they vote on an issue in this place—they will be able to do so in a free way. We have seen conscience votes in the past on so-called life and death issues—abortion, euthanasia, and the stem cell debate that is happening at the moment. Surely a vote on whether Australia should go to war is equally a life and death issue.

I remind parliamentarians, particularly the leader of the government and the Leader of the Opposition, Mr Crean, that there are widespread positive reports from the media and the public about the nature and style of the debate in the stem cell legislation be-



cause it was a free vote—because parliamentarians were able to express a wide range of genuinely held views. Everybody recognised that that made the debate far more interesting, far more genuine and far more reflective of the range of community opinions and far more appropriate for the complexity of that issue. Surely we can do the same for any engagement of Australian troops with Iraq. (*Time expired*)

Question agreed to.

### COMMITTEES

#### Community Affairs Legislation Committee

##### Membership

**The PRESIDENT**—I have received a letter from a party leader seeking a variation to the membership of a committee.

**Senator IAN CAMPBELL** (Western Australia—Parliamentary Secretary to the Treasurer) (3.37 p.m.)—by leave—I move:

That Senator Eggleston replace Senator Hefernan on the Community Affairs Legislation Committee for the consideration of the provisions of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 on 24 September and 26 September 2002.

Question agreed to.

### CONDOLENCES

#### Georges, Mr George

**The PRESIDENT** (3.38 p.m.)—It is with deep regret that I inform the Senate of the death, on 23 September 2002, of George Georges, a senator for the state of Queensland from 1968 to 1987.

**Senator HILL** (South Australia—Leader of the Government in the Senate) (3.38 p.m.)—by leave—I move:

That the Senate records its deep regret at the death, on 23 September 2002, of George Georges, former senator for Queensland, and places on record its appreciation of his meritorious public service and tenders its profound sympathy to his family in their bereavement.

George Georges was born on 15 April 1920 in Darwin in the Northern Territory. He became a Labor senator for Queensland on 1 July 1968. He was Opposition Whip in the Senate from 27 January 1976 to 23 Novem-

ber 1980. He served as a senator until June 1987.

He was a member and contributed to a number of parliamentary sittings. He served as Chair of the Joint Committee of Public Accounts from 11 May 1983 to 24 February 1987 and as Chair of the Senate Legislative and General Purpose Standing Committee on Education, Science and the Arts. He also served on the Senate Select Committee on the Corporations and Securities Industry Bill 1975, the Senate Select Committee on Animal Welfare and the Senate Estimates Committee F.

In his first speech in the Senate, George Georges, in speaking on the budget, focused on the need to support families and ex-servicemen and spoke against involvement in the Vietnam War.

He was a hard-working senator and clearly a man of integrity. He made prominent stands to support his beliefs, crossing the floor of parliament, leading campaigns against the Vietnam War and leading street marches in Queensland supporting the right to protest and freedom of speech. He was also a leading figure in the Palm Sunday peace rallies.

His parliamentary career was punctuated by some dramatic moments but I think they only underline the strength of his beliefs. He crossed the floor of the Senate to vote against deregistration of the Builders Labourers Federation and for that was suspended from the ALP. After crossing the floor again to vote against the Australia Card legislation, he resigned from the ALP serving as an Independent senator from December 1986 until his departure in June 1987.

His period in the Senate and mine crossed by about six years, so whilst I did not know him well I nevertheless had considerable opportunity to watch and, I might say, learn from him. I remember his passion, his genuine belief for his causes, his commitment to public service and I also remember his sense of humour. This was reflected in his last speech in the Senate where he cited ‘a couple of small physical things’ that he had achieved. One of his achievements was to get flashing lights installed in the toilets after

making what he described as a ‘brilliant’ adjournment speech—which is more than what some senators have achieved. Another of his achievements was, after breaking a rib, to get a couple of signs in Kings Hall saying, ‘Take care on polished floor.’

Mr President, on behalf of the government, I extend to his wife, Gloria, and to other family members and friends, our most sincere sympathy in their bereavement.

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (3.42 p.m.)—On behalf of the opposition, I support the condolence motion moved by the Leader of the Government in the Senate and associate the opposition with it on the death of former Senator George Georges. George Georges was born George Georgouras in Darwin on 15 April 1920. His family moved to Queensland not long after. As the son of recent migrants—his father had emigrated from Greece in 1916, his mother following a few years later—George had early first-hand experience of the difficulties that underdogs can suffer. As his father struggled to find work during the Depression, George acted as his interpreter. He always said that his dedication to the trade union movement came from seeing his father exploited by employers during that period.

He joined the Australian Labor Party in 1944, in a branch in the state electorate that was represented by Vince Gair, who of course later became Labor Premier of Queensland and later had political incarnations. However, Gair and the young Georges—by this time not merely a budding but a positively blossoming socialist—were not destined to become friends and allies. Nonetheless, George Georges established a solid reputation in the Queensland Labor Party, most particularly for his work with and on behalf of a variety of cooperative organisations, including Queensland’s Workers Co-operative Credit Union.

He won preselection for a Senate seat before the 1967 election, and he commenced his Senate term on 1 July 1968. George’s first speech was to draw a contrast between the affluence of Canberra, the advantages enjoyed by politicians and the difficulties faced by pensioners. Mocking the idea that

imposing hardship on the disadvantaged would encourage them to be more responsible, he thundered that this was ‘a thrift imposed upon the needy by a Treasurer who has no vision or no foresight or no humanity’. I feel that those words are just as applicable to this year’s budget as they were to the budget in 1968. George remained an active campaigner for the underdog throughout his time as a senator and, it is fair to say, beyond his time as a senator. Perhaps most famous for being repeatedly arrested during civil rights marches, George continued his stubborn resistance by refusing to give the military salute to prison officials.

For many within the Labor Party, George Georges will be best remembered for his dedicated work in the cause of party reform in the Queensland branch in the late 1970s and early 1980s. George was part of the ALP reform group in Queensland which saw drastic change as the only solution to Queensland Labor’s poor electoral showing. He was one of the 400 present in February 1978 at the first big meeting, which was chaired by a young man who would go on to be a figure of some significance in Queensland politics: Peter Beattie. It was a long and bruising fight but it was ultimately successful. At the same time, George Georges was actively involved in the equally bruising struggle against Bjelke-Petersen’s police-state laws.

Any one of these causes would have been enough for most people, but George Georges was not able to turn his back on a cause he believed in, no matter how many calls on his attention there were. To those who knew him, George Georges was a quietly-spoken person, but his manner seemed to give little warning of the volcanic passions that could erupt. Senator John Button once said to him, ‘The trouble with you, George, is that you go off like a bomb but no-one knows when to expect it.’

George was well known for his idiosyncrasies. Former colleagues recall that when he was whip—in the Old Parliament House, of course, and in the days before monitors brought the proceedings of the chamber into every office—he found it inconvenient to be running down to the chamber constantly to

find out what was going on. So George arranged for a hole to be cut into the wall that separated the then whip's office from the chamber, and for a glass panel to be installed. In order to see through the new window, he had to get up from behind his desk. This became more difficult as his health deteriorated and as he got a little older, and it was not long, I am told, before a large cupboard was installed to block the window.

Many of us were disappointed when George Georges crossed the floor and voted against deregistration of the BLF. In the Labor Party, as many know, the principle of solidarity is paramount, and George was suspended from the federal parliamentary Labor Party at that time. It is true that in 1986 he resigned from the ALP over the Australia Card issue and then unsuccessfully pursued re-election as an Independent in the 1987 election. But I think I can speak on behalf of my colleagues when I say that we were all very pleased indeed when, in 1994, George rejoined the Labor Party. He was very much welcomed back into the fold.

When George Georges left the Senate, former Senator Arthur Geitzelt said:

Senator Georges is possibly one of the most honest men in the Senate. He has principles that he will abide by through thick and thin.

I think that that was a very fair and appropriate comment from former Senator Arthur Geitzelt. Many in the Labor Party found George to be occasionally infuriating, but I think those occasional frustrations were a small price to pay for George's steadfastness in defence of those principles he fought for throughout his political life.

While I did not share a time with him as a senator in this chamber, I knew him well through the forums of the Australian Labor Party and of the Left of the Australian Labor Party. I had a good relationship with him through those years and particularly in the late 1970s and early 1980s. Many of us will miss him. On behalf of the opposition, I express sincere and deep regret at the passing of George Georges. Our condolences go to his wife and family and to his comrades and friends.

**Senator BOLKUS (South Australia)** (3.52 p.m.)—I also rise to pay respects to George Georges. I would like to start off by referring to an amazingly isolated island in the south-east of Greece. It is an island which is minute, isolated and barren. It is the island from which George Georges's parents came in 1916 and 1918. It is also the island from which my parents came at around the same time. It is an island now with a population of some 188 people. In its history it had a maximum population of some 9,000 people but over the years they have all fled or migrated, and Australia is now home to some 30,000 or 40,000 descendants and former inhabitants of that island.

Its population is 188 people for most of the year—apart from summer, when it gets repopulated. Not only do we see whole suburbs of Australia migrating to the island but the plethora of shimmering pink bags of Peter's of Kensington seem to dominate the landscape. That is one of the dominant feels of the place. Most of the migrants from that island who live in Sydney live in the suburb of Kensington and they take with them much of what they experience in Australia. So Peter's has, at some times during the year, a branch store on the island of Kastellorizon.

I think the island has been the source of one of Australia's most remarkable immigration success stories. The migration from there was at the turn of the century and in the early twenties. As I said, most of the people who have migrated from there now live comfortable lives in Australia and there are some 30,000 or 40,000 of them. It is an island that had a very difficult and tragic history. For some 400 years it was run by Turks. It was under the dominance of the Italians and French for a number of years in its history. The British were there for one day and the folklore has it they did more damage in one day than the Turks did in 400 years. It is the home island of George Georges and I think when one looks at the location, the geography and the history of the island, one gets to appreciate some of the characteristics that we experienced in George as he lived his life of politics in this country: strong commitment to independence, a sense of justice, an enormous stubbornness against all odds and a

commitment to activism. I think those characteristics sum up George Georges very well.

He was, in the early days, a role model for many people like me who were looking at getting involved in politics. Being of migrant heritage and being a person who basically pioneered the presence of migrants in the national parliament, he was someone whom we looked to for advice and guidance. I first met him in the 1970s in Adelaide, some 30 years ago. He was doing then what he continued to do for all his life in politics—fighting for the cause of justice wherever it may have been necessitated. In this case he was fighting against the junta in Greece. He did so with a passion and commitment that he applied to issue after issue in international affairs. It was not just with Greece and the junta; it was in Cyprus and he was a pioneer in the campaign against involvement in the Vietnam War. He got into trouble for meeting with Yasser Arafat in the early days. His commitment to the overthrow of the racist policies in South Africa and his support for Nelson Mandela were issues that continually got him into some strife with the authorities in this country. He had a strong underlying commitment to justice and democracy and was a strong adherent, for instance, to the principles that guide the United Nations.

In terms of his commitment to justice, there was hardly a minority group that he did not have some association with and whose cause he did not sponsor. Senator Faulkner mentioned his migrant background and George's commitment to working people, not just those with migrant backgrounds, is one that this parliament got to appreciate every time issues relating to workers' rights were raised here. He railed against Bjelke-Petersen's anti-worker laws. He was prepared to go to jail in respect of them. In fact he went to jail a couple of times for peaceful resistance in the streets of Queensland. He was even prepared to be suspended from the Labor Party because of his commitment to the workers' rights that he so cherished. It did not stop him from being a member of the Labor Party for some 50 years, but he was prepared to take the action when he deemed it appropriate.

In terms of civil rights and social issues he was very much on the progressive side. In the seventies and eighties he led marches against Bjelke-Petersen's anti-democratic laws in Queensland to the extent that he was recognised by the former Premier's special branch and given file number 2A9627. He was in good company, it must be said. Sir Zelman Cowan had file number 2E1184 and even Prime Minister Billy McMahon had a file number. But that shows the extent of the undemocratic nature of the system in Queensland, a system that George was prepared to go to jail to try and overthrow. Even in prison he was the rascal that we knew him to be in this place. On one occasion he was released after one day because, as the authorities said, he was a disturbing influence on other people in prison—as he was, obviously, for those who shared this prison cell with him on a number of late nights and sittings.

His commitment to civil rights made him take a strong stand against the Australia Card—one that I shared at the time. He was a pioneer in raising issues in respect of Indigenous Australians, the environment and animal welfare. He spent five years on a Senate committee looking at securities and exchange issues, which led to some of our early trade practices legislation. He had prescience of the sorts of problems this country is now having with drug use and drug trafficking.

As I said, I first met him 30 years ago, in the early seventies. The second time I met George was in about 1974 or 1975 when I began working for ministers in the Whitlam government. On more than one occasion, late at night, when I would be walking past the caucus room in the Old Parliament House, I could hear loud Greek music flowing through the corridors. On just about every occasion I would walk into the caucus room and there, in a luxurious old lounge chair, George would be sitting, inevitably asleep, while the music affected the lives of all of us around him. He was a person who had experienced all the extremes in political life but he also enjoyed the richness of cultural appreciation which is so important to people in our community.

In closing, I wish also to recognise the role of Gloria and the children. Gloria always seemed to be present in the Old Parliament House. She is a strong and influential person who tolerated George's unpredictability. She is warm and endearing, and that probably enabled her to handle a character like George for such a long time. I think parliamentarians' spouses often deserve medals. If medals were being given out, I think she would have reached the top of the class in respect of her work and the support she gave. In her case she did not know what to expect next, but in that respect she was probably no different from the rest of us in the Labor Party when it came to anticipating what George might do next.

He was, as I have tried to depict, a very passionate and committed man: someone with an enormous commitment to justice; someone who was prepared to cop personal consequences in the interest of the causes that he so firmly believed in; and someone who made an impression in this parliament and on the history of the Australian parliament.

In essence, he was a lovable rascal and we are all saddened by his departure—not just Gloria and the family but also some of the old comrades who spent quite a long time in this parliament with him. I refer to people like John Scott, Lewis Kent, and Peter Milton from Victoria. I refer also to people like Tom Uren and Arthur Gietzelt, with whom he crusaded on a whole range of issues, as well as people who were not close to him but who I think have benefited from the way he championed causes. For me, he was an important early trailblazer, in a sense. He gave confidence to people from migrant backgrounds that they could participate in the parliamentary process. I think this country will be all the poorer for his departure.

**Senator WATSON (Tasmania)** (4.03 p.m.)—I, too, wish to say a few words of farewell and well done to former Senator George Georges. George was a colourful, controversial yet dedicated senator—the kind of representative that every parliament really needs, but not necessarily one that every party always wants. Our politics differed markedly but he had some essential charac-

teristics that I always admired. He was a man of great integrity; a man who stood passionately behind his beliefs. With George, you always knew where he stood.

We enjoyed each other's company as members of the Joint Committee of Public Accounts. This committee is noted for its bipartisan outcomes. It was while travelling with this committee, frequently on an aeroplane or at night over a meal, that George recounted so many of his interesting political experiences—and, of course, he had many. I also recall that George was a hard worker. He frequently moved his caravan week by week, as he flew into a new destination in Queensland. He constantly toured around Queensland and he was regarded as an old-time politician.

He hated badges of authority and compulsory saluting. Two instances come immediately to mind. As has been recalled already, on being sentenced to a 14-day stint in prison, he lasted only a day, owing to his refusal to salute a prison officer—and, it was also alleged, because he had a bad effect on morale. One of the stories goes that the prison officers actually paid his fine in order to get him out of the place.

On another occasion he refused to wear an identifying badge during a Public Accounts Committee inquiry which visited a secure area. To the embarrassment of all at the time, George characteristically stood his ground and refused to wear a badge. He got away with it, although I was very conscious of the fact that an officer was not more than a metre away from him during the entire inspection.

George was a great advocate of cooperative movements to help the poor and the underprivileged. He was a true friend and supporter of the oppressed. We all know that he stood against the Builders Labourers Federation deregulation bill, the Australia Card Bill, the then government's inquiry into Lionel Murphy, and the export of uranium to France, to name but a few of the embarrassments he caused the government of the day. The *Age* newspaper recalled some advice from John Button that Senator Faulkner referred to earlier with respect to his unpredictability. John said to him, 'The trouble

with you, George, is that you go off like a bomb but no-one knows when to expect it.'

I take this opportunity to extend my sympathy to George's wife and family. I certainly enjoyed his friendship and I think the parliament is all the poorer for his passing.

**Senator BARTLETT (Queensland)** (4.07 p.m.)—I would like to speak on behalf of the Australian Democrats on this condolence motion. On behalf of our party, I pass on our condolences to George Georges's family. I think it is something that all of us would be proud of if we managed, after 82 years of life, to achieve even half of what George Georges managed to achieve. Looking back at aspects of his life that I am aware of, one can have only admiration for all his activities, all his commitment and all his achievements. He was, as has been said, a child of a migrant and a great example of the contribution that migrant families have made and continue to make in Australia. He was a child during the Depression years and that obviously had a big impact—as it did for many other Australians who grew up during that period—on his beliefs and his concerns for injustice.

Apart from being born in Darwin, he lived most of his life in Queensland—indeed in Brisbane. He went to school at Brisbane State High and Queensland University and, of course, was a senator for Queensland for nearly 20 years. He was someone who I was certainly well aware of, growing up as a young person interested in social issues in Brisbane. He, as has been stated, was one of those early supporters for the campaign against the Vietnam War. He was the figurehead of the long and difficult campaign in Queensland in favour of the right to march. It is often easy to forget, 15 or 20 years down the track, what different places Brisbane and Queensland were in those days.

At the time when I was growing up through the 1980s, there were regular confrontations over the oppressive laws preventing public demonstrations and the right to march, and George Georges and others were frequently at the head of those marches. It is a reminder of the extreme level of oppression that was inflicted on anybody with progressive views in Queensland in those

days. As a symbol or an indication of that—looking back through some of the clippings that the Parliamentary Library kindly provided in relation to former Senator Georges—those laws involved the arrests of more than 1,000 people in their first 12 months of operation. An enormous number of people were repeatedly trying to express a basic civil liberty in the face of what has subsequently been recognised as extreme police oppression.

George Georges had a strong interest in the peace movement and was heavily involved in the days when there were thousands and thousands of people involved in the Palm Sunday rallies for peace. His legacy lives on with the continuation of those Palm Sunday events. The number of people that have attended over the years has fluctuated, but in recent years it is attracting a greater number of people. If I am correct, Joan Shears, who is still involved in organising those rallies, was on his staff for a long period. She certainly continues to work, carrying the flame in that area of activity.

He was a strong campaigner against Australia's involvement with the US military machine and the use of facilities such as Pine Gap. Of course, we are now seeing again the legacy of that policy with the current situation where Australian facilities will undoubtedly be utilised as part of any US involvement in any war in Iraq. He was involved in the heated campaign in relation to the SEQEB strikes—again, an area of strong oppression by the Bjelke-Petersen government at the time, involving the arrests of many people. He was strongly involved in the anti-uranium movement and some big fights in his own party in relation to the Labor Party's policy on uranium mining. I recall, even back in the 1980s, the Democrats' strong support for an anti-uranium policy. One of the examples that would continually be pointed to was the terrible situation of people in other parties who were forced to vote against absolutely, deeply and passionately held beliefs, such as George Georges was required to do a number of times.

I know he had an ongoing interest in the Paddington Workers Club, which is still a fabulous venue—part of the inner city of

Brisbane—and one that is used by many organisations, including, from time to time, the Australian Democrats. They have let us in the doors a couple of times and have been very polite to us, as well as other organisations. It is a venue that serves an important role.

It is particularly poignant, given George Georges's strong support for the peace movement and his battles with his own party that have been detailed a bit here today, that Australia is now considering again whether or not to engage in supporting a war and considering whether or not there should be a conscience vote, a matter which I have just spoken about in a previous debate. I noted an article in the *Canberra Times* from 1986 where the then secretary of the ALP, Mr Bob McMullan, criticised the ALP for requiring too much discipline from its members and suggested that perhaps they need to be a little bit more flexible. He said, 'They should give people more chance to express their views.' I would like to support Bob McMullan's views from 16 years ago. I invite him to express those views again today and encourage his leader, Mr Crean, to adopt them in relation to the fundamental issue of the war on Iraq to enable more flexibility for parliamentarians to express their views by virtue of them being able to vote according to their beliefs.

I note for the record—it may or may not be in my interests to note this—that, when George Georges quit the Labor Party and ran as an Independent in the double dissolution election in 1987, it was the last time that I did not vote for a Democrat in the Senate. My apologies to Michael Macklin at the time, but I was one of those 26,000-odd Queenslanders who voted for George Georges. He did not get elected, obviously. He polled a bit under two per cent, but that was still more than the Nuclear Disarmament Party at a time when they were polling fairly well. He was still in the count when the 12th senator was elected on that particular occasion.

Again, as a reminder of how much things have changed since then, those were the days when the National Party elected four senators from Queensland, instead of one, and significantly outpolled the Liberal Party in

Queensland. I am sure that Senator Ian Macdonald would happily note how different things are these days. Looking at some of the names from those days, I see that there is a lot of history there as well. The only one from those 12 who were elected in 1987 who is still here is Ron Boswell but there were some other great and not so great contributors such as Margaret Reynolds and Michael Macklin; and David MacGibbon, Mal Colston and John Stone, to use the second category. It was a different world back then in many ways but George Georges's commitment to his beliefs continued on throughout the rest of his life and it was because of his ongoing interest and support for many causes that I met him a couple of times.

I would like specifically to note his ongoing support for and legacy to animal welfare. People have touched on that very briefly in terms of his role as Chair of the Senate Select Committee on Animal Welfare. He was the founding chair of that committee which was set up at the initiative of Don Chipp and the Australian Democrats back in 1983. He is still remembered very strongly by people in the animal welfare movement for his contribution in that role and for his ongoing support. It was not just something he had an interest in whilst he was on the committee; he maintained his interest in and support for that issue after he was out of the parliament. He has left an important legacy there. If you try to raise animal welfare issues in committee forums today, you still meet hostility from people who ask, 'Why the hell are we wasting our time with this stuff?' But George Georges was one of those, along with the Democrats, who first gave animal welfare the seriousness that it deserved.

I would like to take the opportunity to pass on some comments from one of the peak animal welfare bodies in Australia that have noted George Georges's passing. He was well respected by animal welfare and animal rights people. He understood and took seriously the animal cause. The establishment of that Senate committee, together with his appointment as its chair, was one of the first things that the Australian Federation of Animal Societies, as it then was—I was

previously on its executive—was involved in getting under way. The select committee ended up operating for some nine years and it produced 10 reports and hundreds of recommendations. It was the first time that animal welfare had been given adequate attention nationally. George Georges was the chair for the first two reports on dolphins and whales in captivity and the export of live sheep from Australia and he was heavily involved in most of the inquiry into kangaroo issues.

I think his success can be noted particularly in the area of dolphins and whales in captivity. Again, it was a very different world back then. There were a number of oceanariums around Australia that were very small, very inadequate and very inappropriate facilities for animals such as whales and dolphins. The committee recommended that those oceanariums be allowed to continue for the time being but that the keeping of cetaceans should ultimately be phased out, unless further research justified the existence of such oceanariums. Most of those facilities have disappeared and the few that remain are of infinitely better quality than those that were around at the time. That is a lasting legacy—one that he copped a lot of flak for at the time—and probably one of the areas where there has been most success. Whilst we still have a few facilities, and I and others can be critical of them, the improvement in those facilities is beyond belief compared to what was around in the 1980s.

He raised with the kangaroo industry the concerns and flaws that he mentioned back in those early committee reports and said that if the industry was not fixed up there would be continuing campaigns against it and there would be boycotts. That situation continues today because the industry has not been fixed up and, as we have seen from recent reports from the RSPCA, uncontrolled cruelty continues. Similarly, with the live sheep and live export trade, we have seen regular and ongoing instances of inappropriate facilities. As that report at the time pointed out, if it were simply a matter of making a judgment on welfare grounds then live sheep and live cattle exports would be ended tomorrow, but of

course we all know that there are economic issues involved.

Partly because I know that others will not focus as much on George Georges's contribution to animal welfare I thought it was appropriate to emphasise it. It is a part of his record that is often glossed over and it is a part of his achievements that is often not recognised. He is often seen, quite appropriately, as a very left-wing agitator on some of those core civil liberties issues. People often do not remember his strong record of achievement in animal welfare, but it is a strong one. Even though it is 15 years since he left this place, his record is still widely remembered and respected in the animal rights movement. I pay tribute to his contribution in that regard as well as to all the other achievements he attained through what was an incredibly valuable and well-lived life.

**Senator MOORE (Queensland)** (4.21 p.m.)—I am very honoured to be able to pay respect to George Georges. I first met George Georges at a Palm Sunday rally for peace in King George Square in Brisbane. Already a legend in many circles for his outspoken views on a range of issues—including democracy, peace, conservation and many others—as well as his highly publicised relationship with the Australian Labor Party, George was quietly working the crowd, making sure that people were introduced to one another, making jokes with the crowd of retired trade unionists who loyally turned up for the action and then, of course, passing around the hat to help out with the cost.

George genuinely enjoyed meeting and working with people. He has provided enormous support and stimulation to a wide range of people. In his later years in Brisbane, George spoke very quietly, and conversations with him were very personal and private affairs. He shared his knowledge and his experience generously, and was always prepared to take the time to have a chat, talk about the lessons from his own colourful past and encourage people to 'get into the fight—because, remember, it will always be a fight'. Funnily enough, in those conversations it



was always noted by other people just who was talking with whom and when.

George was a socialist. He was proud of his beliefs, and they were tested thoroughly throughout his service in the Senate and on the pages of the Queensland media. He regularly talked about the need to go out and get those who were politically active and aware and, if there were no socialists there, to go out and encourage them to become part of the process anyway. George, though always ready to talk, did not believe in words alone. He was active in protest movements in the street. He was seen:

... standing arm-in-arm with people and fighting for their rights, not just in the House but in the streets.

He was arrested many times in street marches for the right to demonstrate. Many of us in Brisbane remember his presence at peace rallies, rallies for East Timor and trade union rallies—so many meetings—and somehow the activity was legitimised if George was there.

When I was preselected for the Senate, I was summoned for a chat at the Paddington Workers Club. In his favourite corner—where he could see everything that was going on and from where he had overseen the operations of the Workers Cooperative Society and the Paddington Workers Club—he held court. Some people compared this location to his Senate office, which was fondly remembered as a meeting place where local community groups, families, trade unionists and passers-by gathered to meet with their senator and his devoted staff, have a cup of tea and talk about what was really going on in the world.

George was not a comfortable companion. When you were engaged in a conversation, there was always a purpose: something was needed, George thought that you could do something about it and he was going to make you take action. In the conversations about the Senate, he advised me to get involved in committees—particularly the public accounts committee, because ‘that was where you found out where the dollars were and how it all works’. His key advice to me was to remain true to myself and my beliefs and to ‘remember where you came from’. All the

media comments—and I know George would be thoroughly enjoying all the media comments and all the eulogies about him at the moment—now note his many campaigns, his left-wing credentials and indeed the fights that he was involved in, and note that he was true to himself and his beliefs.

Many people have been influenced by George—and I know Senator Jan McLucas will be talking about George at another time—his strength, his amazing sense of humour, his love of his union, the Transport Workers Union, and his passion for the rights of workers. This was evidenced in his activities in developing the Workers Cooperative Society and the Paddington Workers Club, where workers and their families could gather, enjoy good food and drink—because George always did—and be engaged in stimulating conversation. We share his passions, and our thoughts are with his family: Gloria and his many family members. He shared a particular relationship with Gloria, which he so beautifully mentioned in his final speech. We have lost George himself, but I know that we have not lost his spirit and hopefully we have not lost his tenacious devotion to ideals and the willingness to take up his fight. We miss you, George, but you are still with us.

Question agreed to, honourable senators standing in their places.

#### PETITIONS

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

##### **Terrorism: Suicide Bombings**

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

We the citizens of Australia note that the practice of suicide bombing is a crime against humanity. This crime and its participants, organisers and supporters are guilty of a crime which has been committed against innocent civilians.

Further, we the undersigned note that there is no moral, religious, or political justification for this crime.

Your petitioners, declare therefore, that the perpetrators of these crimes should be prosecuted and punished by the appropriate international courts of justice.

We the citizens of Australia call on the Senate to act immediately to facilitate a debate at the next

United Nations conference to declare, clearly and unequivocally, that the practice of suicide bombing is a crime against humanity.

by **Senator Forshaw** (from 544 citizens).  
Petition received.

### NOTICES Presentation

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

That the time for the presentation of the report of the Select Committee on a Certain Maritime Incident be extended to 23 October 2002.

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

That the time for the presentation of the report of the Legal and Constitutional References Committee on the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related issues be extended to 14 October 2002.

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

That there be laid on the table no later than 4 pm on 24 October 2002:

- (a) any application to clear granite from the Nelly Bay Harbour project site by methods other than those approved through the 1995-1998 environmental impact statement process;
- (b) any documents outlining problems and responses to problems in relation to clearing the inner harbour and access channel of the Nelly Bay Harbour project;
- (c) the weekly site supervisor reports for the Nelly Bay Harbour project;
- (d) any applications by Nelly Bay Harbour Pty Ltd (or anyone else) for permission to attach pontoons to residential land bordering the Great Barrier Reef Marine Park;
- (e) any documents relating to the Great Barrier Reef Marine Park Authority's position in relation to private moorings inside the Great Barrier Reef Marine Park in relation to the Nelly Bay Harbour project;
- (f) the results of the Nelly Bay Harbour monitoring programs (summaries only);
- (g) any reported breaches of the Deed of Agreement of the joint Great Barrier Reef Marine Park Authority/Queensland

Park and Wildlife Service permit; investigations and outcomes of investigations of those breaches;

- (h) any documents in relation to funding or financial problems associated with the Nelly Bay Harbour project; and
- (i) any documents evidencing actions on site that the Great Barrier Reef Marine Park Authority stopped, prevented or changed.

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

That the Senate—

- (a) notes:
  - (i) the commitment of the Government and Mr John Loy, Chief Executive Officer (CEO) of Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), to a demonstrated store for radioactive waste by 2005,
  - (ii) the commitment of the Government and Mr Loy to a second spent fuel reprocessing pathway for spent fuel from the Lucas Heights reactor,
  - (iii) the commitment in the Lucas Heights environmental impact statement (EIS), EIS supplementary report and EIS assessment report to a radioactive waste store by 2005,
  - (iv) the ARPANSA site licence assessment regarding a potential operating licence at Lucas Heights that, 'A license to operate would not be issued by ARPANSA without there being clear and definite means available for the ultimate disposal of radioactive waste and spent nuclear fuel',
  - (v) that the recent comments by Mr Loy on the Australian Broadcasting Corporation's *PM* program indicating that the 'new' deadline for a store is now 2025 and that provision for second country reprocessing is no longer required are in direct contradiction to previous commitments, and
  - (vi) that it recently passed a second reading amendment that:
    - (A) noted the view of the CEO of ARPANSA that arrangements for taking the spent fuel and turning it into a reasonable waste form need

to be absolutely clear before the new reactor at Lucas Heights commences operation, and there needs to be clear progress on siting a store for the waste that returns to Australia, and

- (B) expressed its opinion that until all matters relating to safety, storage and transportation of nuclear materials associated with the new reactor at Lucas Heights are resolved, no operating licence related to the new reactor at Lucas Heights should be issued by ARPANSA; and
- (b) calls on the CEO of ARPANSA to:
- (i) reaffirm commitments made to the Australian people as part of the EIS process, and
  - (ii) act in conformity with the Senate's second reading amendment.

**Senator Ian Campbell** to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the law relating to broadcasting, and for related purposes. Broadcasting Legislation Amendment Bill (No. 1) 2002.

**Senator Ian Campbell** to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the National Gallery Act 1975, and for related purposes. National Gallery Amendment Bill 2002.

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

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 14 October 2002, from 5 pm, to take evidence for the committee's inquiry into the New Business Tax System (Consolidation, Value Shifting, Demergers and Other Measures) Bill 2002.

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

That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Excise Tariff Amendment Bill (No. 1) 2002 and a related bill be extended to 22 October 2002.

**Senator O'Brien** to move on 26 September 2002:

That the Civil Aviation Amendment Regulations 2002 (No. 2), as contained in Statutory

Rules 2002 No. 167 and made under the Civil Aviation Act 1988, be disallowed.

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

That the Senate—

- (a) notes that maternity services in Australia deny the majority of women a choice in how they are supported during pregnancy and birth;
- (b) recognises that fewer than 1 per cent of women can currently access one-to-one primary care from midwives;
- (c) notes that international research has shown that in industrialised countries only 15 per cent to 20 per cent of women need obstetric intervention in order to achieve a good outcome, while in Australia there is at least one medical intervention in 80 per cent of births; and
- (d) supports the National Maternity Action Plan launched on 24 September 2002 by the Maternity Coalition.

**Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer)** (4.27 p.m.)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002

Dairy Industry Legislation Amendment Bill 2002.

I also table statements of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statements incorporated in *Hansard*.

Leave granted.

*The statements read as follows—*

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL (No. 2) 2002

#### **Purpose of the Bill**

The Bill will amend Schedules 3 and 5 to the States Grants (Primary and Secondary Education Assistance) Act 2000 (the Act) to insert maximum capital grant funding amounts for government and non-government schools for the years 2005, 2006 and 2007. This amendment is foreshadowed in Note 1 to Schedules 3 and 5 to the

Act, which states "Amounts for 2005, 2006 and 2007 will be inserted by an amending Act".

#### **Reasons for Urgency**

The Annual Schedule of capital grant recommendations for non-government schools will be submitted by 30 September 2002 for approval by the Minister, and will include recommendations for funding in 2005. While the government sector operates on a different time frame in line with state/territory government processes, it is appropriate to update the amounts for 2005-2007 for the government sector at this time.

Without passage of the Bill there is no authority to commit 2005 funding and approval of all recommended projects with 2005 funding will be delayed until the Bill is passed.

Forward commitment arrangements set out in the Commonwealth Programs for Schools Quadrennial Administrative Guidelines 2001-2004 authorise relevant funding authorities to commit a proportion of capital grant program funding up to two years in advance of the current program year. Education authorities will submit capital grant funding applications in 2002 for capital projects which may extend across the years 2003-2005. This is a long-standing arrangement that provides schools and school system authorities with greater scope to plan capital developments, which typically require extended time frames.

A large proportion of capital projects submitted for approval in the Annual Schedule of capital grant recommendations for non-government schools in September 2002 will include funding allocation for the 2005 program year. Schools often commence their projects immediately upon approval and schedule construction works during the end of year school holidays. A delay in funding approval could cause delays and disruption to the building plans for these non-government schools, in all states and territories.

(Circulated by authority of the Minister for Education, Science and Training)

#### DAIRY INDUSTRY LEGISLATION AMENDMENT BILL 2002

#### **Purpose of the Bill**

The Bill would allow the dairy industry, through the Australian Dairy Corporation (ADC), to fund reform of the industry statutory bodies, including the ADC and the Dairy Research and Development Corporation (DRDC), to deliver research and development and other services for the dairy industry. The Bill would also provide dairy farmers with a Dairy Structural Adjustment Program (DSAP) and/or Supplementary Dairy Assistance

Measures (SDA) entitlement, access to an exit grant after the cessation of the Dairy Exit Program (DEP) on 30 June 2002, through the Farm Help Re-establishment Grant (FHRG).

#### **Reasons for Urgency**

With market milk deregulation completed, the dairy industry is now considering the services required in a deregulated environment and the most appropriate structure for the delivery of those services.

With deregulation farmers have seen a major change in their market environment, and significant competition and rationalisation at the processor level is occurring. Many farmers have seen a reduction in their income following deregulation and it is therefore imperative that services to farmers and other industry participants are delivered efficiently. It is also important that industry services and the associated service delivery body be tailored to the new environment.

As with other industries, the dairy industry is also seeking a greater role in taking responsibility for how industry levies are used.

Industry has indicated that they would like the new service delivery body to be in place by 1 July 2003. To meet this deadline, industry will need to conclude their investigations as soon as possible. Removing impediments to funding the process through the statutory levy stream will allow industry to focus on the important issues of services and structure and thereby ensure that there is a smooth transition to the new arrangements.

The Government's policy is, generally, for industry to meet all statutory reform costs. The intended approach is directly consistent with that used in the reform of wool industry service structures over recent years.

With the cessation of the DEP on 30 June 2002 dairy farmers with a DSAP and /or SDA entitlement are excluded from any exit assistance program. Currently all farmers, with the exception of the affected dairy farmers, are eligible for a FHRG. These amendments will remove this inequitable situation by allowing affected DSAP and/or SDA entitlement holders access to the FHRG.

(Circulated by authority of the Minister for Agriculture, Fisheries and Forestry)

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

That the Senate—

- (a) notes repeated calls for a full parliamentary debate and vote on any decision by the Australian Government to commit Australian military personnel

or facilities to a war against Iraq, particularly if any such commitment is proposed in relation to military action which has not been endorsed by the United Nations; and

- (b) calls on the Government to ensure that a full parliamentary debate and vote on any such proposal occurs prior to the commitment of Australian military personnel or facilities.

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

That the Senate calls on the leaders of all parliamentary political parties to ensure that any parliamentary vote on motions concerning Australian involvement in, or support for, military action against Iraq is a conscience vote.

**Postponements**

An item of business was postponed as follows:

General business notice of motion no. 178 standing in the name of Senator Allison for today, relating to proposed military action against Iraq, postponed till 25 September 2002.

**BUSINESS**

**Consideration of Legislation**

**Senator COONAN** (New South Wales—Minister for Revenue and Assistant Treasurer) (4.29 p.m.)—I move:

That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the ACIS Administration Amendment Bill 2002, allowing it to be considered during this period of sittings.

Question agreed to.

**COMMITTEES**

**Foreign Affairs, Defence and Trade Committee: Joint**

**Meeting**

**Senator LIGHTFOOT** (Western Australia) (4.29 p.m.)—At the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Senator Ferguson, I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Thursday, 26 September 2002, from 11.45 am to 1 pm, to take evidence for the committee's inquiry into aspects of the 2000-01 annual report of the Human Rights and Equal Opportunity

Commission relating to conditions at immigration detention centres and the treatment of detainees.

Question agreed to.

**BASSLINK: TRANSMISSION LINES**

**Senator BROWN** (Tasmania) (4.30 p.m.)—I ask that general business notice of motion No. 161 standing in my name for today, relating to the need for underground cabling in Gippsland for Basslink, be taken as a formal motion.

**The ACTING DEPUTY PRESIDENT (Senator Watson)**—Is there any objection to Senator Brown's motion being taken as formal?

**Senator Lightfoot**—It is not a formal objection, but I am opposing the motion.

**Senator BROWN**—I thank the senator for that, although I am shocked by the potential opposition to this motion from the government. I move:

That the Senate calls on the Government to reconsider its approval of Basslink to ensure that the cable is placed underground in Gippsland instead of using pylons and overhead powerlines.

The Senate divided. [4.35 p.m.]

(The Acting Deputy President—Senator J.O.W. Watson)

Ayes.....	9
Noes.....	35
Majority.....	26

**AYES**

Allison, L.F. *	Bartlett, A.J.J.
Brown, B.J.	Greig, B.
Lees, M.H.	Murray, A.J.M.
Nettle, K.	Ridgeway, A.D.
Stott Despoja, N.	

**NOES**

Bishop, T.M.	Brandis, G.H.
Buckland, G.	Campbell, G.
Carr, K.J.	Colbeck, R.
Cook, P.F.S.	Coonan, H.L.
Crossin, P.M. *	Denman, K.J.
Ferris, J.M.	Forshaw, M.G.
Hogg, J.J.	Johnston, D.
Kemp, C.R.	Kirk, L.
Lightfoot, P.R.	Ludwig, J.W.
Lundy, K.A.	Macdonald, J.A.L.
Mackay, S.M.	Marshall, G.
Moore, C.	O'Brien, K.W.K.
Patterson, K.C.	Ray, R.F.

Reid, M.E.                      Scullion, N.G.  
 Sherry, N.J.                  Stephens, U.  
 Tchen, T.                      Tierney, J.W.  
 Watson, J.O.W.                Webber, R.  
 Wong, P.

\* denotes teller

Question negatived.

### COMMITTEES

#### Environment, Communications, Information Technology and the Arts References Committee

##### Extension of Time

**Senator ALLISON** (Victoria) (4.39 p.m.)—I move:

That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on urban water management be extended to 24 October 2002.

Question agreed to.

#### FOREIGN AFFAIRS: ZIMBABWE

**Senator ALLISON** (Victoria) (4.39 p.m.)—At the request of Senator Stott Despoja, I move:

That the Senate—

(a) notes that:

- (i) the second Commonwealth leaders' troika on Zimbabwe will meet in Nigeria on 23 September 2002,
  - (ii) there has been a worsening of conditions for millions of Zimbabweans since the troika first met 6 months ago to discuss steps to restore democracy in Zimbabwe, and
  - (iii) the Prime Minister (Mr Howard), as Chairman of the Commonwealth leaders' troika on Zimbabwe, has acknowledged it is a matter for regret that little substantive progress has been made in implementing the troika's steps to restore democracy in Zimbabwe; and
- (b) urges the Prime Minister, as Chairman of the Commonwealth leaders' troika, to use his influence to expel Zimbabwe from the Commonwealth and impose targeted sanctions on Zimbabwe, including an arms embargo, a travel ban to any Commonwealth countries for President Mugabe and his close associates, and a freeze on any assets he

or his associates hold in Commonwealth countries.

Question negatived.

### UNITED NATIONS INTERNATIONAL DAY OF PEACE

**Senator RIDGEWAY** (New South Wales) (4.40 p.m.)—I move:

That the Senate—

(a) notes that:

- (i) in September 2001, the United Nations (UN) General Assembly unanimously adopted Resolution 55/282, establishing the United Nations International Day of Peace as an annual day of global cease-fire and non-violence, now fixed in the calendar as 21 September from 2002,
  - (ii) the UN General Assembly has invited the people of the world to honour and celebrate the day on 21 September, with the vision of the day extending far beyond the cessation of violent conflict and representing an opportunity for the people of the world to create a moment of global unity, and
  - (iii) individuals, governments, regional and non-government organisations, educational establishments and religious/spiritual organisations all over the world, including Australia, have responded to the invitation from the UN General Assembly, by organising events and actions designed to improve public awareness and strengthen the ideals of peace both within and amongst all nations and peoples;
- (b) congratulates Mr Jeremy Gilley and all those individuals and organisations whose voluntary efforts and vision have driven the initiative to establish and observe the United Nations International Day of Peace as a day of global cease-fire and non-violence; and
- (c) welcomes the international observance of the International Day of Peace as an important means of strengthening the ideals of peace and alleviating the tensions and causes of conflict that exist around the world.

Question agreed to.

**ENVIRONMENT: PROPOSED CHARCOAL PLANT**

**Senator NETTLE (New South Wales)** (4.40 p.m.)—I seek leave to amend general business notice of motion No. 180 standing in my name.

**Senator O'BRIEN (Tasmania)** (4.40 p.m.)—by leave—The opposition would not normally oppose this. Senator Brown approached the opposition with an amendment to this motion that appears to substantially change the motion. Whilst it is likely that that will not change the opposition's view of this motion, we were of the view that it was such a substantial change that it would be better if we had an additional period of time to scrutinise the motion and give it fair attention. We were advised that the motion would be put and not postponed. In those circumstances, we are not prepared to vote on a motion amended at this short notice.

**Senator NETTLE (New South Wales)** (4.41 p.m.)—by leave—The amendment that I wish to make is to take note of an announcement made today by the Australian Labor Party in the New South Wales state parliament so as to make the motion up to date. Other than that, I seek no further amendment to the motion.

**The ACTING DEPUTY PRESIDENT (Senator Watson)**—Is leave granted to amend the motion?

Leave not granted.

**Senator NETTLE**—That being the case, I move:

That the Senate—

- (a) notes the demonstration of 4 000 people on the weekend of 21 and 22 September 2002 to protest against the development of the proposed charcoal plant in Mogo, near Batemans Bay, New South Wales; and
- (b) expresses its objection to this polluting and unsustainable development, which is based on massive new logging operations that will adversely impact upon the local environment, and the local community's lifestyle and economic security.

Question put:

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

The Senate divided. [4.46 p.m.]

(The Acting Deputy President—**Senator J.O.W. Watson**)

Ayes.....	34
Noes.....	<u>8</u>
Majority.....	26

**AYES**

Allison, L.F. *	Bartlett, A.J.J.
Brown, B.J.	Greig, B.
Lees, M.H.	Murray, A.J.M.
Nettle, K.	Ridgeway, A.D.

**NOES**

Brandis, G.H.	Buckland, G.
Campbell, G.	Carr, K.J.
Colbeck, R.	Coonan, H.L.
Crossin, P.M.	Denman, K.J.
Ferguson, A.B.	Ferris, J.M. *
Forshaw, M.G.	Hogg, J.J.
Johnston, D.	Kemp, C.R.
Kirk, L.	Lightfoot, P.R.
Ludwig, J.W.	Macdonald, J.A.L.
Mackay, S.M.	Marshall, G.
Moore, C.	O'Brien, K.W.K.
Patterson, K.C.	Payne, M.A.
Ray, R.F.	Reid, M.E.
Scullion, N.G.	Sherry, N.J.
Stephens, U.	Tchen, T.
Tierney, J.W.	Watson, J.O.W.
Webber, R.	Wong, P.

\* denotes teller

Question negatived.

**MINISTERIAL STATEMENTS**

**Australia's Development Cooperation Program**

**Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer)** (4.49 p.m.)—On behalf of the Minister for Foreign Affairs, Mr Downer, I table the 11th annual statement to parliament on Australia's Development Cooperation Program, together with a document entitled *Australian aid: investing in growth, stability and prosperity*.

**Senator SANDY MACDONALD (New South Wales)** (4.50 p.m.)—by leave—The Senate will be aware from the statement of the Minister for Foreign Affairs on Australia's Development Cooperation Program that,

when we came to government in 1996, Minister Downer commissioned a major study on Australia's aid program. The outcome of this inquiry by Mr Simons, the former chief executive of Woolworths, was titled *Better aid for a better future*. It identified the theme of Australia's aid program, which has maintained the same clear and single focus, and that is to advance Australia's interests by assisting developing countries to reduce poverty and achieve sustainable development.

I note in the minister's statement the 1999 OECD Development Assistance Committee finding that Australia's Development Cooperation Program has 'gone through an impressive process of restructuring and renewal', with Australia 'in the vanguard'. That commitment to adjustment and improvement continues. The Australian electorate wants this assistance to be given. Australians feel that a fair go should be given to less fortunate nations. However, we do expect to get fair value and not see our assistance dollar wasted or stolen. The legitimacy of assistance programs must always be a priority for any prudent provider of development assistance.

Zimbabwe is in the news today. When I was an observer at the June 2000 election I sought out our aid projects, which understandably revolved around health and literacy. Getting legitimate and effective programs in Zimbabwe was not made difficult because there was not a wide variety of need but was to do with running the help programs properly. I think that taxpayers would be pleased to know that we try not to spend aid dollars unless we are sure of the outcome and unless we believe that we are getting value for money for the Australian taxpayer.

In the main, our aid program focuses on the Asia-Pacific. It clearly prioritises Australia's strong engagement in our region and our commitment to working in partnership with our immediate neighbours. The challenges are considerable. The Asia-Pacific region has the world's highest concentration of people living in real poverty—which I find quite amazing. Over 800 million people survive on less than \$1 a day in our near region. Papua New Guinea, the Pacific Island countries and the poorest regions of East

Asia are where we are most active, but the program also responds selectively to development needs in South Asia, Africa and the Middle East.

The fostering of economic development in our region encourages stability, obviously, and expands trade and investment opportunities for Australia. Our aid program is all part of the good fabric of globalisation. Increased trade equals rising standards of living. This promotion of sustainable development clearly addresses issues of direct interest to Australia, including HIV-AIDS, illegal migration, global environmental problems and drug trafficking. Our aid program will remain vital in Australia's desire to be further integrated in our region. Specific examples of the program's contribution include capacity building for improved economic governance following the Asian financial crisis in 1999 and 2000, assisting in the recovery and restructuring of East Timor and the Solomon Islands and a number of other important areas. As the minister points out, our aid program defines key principles and priority sectors that are crucial to the aim of alleviating poverty and achieving sustainable development. I endorse his statement, and I wish those who run our aid projects in AusAID and through our very considerable assistance provided to Australian based NGOs the very best of luck in carrying forward their many worthwhile projects.

**Senator RIDGEWAY** (New South Wales) (4.55 p.m.)—by leave—I want to make some brief remarks in relation to this report on the Australian government's overseas aid program, entitled *Australian aid: investing in growth, stability and prosperity*. The Australian Democrats welcome the government's focus on poverty reduction as the ongoing aim of our overseas aid program. We know that Australia's focus in this regard is consistent with our commitment in 2000 under the United Nations Millennium Development Goals, especially our commitment to the UN to work with the international community to halve the number of people who suffer from hunger and extreme poverty by 2015. We also welcome the government's emphasis in this new policy document on engaging with civil society groups and, more



particularly, with NGOs, even though there are qualifications in this regard. I will refer to them shortly.

Where the Australian Democrats have serious concerns is in relation to the obvious shift in this new policy approach to a reliance upon economic growth and good governance to drive development and reduce poverty. Economic growth alone is insufficient. You need a range of measures to overcome the circumstances of poverty. The examples cited by the government today of countries who have succeeded as a result in part of aid programs include China, Vietnam, and Korea. Some of them were opened to trade, others established strong protectionist measures to foster their fledgling industries that are now international powerhouses, but few have a human rights record that can stand up to international scrutiny. In other words, it is highly misleading and, indeed, simplistic to credit the principles of good governance and economic growth as the two measures that reduced poverty in these countries and helped to establish them as international economic successes.

On a first reading of this document this afternoon, I have not seen any mention of the integral role that human rights and the rule of law have to play in achieving real and sustainable development, the reduction of poverty and, more particularly, the reduction of suffering. This glaring oversight in policy terms is of great concern, especially in light of the situation facing the international community at the moment. In my view, Australia does have a responsibility, now more than ever, to affirm the principles of human rights and international law rather than to ignore them.

Another serious oversight in this document is the absence of Africa. Enormous poverty and development challenges face Africa, especially in the fight against HIV-AIDS. Whilst we understand the rationale and logic behind Australia focusing this budget on our immediate region—the Asia-Pacific region—we are also conscious of the decline in real terms of Australia's aid to Africa under the Howard government. The Australian Council for Overseas Aid, for example, estimates that it has fallen by 40

per cent over the last 10 years. The Australian Democrats would therefore encourage the government to rethink this element of its policy with a view to at least maintaining our aid level to Africa.

In short, the Democrats are concerned that this new policy is high on rhetoric but low on real measures to meet problems confronting our region and the world's poor. Aid should be 0.7 per cent of gross national product, as recommended by the United Nations. For over two decades the Democrats have been consistent in our approach to overseas aid. One of the central tenets of Democrat policy is the need for Australia to meet the target set by the UN in 1969 to provide 0.7 per cent of GNP for international aid programs. In light of this longstanding target, the Australian Democrats again call on the government to deliver a major increase in Australia's overseas aid commitments, not reductions. We acknowledge that, sadly, the 1997 Simons report, *One clear objective*, took a completely pragmatic approach to abandoning the UN 0.7 per cent target. This position was forced upon Simons as successive Australian governments have politically committed to meeting the target but, in practice, have justified their failure to meet the target on budgetary grounds. The line, as usual, is: 'as and when budgetary circumstances permit'. In my view, that has lost credibility. While it continues to be used, Australia continues to diminish its real GNP contribution to overseas development assistance.

In 1972 Australia was delivering 0.48 per cent of GNP in overseas development assistance. This percentage has been steadily declining over the past 30 years. In real dollar terms in 2002, Australia has only increased its overseas aid contribution by about \$400 million over the past 30 years. During this period the Australian economy has been growing at an average annual rate of 3.2 per cent. In 1972 Australia's GNP was \$270 billion; in 2002 it was approximately \$695 billion. Today, Australia's aid budget is the lowest it has been in 30 years at only 0.25 per cent of GDP.

Australia should begin increasing our overseas aid commitment now in order that, through yearly incremental increases, the 0.7

per cent target is met by 2010. The nations of Denmark, Norway, the Netherlands, Luxembourg and Sweden have already met and exceeded the United Nations target of 0.7 per cent of GNP. Whilst Belgium, Switzerland, France, Finland, Ireland, the United Kingdom, Spain and Germany have not reached this target, they remain well ahead of Australia in their progress. In short, it simply means that Australia's performance in regard to meeting our commitment to the UN target is not something that we as a nation can be proud of.

It seems to me that aid must be delivered to the poorest and is best delivered through non-government organisations rather than through bilateral agreements and other governmental forms of deliverance. The Australian Democrats welcome the commitment by the government today to channel our assistance directly to community organisations, non-government organisations and other civil society groups but note that this should be happening as a matter of course—not just when government systems are failing, as the new policy provides. Aid is a vehicle through poverty reduction for the easing of tensions, which can lead to regional tensions.

The Australian Democrats welcome the emphasis in this new policy approach on the need to focus on humanitarian assistance that directly targets the poor and reduces their vulnerability by targeting essential services like health and education. We also recognise that this approach is critical if Australia is to honour commitments made under the UN Millennium Development Goals by 2015, which include halving global poverty by 2015, achieving universal primary education, reducing child mortality by two-thirds, reversing the spread of HIV-AIDS, and being able to integrate the principles of sustainable development into country policies and reverse the loss of environmental resources. But to achieve these goals the United Nations and the World Bank estimate that we need to increase global aid by \$70 billion per year until 2015. This of course will require Australia's contribution to that target to increase proportionately—but we are clearly failing in this regard and, indeed, as I mentioned earlier, we are going backwards.

What commitment will Australia make to additional resources to achieve the millennium goals? In light of our commitments to those goals, the Democrats also question whether the government has the right policy focus. The goals would require greater emphasis on poverty reduction programs rather than on good governance. On the issue of good governance, and having raised this question of the balance between a policy focused on poverty reduction and the pursuit of good governance, the Democrats recognise the need for Australia to engage governments on good governance and furthering the goal of civil society.

We have serious reservations about the sincerity of this commitment, given our recent practice of placing asylum seekers in neighbouring Pacific countries like Nauru and PNG in order to deal with our own immigration concerns. For example, how can we expect our Pacific island neighbours to improve their record on good governance when, in the case of Nauru, we increased our aid budget by 195 per cent in the last year and effectively bribed this country to take asylum seekers off our hands? How is this practice promoting human rights, the principle of good governance or affirming the sincerity of our country's commitment to capacity building and poverty reduction in our own region? We run the risk of being accused of 'taking a hectoring approach' or 'behaving like a colonial power' that has one set of rules for itself and another for its neighbours—precisely what Minister Downer said that he wants to avoid. If Australia's ultimate goal is to be a responsible aid donor, we need to ensure that the recipient country upholds international standards for human rights protections and the rule of law in its definition of 'good governance'. It is not enough to just focus on programs that deliver stronger police forces if the recipient country does not enshrine fundamental human rights protections and safeguards in its legal and judicial system.

I think the recent experience of East Timor one year on from independence is a perfect case in point. We have a new nation that is urgently trying to focus on building an effective legal and judicial system after dec-

ades of foreign occupation and, more recently, gross violations of human rights. Billions of dollars are needed to rebuild East Timor's devastated infrastructure, but I believe there must also be a determined effort to put in place the kinds of legal and human rights protections that East Timor badly needs. The international community has an obligation to help, and I acknowledge that Australia has been particularly active and responsive in this regard. In particular, we have given considerable practical and professional assistance to put in place a fully functioning and independent judiciary to curb corruption, establish East Timorese confidence in civil institutions and attract foreign investment.

But, on the other hand, I think we do have a responsibility to support the calls from the East Timorese people to establish an international tribunal for East Timor to bring the perpetrators of serious crimes against humanity in East Timor to justice. Only last month we saw the acquittal of six members of Indonesia's security forces on charges arising from the massacre of three East Timorese priests and scores of civilians in 1999, as a result of a decision by the Indonesian ad hoc human rights court. This was a decision that received condemnation from the East Timorese people, along with the then UN High Commissioner for Human Rights, Mary Robinson. If Australia is serious about its commitment to promoting and upholding the principles of good governance and the rule of law in our region through our overseas aid program, it must also be prepared to do so in our foreign affairs policy. There has to be consistency in approach across all portfolio areas if we hope to lead by example in the Asia-Pacific region.

In concluding, I want to note that the Democrats reserve the right to elaborate further on our initial remarks in response to this policy document. We have had only a matter of a couple of hours to skim the document, and I realise that a more considered response is required, as well as discussions with organisations and individuals who have expertise in the portfolio area. But I am concerned that the report does little to reassure the Australian Democrats or, for that

matter, the Australian people that the government is serious about us carrying our own fair share of responsibility in relation to nations that are not as affluent as our own.

We are concerned that there is no consistency in approach across the range of portfolios, particularly in relation to our immigration policy and how it works in conjunction with our overseas aid policy in the Pacific. We are also concerned about Australia's ability to contribute our fair share to the achievement of the UN millenium goals. We can only hope that we do not decide to abandon these goals, as we did in relation to the UN aid target that was set in 1969.

**Senator NETTLE (New South Wales)** (5.08 p.m.)—by leave—I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

#### COMMITTEES

#### Rural and Regional Affairs and Transport Legislation Committee

##### Report

**Senator BUCKLAND (South Australia)** (5.09 p.m.)—On behalf of the Rural and Regional Affairs and Transport Legislation Committee, I present an interim report of the committee entitled *The Australian meat industry consultative structure and quota allocation: US beef quota allocation*. I seek leave to move a motion in relation to the report.

Leave granted.

**Senator BUCKLAND**—I move:

That the Senate take note of the report.

I thank the secretariat for its work in preparing this very difficult report. I also put on record thanks to our Chairman, Senator Hefernan, and my colleagues in the Senate who work on the committee.

**Senator O'BRIEN (Tasmania)** (5.10 p.m.)—This report entitled *The Australian meat industry consultative structure and quota allocation: US beef quota allocation* has the support of all members of the Rural and Regional Affairs and Transport Legislation Committee, as I understand it. It is an all-party report, based on evidence, both oral

and written, from a wide cross-section of the beef industry. Its unanimous conclusions reflect an open and comprehensive inquiry that received evidence of broad industry support for a global model.

The committee received a significant number of written submissions, took evidence from 34 witnesses and generated about 150 pages of *Hansard* transcript. It was clear from the evidence presented to the committee that the industry itself is tired of division on the question of quota allocation and wants a model adopted that will enhance Australia's overall export effort. Companies were happy to provide the committee with considerable details about their individual export effort to enable us to gain an understanding of the impact of the various quota allocation proposals.

I have no doubt that I speak on behalf of the chair, Senator Heffernan, and my fellow committee members when I say that we appreciated the time and effort many processors devoted to assisting the inquiry. I must place on record my thanks to Robina Jaffray, Trish Carling, Lyn Fairweather and Shirani Visvanathan from the committee secretariat. As usual, we demanded a lot of them, and they delivered. I also place on record my admiration for the manner in which my fellow senators went to work on this issue.

The report recommends the adoption of a global allocation model based on the performance of companies in the previous 12-month period. The model proposes a quota allocation every four months—on 1 November, 1 March and 1 July of each quota year. As a transitional arrangement, it is proposed that the initial specialist allocation for 2003 be based on quota year 2001, an arrangement that takes into account the difficulties faced by many processors in 2002. Certainly that is only the case for what I might call the US specialists. Beyond these transitional arrangements, the model proposes a quota allocation based on export performance in the preceding 12-month period.

In the view of the committee, this approach picks up the real-time benefits of the model proposed by Australian Meat Holdings but over a longer time frame. In addition to the difficulties faced by many companies

this year, the committee also recognises the challenges a global allocation model will pose for US dependent processors. On this matter, the committee noted, in particular, evidence from processors like Mr Peter Greenham. We have therefore recommended that, in the 2003 quota year, companies that were more than 70 per cent reliant on the US market in 2001 be allocated the equivalent of their total 2002 quota allocation—that was the reference I made to 2001 earlier.

The second phase of the transition for US dependent companies will provide those companies that are 70 per cent reliant on the United States in 2003 with 85 per cent of their 2003 performance in 2004. I know that sounds rather complex, Mr Acting Deputy President, but I can assure you that it does make sense. When you have a look at it, it is simpler than it might seem.

The Minister for Agriculture, Fisheries and Forestry, Mr Truss, has no choice but to immediately adopt what I will describe as the Heffernan model—Senator Heffernan being the chair of the committee making this proposal. The appointment of a panel to advise Mr Truss on the quota was little more than an attempt by the minister to deflect some of the political pressure to which he was subjected. That is not a criticism of the members of the panel, because they are clearly competent people serving at the minister's request.

The problems Mr Truss has faced in relation to the management of the US beef quota have been very much of his own making. It is difficult to imagine how Mr Truss's panel could have formed a different view from that of the committee if it had had the opportunity to undertake the same exhaustive and transparent consultative process. I understand that the panel has been asked to report back to the minister with its recommendations regarding quota arrangements on 1 October. That is just 31 days before the commencement of the new quota year on 1 November.

Mr Sutton, AFFA's general manager of the Meat, Wool and Dairy Branch, told the committee that the panel was still working on the allocation of discretionary quota for 2002 as at 19 August. Advice to applicants

on that discretionary quota allocation—an allocation for the current year—was posted on 23 August. It is with some alarm that I note that, based on evidence from AFFA, the panel allowed just eight weeks to determine how billions of dollars worth of quota entitlement should be allocated next year.

There have been some strong signals coming from Mr Truss and his department that he wants minimal change to the current arrangements for the 2003 quota year. That has more to do with administrative convenience for Mr Truss than with good public policy and good outcomes for a multibillion dollar industry that sustains thousands of regional jobs. It also reflects the impossible time frame given to the panel to consider this matter.

I asked most of the witnesses that came before the committee whether they would accept the extension of Mr Truss's model into 2003. I can tell the Senate that support for that model was extremely limited and heavily qualified. In fact, the vast majority of witnesses opposed the model. The Australian Meat Council described it as unfair. The AMC said that the situation in 2002 bordered on chaos. Mr Paul Troja from Rockdale Beef told the committee:

If the government decided to maintain the present arrangements, I believe you would see a lot of export establishments, who are holding on desperately, go broke.

He said:

I think the Truss model was a disaster and is a disaster to our industry.

The Northern Cooperative Meat Company was happy for the Truss model to carry through to 2003 but only after a substantial variation to the manner in which it was calculated—that is, a radical change to the basis on which the quota was allocated. Mr Kennedy from Kilcoy Pastoral Company told the committee:

Our company would have to give very serious consideration to closing down and winding up if that program were continued next year without significant discretionary assistance.

And the Stanbroke Pastoral Company—the world's largest cattle producer—said that it did not support the Truss model.

The minister's department was able to provide the committee with a considerable amount of data in a timely fashion. The committee appreciates that support. The department did express some concern about a model that allocated quota on a quarterly basis. The committee noted that concern and has provided for a four-month cycle. During the hearings a director of the Australian Meat Council, Mr Carl, told the committee:

We need a sure scheme in place so that people know what they are working towards.

This was a key issue for the committee and ought to be a key issue for the minister. Unfortunately, Mr Truss has again run himself very short of time in addressing quota arrangements. One would have thought that he might have learnt from last year's fiasco, but it appears not.

The basis of the Heffernan model—as I describe it—outlined in the committee report, has widespread industry support. Obviously, the industry will look at the variations that the committee has put down, and I believe that there will be widespread support for it as varied. It has, as I said earlier, unanimous support from the Labor, Liberal and Democrat senators who formed the committee. It deserves support from everyone concerned about a vibrant, export focused beef industry and a good return to the Australian economy.

I hope this is not the case, but, if Mr Truss chooses to ignore the Heffernan model, he ignores the considered views of an all-party Senate committee that happened to be dominated by members of his own government. More importantly, he will ignore the desire of the beef industry for some long overdue certainty on quota allocation. On these two counts, the minister will ignore the committee's recommendations at his own peril.

**Senator COLBECK (Tasmania)** (5.19 p.m.)—I must say at the outset that the difficulty of moving from what essentially has been a completely deregulated industry to one that is regulated is demonstrated in both the evidence and the deliberations of the Rural and Regional Affairs and Transport Legislation Committee in its inquiry and report on US beef quota allocation. Remember, the main reason we are essentially considering

this situation is the downturn in the Japanese market over the last 12 months and the desire of those servicing that market to move into the US market.

With respect to a quote that Senator O'Brien has just referred to from one of the witnesses, the Australian Lot Feeders Association noted that the current system took away the ability of a lot of those who were having great problems in servicing the Asian markets to move into the US market and was historically different from what was the case. Essentially, we had in this circumstance a large group of industry players who were looking to move from a market that had collapsed and to take a slice of a market that was being serviced by other industry players. I would have to say that throughout this entire process I have been extremely disappointed in the industry itself. It appears that it has been largely driven by self-interest rather than by industry interest. The difficulty of the RMAC group in coming up with a proposal in the initial circumstance clearly demonstrates that.

The thing that this report brings with it, though, is that it largely has the support of the majority of the industry, and more particularly those who are not focused on the US market. Importantly, the changes made to what started as the AMH model—which I think was largely grasped at by industry players in an effort to get a global model—cater to those who have historically, since 1994, built markets specifically into the US. A key issue for members of the committee was to ensure that those who had, through essentially a free market, made a choice to work in the US market did not have their businesses jeopardised by any changes to this system, and that was one of the imperatives put forward by Minister Truss in his initial proposal.

A concern that remains with some members of the committee is that the model in the report will result in significant handouts of rental from the US market being diverted to those who have not traditionally worked in that market and will potentially develop a paper trade in quota. There are some in the industry who believe that is a good thing. I am not of that view, but the committee also

has recommendations in place to restrict this, for which I am very grateful. I will be very interested to see the impact of this system in 18 months time, once it has bedded down and we review it a little further.

The AMH model in its raw state left out several sectors of the industry such as the branded beef specialists and, again, I mention the transitional arrangements put in place for the US specialists. There is also the modification to the allocation of tranches to flatten out the seasonal variations that would have existed under the original AMH model that was proposed to be put together on a quarterly allocation basis.

As I said at the outset, this would have to be one of the most difficult industries I have been involved with. It is a significant industry for Australia, as Senator O'Brien said. I just hope that we are not back here in a short period of time, having to reconsider this particular issue in the event that what we are proposing does not work.

Question agreed to.

**Foreign Affairs, Defence and Trade  
Committee: Joint  
Report**

**Senator SANDY MACDONALD** (*New South Wales*) (5.25 p.m.)—Mr Acting Deputy President Brandis, I congratulate you on your appointment. On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I seek leave to make a statement relating to a report of the committee entitled *Loss of the HMAS Sydney*.

Leave granted.

**Senator SANDY MACDONALD**—On behalf of the Defence Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I would like to update the Senate on issues arising from the committee's report entitled *Loss of the HMAS Sydney*, which was tabled in this place on 22 March 1999. Because of the incredible amount of public interest in this matter, the committee considers it appropriate to report to the Senate on the result of its recommendations and the commitments made in the government's response.

The loss of HMAS *Sydney* in November 1941 with all 645 crew was a devastating event. The loss of the pride of the Australian fleet was inexplicable at the time and it remains so today. The loss came three weeks before Pearl Harbor. The *Sydney* sank without trace or survivors while the majority of the crew of the German raider *Kormoran* survived. Some people doubt for a number of reasons that the full story has been told, and there are numerous questions which remain unanswered. The account of the engagement was based on recollections of *Kormoran* survivors and this of course has added to the intrigue over the years. In addition, legitimate wartime attempts in 1941 to censor reports of the ship's loss prior to an official announcement being made only served to suggest to some people that the true fate of the ship and her crew was being withheld from the Australian public.

Since 1941, the debate about the loss of the *Sydney* and the nature of the engagement has intensified and there are many people today, including me, who would like to know more of the answers. It is the uncertainty surrounding the fate of the *Sydney* and the desire of many Australians to know more about the loss that triggered the committee's inquiry some years ago into the loss. In August 1997, the then Minister for Defence requested that the Joint Standing Committee on Foreign Affairs, Defence and Trade investigate and report on the circumstances of the sinking of HMAS *Sydney*.

The committee conducted a rigorous investigation in which over 200 submissions and more than 200 supplementary submissions were received, and a range of public hearings were conducted. In March 1999, the committee tabled a report containing 18 recommendations. In particular, it recommended that the Royal Australian Navy sponsor a wreck location seminar focusing on likely search areas for the *Sydney* and the *Kormoran*. In addition, the committee recommended that an attempt be made to locate the grave of the unknown sailor on Christmas Island, who is thought to have been a member of the crew of HMAS *Sydney*.

In June 2000, the government responded to the committee's report. The government

agreed with the key recommendations relating to the need for a wreck location seminar and a search for the grave of the unknown sailor on Christmas Island. In November 2001, the HMAS *Sydney* Wreck Location Seminar took place in Fremantle. The purpose of the seminar was to provide the Chief of Navy with information sufficient to allow him to make an informed recommendation to the Minister for Defence on the viability of a wreck search. In June 2002, the Department of Defence circulated a media release on the search for the wreck of the *Sydney*. The Chief of Navy announced that the outcomes of the public seminar held in November 2001 'do not provide a suitable basis for an official search for the wreck of HMAS *Sydney*'. Vice Admiral Shackleton advised the Minister for Defence 'that there was insufficient credible information to warrant the expenditure of public funds on a search for the wreck of HMAS *Sydney*'.

The committee reviewed the press release and immediately sought a briefing from the Chief of Navy on the outcome of the wreck location seminar. During the briefing to the committee on 25 June 2002, the Navy agreed to produce a more comprehensive statement on the outcomes of the wreck location seminar. In August 2002 the Minister for Defence wrote to the committee advising of progress made with implementation of the key recommendations. He included the Navy's comprehensive summary of the outcomes of the wreck location seminar and the search for the unknown sailor.

Historical evidence prior to 1991 suggested that the search area for *Sydney* is of the order of approximately 80,000 square kilometres. The committee noted in its report that the search area is of the order of 7,200 square kilometres. However, the wreck location seminar noted that this figure refers to the *Kormoran* wreck. The search area for *Sydney* is far larger since no survivor witnessed where *Sydney* was sunk. The wreck seminar unfortunately failed to reduce the search area any further than had already been achieved. On the basis of this finding, the Chief of Navy concluded that such a search 'would be high risk, high cost and an open-ended undertaking'.

For many who made submissions to the inquiry, the possible grave of the unknown sailor on Christmas Island was a central concern. If it was the case that the body was one of HMAS *Sydney*'s crew there was a strong feeling that it should not lie in an unmarked grave in a remote part of the Indian Ocean. In June 2001, following the committee's recommendation, Navy headquarters arranged for a visit to Christmas Island to locate the grave in the old European cemetery. The team cleared about 400 square metres of the overgrown cemetery. In August 2001 an exhumation order was obtained and 38 square metres of soil was excavated. Unfortunately, no human remains or evidence of a grave cut were found. In addition, the researchers have thus far not been able to identify evidence that more accurately defines the grave site. The Navy concluded in its summary:

Unfortunately, despite significant research efforts, little real progress has been made. No human or additional archival documents have been found, while the outcomes of the November 2001 seminar did not constitute a suitable basis for a search for the wreck of *Sydney*.

The committee nevertheless believes it is important for the Australian public to be kept informed of progress and the attempts that are being made to unravel the mystery of the *Sydney*. The minister's letter together with the Navy's summary have been posted on the committee's web site and the committee will issue a press release outlining some key findings. I trust this information will help to inform the Senate and the Australian public of some of the actions arising since the committee tabled its report entitled *Loss of the HMAS Sydney*. I wish to conclude by making the point that some questions may never be answered. But I say to the wives, the children and the friends who lost a loved one on HMAS *Sydney* all those years ago that all the evidence suggests that she fought magnificently in the true tradition of her already outstanding record as a warship in the Mediterranean and that sometimes in life we have to tolerate the inexplicable, whilst always hoping that eventually further evidence and explanation may be forthcoming.

## BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES

Message received from the House of Representatives agreeing to the amendments made by the Senate to the following bill:

Customs Legislation Amendment Bill (No. 1) 2002

### MEMBERS OF PARLIAMENT (LIFE GOLD PASS) BILL 2002

#### First Reading

Bill received from the House of Representatives.

**Senator ELLISON** (Western Australia—Minister for Justice and Customs) (5.35 p.m.)—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 ELLISON** (Western Australia—Minister for Justice and Customs) (5.35 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

This bill is designed to put the entitlements of former Senators and Members on a standardised basis, to enhance the integrity of the scheme, to apply limits to those entitlements which have previously been uncapped and to provide that a former Senator or Member who, because of a conviction for a corruption offence, is required to forfeit his or her superannuation benefits must also forego the entitlement to travel at taxpayers' expense.

To fully appreciate the desirability for a bill of this nature it is important to recognise that the Life Gold Pass entitlement, including the entitlement for widows and widowers to travel at Commonwealth expense, has in the past been provided under different authorities, including under different determinations of the Remuneration Tribunal. As a result differing arrangements apply for entitlees depending on when they retired from the Parliament or when they first met the qualifying periods to establish eligibility for the Pass.



The bill sets forward an overall systematic framework to sensibly and fairly accommodate the various classes of entitlees and the entitlements which have applied to them up to this time.

That said the basic arrangements put forward in the bill are those set out by the Prime Minister in his statement of 27 September 2001 on Parliamentary entitlements. In that statement, in which the Prime Minister foreshadowed this legislation, he said that the Government had decided that the unlimited access to domestic travel at Commonwealth expense by former Prime Ministers and other former Senators and Members was not consistent with community standards. In future there would be limits on the number of trips which could be undertaken by entitlees, and that those limits would in general be 40 trips per year for former Prime Ministers and 25 trips per year for former Senators and Members.

The bill also limits the travel entitlement of spouses in the same way as for Life Gold Pass holders and makes a provision for widows and widowers, which is more sympathetic to the circumstances of bereavement.

In future it is intended that widows and widowers instead of being provided with unlimited travel for one year following the death of the Life Gold Pass holder will be entitled to two years of travel. However, consistent with the intention to apply appropriate constraints there will be limits on such travel—10 return trips in the first year and 5 return trips in the second year.

The bill also provides a sensible flexibility which has not applied under the uncapped arrangements. In future a spouse may travel with or to join the Life Gold Pass holder even when the holder has travelled without using the entitlement. For example, the Pass holder may privately drive to a destination and then the spouse may fly or travel by train to join the Pass holder. This would be a count against the fixed limit entitlement of 25 trips per annum for the spouse. There is a range of other situations which may arise, including when a Pass holder travels at Commonwealth expense to serve on a Government body and the travel costs are met by that body. Under the new scheme, in such circumstances, the spouses could travel with the Life Gold Pass holder.

There is a small group of widows of members who retired from the Parliament prior to 1 June 1976—the date of effect of the first determination of the Remuneration Tribunal which dealt with the Life Gold Pass issue. Those widows have been provided with unlimited travel indefinitely. It is intended that in future a limit (10 return trips per year for five years and 5 return trips per year thereafter) be placed on that travel. This is the

same entitlement that will apply to the widows of all former and future Prime Ministers.

The bill clarifies or puts beyond doubt a number of aspects of the scheme which have led to questions in the past, e.g. travel may not be undertaken for commercial purposes and these are defined. Similarly rules are provided for handling trips involving multiple destinations.

The bill contains numerous machinery measures—e.g. pro rata adjustments for a person who becomes entitled to travel part way through a financial year—this covers not just retirement from the Parliament, but when a sitting member meets the qualifying period (for spouse travel to Canberra) or on marriage or indeed on the death of the Pass holder for the widow or widower.

The bill also includes a substantial section covering the transitional period, which will be from 28 days after Royal Assent to the end of the financial year. As would be anticipated by my opening comments on the variety of existing arrangements in place at present the transitional arrangements need to be especially tailored to meet all possible individual circumstances.

As recent unhappy events have made plain, a major gap in the current scheme is that there is no mechanism which allows the Government to withdraw a benefit to travel at Commonwealth expense from a person convicted of a 'corruption offence' within the meaning of the Crimes (Superannuation Benefits) Act 1989. It is quite anomalous that a person who, in the course of carrying out his or her duties as a member of the Parliament, commits an offence which results in the forfeiture of the superannuation benefits provided by the Commonwealth should be able to retain, on release from imprisonment, the benefit of travel at taxpayers' expense.

Consequently, the bill contains forfeiture provisions in relation to both Life Gold Pass and severance travel benefits. These provisions will have effect from the day the bill receives Royal Assent. Essentially, if a court issues an order under the Crimes (Superannuation Benefits) Act 1989 that withdraws the superannuation benefit then withdrawal of the Life Gold Pass and severance travel benefits will follow automatically. There are, of course, provisions which provide for the restoration of the benefit in the event of the revocation of the superannuation order (e.g. because the original corruption conviction was quashed on appeal).

The bill recognises the important role played by the Remuneration Tribunal, as an independent body, in setting the entitlements of Senators and Members. The Tribunal will continue to be re-

sponsible for setting the qualifying periods for establishing eligibility for the Life Gold Pass.

It is only, however, by legislation that an overall comprehensive framework applying to all entitlements may be established. With the passing of the bill, that will be in place.

I commend the bill to the Chamber.

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

**WORKPLACE RELATIONS  
AMENDMENT (GENUINE  
BARGAINING) BILL 2002  
WORKPLACE RELATIONS  
AMENDMENT (SECRET BALLOTS  
FOR PROTECTED ACTION) BILL 2002**

**Second Reading**

Debate resumed from 23 September, on motions by **Senator Coonan** and **Senator Ellison**:

That these bills be now read a second time.

upon which **Senator Sherry** had moved by way of an amendment in respect of the Workplace Relations Amendment (Genuine Bargaining) Bill 2002:

At the end of the motion, add:

“but the Senate condemns the Government for:

- (a) unreasonably emasculating the powers of the Australian Industrial Relations Commission to resolve industrial disputes in the interests of the parties;
- (b) interfering with the commission’s discretion to deal with industrial disputes in the most appropriate way; and
- (c) failing to put forward constructive proposals to enable the commission to direct parties to bargain in good faith”.

**Senator WONG (South Australia)** (5.36 p.m.)—The [Workplace Relations Amendment \(Genuine Bargaining\) Bill 2002](#) and the [Workplace Relations Amendment \(Secret Ballots for Protected Action\) Bill 2002](#) seek to amend the Workplace Relations Act, and I particularly want to focus my remarks on what has been named the genuine bargaining bill. Mr Tanner in the other place described the title of the bill as ‘Orwellian’, because it really is not a bill about genuine bargaining. Rather, it is properly construed as a bill designed to weight aspects of this legislation, and the system of enterprise bargaining

which is underpinned by this legislation, against workers and their unions. This bill reflects the government’s aversion to the role of the Industrial Relations Commission as the independent umpire and a desire to create a system that advantages one side of the employment relationship over the other. It is not a bill that seeks to encourage genuine bargaining.

This government is not interested in genuine bargaining. If it were, it would have supported the amendments moved by the opposition in the other place which sought to include provisions ensuring that the parties in the bargaining process bargained in good faith. Surely this is not a radical concept. If this government were genuinely interested in enterprise bargaining and ensuring effective outcomes, surely it would support Labor’s amendments seeking to ensure that the parties to the employment relationship bargain in good faith. If it were interested in effective outcomes, it would do this. However, it is more interested in a take it or leave it approach to enterprise bargaining. It should be noted that there is currently nothing in the substantive legislation which requires parties to act in good faith through the bargaining process. There is nothing in the current act, nor in either of the bills proposed, to prevent an employer from simply refusing to meet and confer with a union or consider and respond to that union’s proposals, regardless of whether or not those proposals may have merit. Even if the employer does this, under this legislation it is still incumbent upon the union to demonstrate that it is genuinely trying to reach an agreement with the other negotiating parties. There is nothing in the current act which requires the employer or the union to negotiate in good faith, nor does the current act require the employer to even meet with the union. It appears that the government’s view of this approach to bargaining is that this arrangement is fair enough.

It is against this legislative backdrop that the government seeks to impose further handicaps upon workers and their unions in the bargaining process. We should be clear about what precisely the Workplace Relations Amendment (Genuine Bargaining) Bill 2002 aims to do. As honourable senators

would be aware, the act sets out a process whereby the industrial parties may take protected action during a bargaining period. Under the terms of the act, it is only during the period of bargaining, as defined by the legislation, that the industrial parties—particularly trade unions—are protected from sanctions, both in the common law and under the act, for any action taken. If the bargaining period is terminated or suspended, that protection is removed. With this legislation, the government is seeking to make it easier for the bargaining period to be terminated or suspended—that is, to make it easier for unions, in particular, to be subject to legal sanctions in relation to any action that may be taken. It can be properly construed as an increased fetter on the rights of workers and their unions to take action in the context of enterprise bargaining which is allowed by the current legislation.

It is not unusual for enterprise bargaining to involve a common claim, at least as a starting process, or for common aspects to exist between different claims against different employers. As someone who has been an official with two unions—initially with the CFMEU and later, as a legal officer, with the LHMU—I can say that many of the agreements that were negotiated whilst I was an official with those unions included aspects of commonality, particularly at the commencement of the claim. To varying extents, the agreements that those unions—and other unions in various industries—negotiated involved substantial productivity improvements. A great many enterprise agreements include innovative work practices which have been negotiated at the workplace between workers, their union representatives and the employer. It is not uncommon practice, as a matter of industrial relations in many industries, for agreements to be commenced with a common claim or for aspects of claims served on employers to contain common clauses. This is not an unusual state of affairs and, despite the government's protestations to the contrary, it does not lead to industrial anarchy. Often it is simply a matter of practicality or what is appropriate in the circumstances. We are often talking about the commencement of negotiations with a common demand or at least a minimum set

of demands which might be included in a number of claims. An example would be something like paid maternity leave, where unions may agree on a common claim or a clause that is proposed for inclusion in enterprise agreements that would be common across a number of industries in relation to a number of employers.

That is the industrial backdrop against which this proposal operates. What, in fact, is the government proposing? This is a set of amendments designed to prevent common demands. It is a set of amendments seeking to impose a legislative presumption as to one party not genuinely trying to reach agreement with the other. The effect of that presumption would be to facilitate the suspension or termination of a bargaining period. That is the stick the government seeks to put in the legislation to use against workers and their unions. These amendments seek to force the commission's hand. The commission already has powers to suspend or terminate a bargaining period. Here we have a specific set of circumstances which the government proposes to put in the legislation regarding bargaining—clearly, on the face of it, directed at unions—which would enable an employer to seek the suspension or termination of a bargaining period to their negotiating advantage. Why is this legislation needed? It is not. It is not justified in terms of the industrial practice—a practice that is engaged in by both employers and unions—of putting common claims on one another. It is also not required as a matter of law. It is already within the commission's powers under the existing legislation to suspend or terminate a bargaining period. That is a general discretion which is not fettered in a partisan way as is currently proposed in the bill.

The discretion which is currently in the legislation enables the commission to consider the totality of the facts before the commission in any application to suspend or terminate a bargaining period. One would have thought that this is a sensible legislative approach because it enables the commission to consider the multiplicity of the factual circumstances of the various disputes with which it deals. There is something to be said for a general discretion being vested in the

commission to consider all these facts. In the absence of some pressing public policy concern or evidence of that discretion being exercised improperly, surely it is better to allow the commission to consider all the facts before it to reach a conclusion. However, that is not the approach that this government is taking. It is attempting to beat up what it says is a deficiency in the legislation. When one examines the proposal closely one can see that this is a beat-up and there is very little factual material which would support the government's suggestion that there is a deficiency in the legislation.

A number of honourable senators have mentioned the decision by Justice Munro in the metals case, which has been asserted as support for the government's legislation. I make a number of points about that case. As the Senate would be aware, that case did deal with an application to terminate bargaining periods under the existing legislation, and the commission did in fact move to terminate a number of bargaining periods on the basis—amongst other things—that the parties were not genuinely trying to reach agreement with a specific employer. One would have thought that that outcome itself puts paid to the government's argument that the legislation is deficient. Justice Munro did, however, find that pursuing an industry-wide campaign was not itself evidence of a failure to try and reach agreement at the enterprise level, so long as the union was prepared to negotiate with individual employers. His Honour also commented on the fact that employers engage in 'pattern bargaining', which is the phrase used by the minister who sponsors this bill. Justice Munro made the following comment:

It appears that some of the more loudly voiced and caustic criticisms of pattern bargaining as practised by the unions are muted or tolerant of corporate practices intended to achieve similar uniformities of negotiating outcomes across different workplaces.

In other words, there are those in this government who criticise unions for seeking to progress industry-wide claims, but when there is a similar set of common demands or a common position is taken by an employer group—as has been documented in the metals case and in others—those criticisms are

somewhat more muted. One would note that the legislation as it is currently drafted has unions specifically in mind.

As I said earlier, in the metals case the bargaining periods were terminated under the existing legislation. The comment was made by His Honour that advancement of claims in a way that denied individual negotiating parties the opportunity to concede, or modify by agreement, did not meet the test of genuinely trying to reach agreement. In other words, the existing legislation was not deficient in relation to the issue of pattern bargaining. The industrial context against which this bill is introduced was discussed at some length in the metals case. It was recognised by the commission that common claims and outcomes do have a place in Australia's industrial relations system and are pursued by employers as well as unions. One wonders why there is, despite this fact, a beat-up by this government about this legislation. One can only assume that there are some particularly political objectives that this government is pursuing.

This bill is not about genuine bargaining. It is a bill clearly aimed to weight rules which currently govern bargaining against unions. It seeks to diminish the powers of workers and their unions to bargain. What is the ultimate objective? It is bargaining Reith and Abbott style. As has been commented on in another speech, it is an approach to bargaining which is, 'Please, Sir, can I have some more?' This framework reduces the negotiating position of workers and their unions. It seems odd that a government which professes to be supportive of genuine bargaining has refused in the other place—and presumably will refuse in this place—to support the notion of bargaining in good faith. One would have thought that this was a minimum standard of behaviour between the industrial parties, one which it is appropriate that the parliament seeks to facilitate amongst the industrial parties.

**Senator KIRK (South Australia)** (5.50 p.m.)—I rise to speak on the [Workplace Relations Amendment \(Genuine Bargaining\) Bill 2002](#). I do so in the knowledge that this is the third time the government has attempted to introduce legislation with the

aims of preventing so-called pattern bargaining and introducing cooling-off periods. The Workplace Relations Amendment (Genuine Bargaining) Bill 2002 is less prescriptive than its predecessors that were rejected by the Senate in 1999 and 2000. The earlier bills obliged the commission to suspend or terminate a bargaining period if certain conditions existed. This bill leaves intact the commission's discretion but provides guidance as to how this discretion should be exercised. This bill does not refer to pattern bargaining as such. Instead, it directs the commission's attention to what the government perceives as the objectionable features of pattern bargaining. While the bill refers to genuine bargaining, nothing in this bill seeks to facilitate genuine bargaining. The government has tried to portray this bill as moderate. However, like its predecessors, the bill is narrowly focused on reducing the right to take protected industrial action and on suspending or terminating the bargaining process. This bill is not a genuine attempt to enhance the bargaining process. Rather, it interferes with the discretion of the commission to deal with industrial disputes in the most appropriate way.

I wish to briefly mention enterprise bargaining and Labor's support for the development of enterprise negotiations. The Labor Party has not only supported but has initiated changes to industrial relations law in this country—changes that have increased productivity in Australia. I also wish to mention the role that workers and their elected representatives, the unions, have played in increasing the productivity of industry in Australia. Workers and their representative unions have played a vital role in changes that have occurred in Australian industrial relations law. It is unreasonable, to say the least, that this government refuses to acknowledge the enormous contribution that Australian workers and their unions have made to the productivity of this nation.

This bill represents a watered down version of previous bills. Presently the commission has a general discretion to suspend or terminate a bargaining period if it is satisfied that an organisation taking industrial action is not genuinely attempting to reach an

agreement with the other party. This legislation will require the commission to consider, among other things, whether the organisation's conduct evidences an intention to reach an agreement with other parties in the industry. The bill specifies that such an intention would indicate that the organisation is not genuinely trying to reach an agreement with other negotiating parties. Under existing law, a party initiating a bargaining period can terminate the bargaining period if it gives notice to the other negotiating parties that it no longer wants to reach an agreement. This bill will give the commission a discretion to order that the party who terminates the bargaining period may not initiate a new bargaining period in relation to the matters dealt with under the proposed agreement, or may only initiate a new bargaining period on certain conditions.

Proposed section 170MW(2A) of the bill purports to provide guidance to the commission on matters that would tend to indicate whether a party to enterprise bargaining negotiations is genuinely seeking to reach agreement. The explanatory memorandum of the bill refers to a significant decision of Justice Munro in the metals case in 2000. However, a close reading of Justice Munro's decision in this case makes it clear that the commission does not require guidance in this area. Justice Munro was clearly able to articulate what he regarded as factors that indicate whether a party was genuinely negotiating. In the metals case, Justice Munro used the existing section 170MW(1) to terminate a bargaining period of 33 employees because he was not satisfied that there was good faith bargaining. It is worth referring to the key finding of Justice Munro. He said:

Does it follow that, if in truth the respondent negotiator is trying to secure agreement with all, or an entire class of negotiating parties in an industry—*all or none*—the respondent negotiating party is not genuinely trying to reach agreement with any individual negotiating party in the industry or class? In my view, it does. But in a particular case, a finding to that effect is dependent upon matters of fact and degree.

In other words, Justice Munro made it clear that there is no black-and-white prescription as this legislation is attempting to impose. In

explaining what he meant by 'fact and degree', Justice Munro said:

Such questions of fact and degree obviously need to be answered by reference to evidence and details of particular facts. The more the negotiation conduct can be categorised as evidencing a refusal to allow agreement other than on an all or none basis, the greater the likelihood that it should be found to fail the 'genuinely try to reach agreement with the other negotiator' test. However, there are variations and permutation of demands, conduct, and character of negotiating parties that must be assessed.

Justice Munro approached the matter in a pragmatic and sensible way, by looking at what was actually occurring without making any ideological assumptions. The commission did not need to be directed to work out whether the parties in this case were negotiating in a genuine way. It is appropriate and sufficient, in the Labor Party's view, for a reference to the decision of Justice Munro to be inserted in section 170MW of the act. This is the effect of the opposition's amendments, in the proposed section 170MKA.

As I said earlier, the government has removed any reference in this bill to pattern bargaining, yet under this legislation the commission is required to determine that if commonality of bargaining is occurring this cannot be genuine bargaining. This reflects a fundamentally flawed assumption. There are many examples where common agreements are reached throughout an industry, for example in the retail industry. These agreements not only have excellent results for workers and employers alike but also are conducted in good faith. The Labor Party wants to create this culture of good faith industrial negotiations, and that is why the member for Barton moved amendments to the legislation in the other place to create 'bargaining in good faith' provisions.

In the metals case, Justice Munro made it clear that such commonality of bargaining is a well-established practice. He said:

A common set of demands for conditions of employment, or for timing of negotiating rounds and outcomes is not sufficient in itself to establish that a negotiating party is not genuinely trying to reach agreement with the counterpart party. I do not use the expression 'pattern' to describe such demands. The notion of pattern demands or pat-

tern bargaining lacks precision. It also has a partisan pejorative content.

Justice Munro rightly recognised that the industrial strategy of pursuing common outcomes across workplaces is practised as much by employer negotiators as those of employees. As my colleague Senator Sherry observed, the Commonwealth government itself often engages in such an industrial strategy. I have indicated that this bill ignores basic industrial relations realities in this country.

As my colleague Senator Hogg said, in the retail industry it is not uncommon for a letter of demand and a log of claims to be served on thousands of employers at one time. In its submission to the Senate committee inquiry into this bill, the Shop Distributive and Allied Employees Association outlined how this legislation would severely hinder genuine enterprise negotiations. In July 1998, the SDA served letters of demand and logs of claims on approximately 35,000 employers as part of a campaign to improve the wages and conditions of employees. The mere service of the letters of demand and logs of claims on more than one employer would be interpreted by the commission, should this bill be successful, as pattern bargaining. This is simply because the union has initiated a course of conduct in which common claims for improved wages and conditions of employment are sought from more than a single employer.

Unions such as the SDA have been at the forefront of seeking to make workplaces more family friendly by negotiating such matters as parental leave for casuals and improved maternity leave provisions. A number of employers in the retail industry have been prepared to agree to such matters. The making of these types of claims when seeking enterprise agreements with more than one employer displays a course of conduct in negotiations that extends beyond a single business. Notwithstanding the obvious social benefits of these claims and the desire of workers to have these claims made on their behalf, it is clear that, should this bill be enacted, the commission would find such conduct to be contrary to law. The passage of this bill would make enterprise negotiations

in a wide range of industries both more difficult and cumbersome. Even where claims are socially desirable and economically reasonable, they could fall foul of the provisions of this act.

The Labor Party is committed to creating an environment of good faith bargaining. As Senator Sherry noted, a number of the factors contained in proposed section 170MW(2A) do reflect the principles of good faith bargaining. Yet, under this bill, such factors only apply if and when an application has been made to the commission to suspend a bargaining period in order to curtail or prevent industrial action. The effect of this would be that, in practice, such a requirement for good faith bargaining would apply only to unions and only in cases where the union was considering or taking protected action.

Labor's amendments to this bill seek to restore the commission's power to order all parties to bargain in good faith. These amendments will re-empower the commission to direct parties to negotiate in good faith and to reach agreement before industrial dispute occurs. Good faith bargaining encompasses a range of procedural requirements, including that the parties meet face to face, attend organised meetings, comply with agreed negotiating procedures, disclose relevant information, state their position on various matters, consider and respond to proposals, and adhere to commitments made. These are all reflected in the amendments proposed by the opposition.

The duty to bargain in good faith is a duty that is shared by all parties and is a duty that focuses on developing a relationship between employers and unions which is based on trust and confidence. These are not unreasonable requirements. They are requirements that parties to any corporate takeover negotiation would expect. The government would be happy to support companies to negotiate in good faith, yet they will not support Australian workers and their elected representatives having the same right to negotiate in good faith with their employers. The previous Labor government introduced the requirement for parties to bargain in good faith in 1993. This requirement was repealed by the coal-

tion government upon taking office in 1996. Both Western Australia and New Zealand have introduced good faith bargaining laws and such provisions also exist in New South Wales and Queensland legislation.

In the time remaining, I wish briefly to address proposed section 170MWB, which provides for cooling-off periods. The introduction of cooling-off periods in this legislation is designed to lessen industrial stoppages, which in itself is a laudable objective. Enterprise outcomes without stoppages are what all parties should be attempting to achieve. But, instead of encouraging the commission to bring the parties to the negotiating table and forcing a resolution, this legislation has the effect of encouraging the commission to walk away from difficult disputes. The difficulty here is that simply directing a cooling-off period without any requirement being imposed on the parties during that cooling-off period as to how to conduct themselves during that time will have limited effect. Instead of directing the commission to introduce cooling-off periods, the government should be strengthening the role of the commission so that it gets involved earlier on in the process so as to ensure that the bargaining process is conducted in good faith and industrial stoppages are avoided. This provision makes clear the government's intention to promote measures that will continue to erode the role of the commission as the independent umpire. This will have the effect of hindering the fair and efficient settlement of industrial disputes in this country.

In conclusion, the government is attempting to introduce legislation for the third time that seeks only to undermine good faith enterprise negotiations. The government has not made any significant modifications to its two earlier bills. In recycling this legislation, all the government seeks to do is to continue its attack on unions and the people they represent—the working people of Australia. The government does not seek to do anything constructive for enterprise negotiations, it does not seek to do anything for Australian workers and it certainly does not advance genuine bargaining.

This government needs to start listening to the workers of this country and even to the

employers, because they will tell you that commonality of bargaining does not necessarily mean that there is an absence of bargaining in good faith. In its amendments, the opposition seeks to empower the commission to invoke its procedures and use its expertise to assist and facilitate the parties in reaching an agreement in respect of the particular enterprise concerned. Clearly, the Australian Industrial Relations Commission has this expertise, and it should be recognised as having a legitimate and important role in the enterprise bargaining process. I urge senators to support the opposition's amendments which improve what is otherwise a fundamentally flawed bill.

**Senator MARSHALL (Victoria)** (6.07 p.m.)—I rise to talk on the [Workplace Relations Amendment \(Genuine Bargaining\) Bill 2002](#), which is part of a larger package of antiworker, antiunion bills, in line with this government's passion for the dismantling of Australia's industrial relations system. This particular bill articulates one of this government's major obsessions. As the Minister for Employment and Workplace Relations stipulated in his second reading speech, it is designed to ensure that what is often referred to as pattern bargaining is no longer permitted under the Workplace Relations Act. An obsession it definitely is, when you consider that the Senate has already rejected the ideology and intent behind this bill in both 1999 and 2000. Yet, in 2002, the government has chosen to pursue it again, this time disguised as the Workplace Relations Amendment (Genuine Bargaining) Bill.

This year's model is dressed up as a more moderate version of the bills already rejected, but it brings with it the same intent and the same probable outcomes. While the bill in 2000 sought to outlaw union initiated pattern bargaining altogether, this bill does not expressly prohibit that. What it does instead is seek to interpret pattern bargaining as being, *prima facie*, not genuine bargaining and therefore regard it to be in contravention of the Workplace Relations Act. This bill is simply a different path to achieve the same outcomes as those bills that were initiated in 1999 and 2000. As such, the [Workplace Relations Amendment \(Genuine Bargaining\)](#)

[Bill 2002](#) should be abandoned on the same basis as those that have been in the past.

This bill, along with those in 1999 and 2000, is unjustified and iniquitous. The words 'genuine bargaining' in the title of this bill are nothing more than Orwellian double-speak. It is a typical ploy of this government to use ambiguous language and euphemisms to disguise its real agenda. This bill is no different. There is nothing in this proposal that promotes genuine bargaining at all, despite its title. In fact, it seeks to stamp out particular kinds of bargaining altogether and to tie the hands of the independent umpire, the Australian Industrial Relations Commission, when determining whether or not parties to an industrial negotiation are in fact genuinely bargaining.

This bill, like most workplace relations bills we have seen from this government since it came to office, seeks to tinker with the industrial relations system in a way that stifles collective bargaining and the ability of workers to negotiate pay and working conditions with their employers on some sort of equal footing. This bill seeks to limit the capacity of ordinary workers to seek better standards of living and to share in the benefits delivered by improved productivity over the past two decades by even further tilting the industrial relations power scales in favour of employers and away from ordinary workers and their unions.

This government seeks to abandon any framework for cooperative workplace relations that support fair and effective agreement making in support of the interests of its core constituency: big business employers. We only have to go to the Australian Industry Group, the AIG, to find out why. This is what Roger Boland from the AIG had to say about the state of our industrial relations system in a speech entitled 'A critical assessment of progress in enterprise bargaining':

Where employers have adopted a bargaining strategy, in many instances it is driven by an exclusive desire to cut costs rather than pursue innovation. Now that is completely understandable in today's competitive environment. But it is a blinkered approach to achieving competitiveness through workplace change and is creating a



backlash amongst workers manifested in intense feelings of job insecurity, disillusionment, lack of trust, "reform fatigue" and a shift to greater militancy. The isolated bargaining approach is leading to competition on the basis of labour exploitation rather than on the basis of innovation and quality of skills.

With the Australian Industry Group itself recognising that a more decentralised bargaining system is creating a backlash amongst workers, is it any wonder that this government would like to see this bill pass through the parliament to protect big business from a problem of their own making?

The **Workplace Relations Amendment (Genuine Bargaining) Bill 2002** seeks to prohibit the use of pattern bargaining—a process by which common claims are sought across an array of workplaces within the same industry. It is a bargaining strategy currently utilised by many employers, union members and even the federal government itself. Pattern bargaining has been responsible for the setting of industry-wide standards of occupational health and safety, comparative wage justice, equal pay for men and women, parental leave, the 38-hour week and superannuation. In recent years, industry-wide bargaining has seen the introduction of income protection insurance and improvements to long service leave. Moreover, it sets standards across industries that provide consistency and stability for employers and workers alike on issues such as the use of casual labour, outsourced contracting and redundancy standards. Could this be the reason the government is seeking to forbid it? I suggest it probably is.

This government supports a race to the bottom for wages and conditions and rejects fairness and equity within industry sectors. What is so unreasonable about suggesting that what one group of workers receives in pay and conditions in one workplace should be mirrored in another workplace where that group of workers undertakes the same work using the same skills? Take the education sector, for instance. Isn't it reasonable to suggest that what one teacher receives in pay and conditions teaching a group of grade 6 students in one school should be the same as a grade 6 teacher in another school, teaching the same syllabus to a similar group of stu-

dents? Surely, it is in the public interest that there is a general consistency across the nation in wages and conditions for Australia's school teachers. I think most people would believe so, and I believe so. But this government plans to outlaw this approach.

Employers in the non-government education industry agree. In fact, these employers support and engage in pattern bargaining and have not expressed any concerns about common outcomes or any desire for different outcomes across schools and educational institutions. As the Australian Catholic Commission for Employment Relations stated in its submission to the Senate Employment, Workplace Relations and Education Legislation Committee inquiry into the Workplace Relations Amendment Bill 2000:

It may be unnecessarily time consuming and costly for similar enterprises, undertaking similar work, to establish separate enterprise agreements, especially where the organisation seeks to bargain on a industry wide level to ensure equity in its outcomes to its employees and in its delivery of services. For example, this is found in parts of education, where a large number of schools may act in cooperation with each other and not in competition, as they are not equipped to bargain individually and they seek to achieve mutual outcomes.

The same could be said for many areas in the health sector and the public sector, to name just two. This bill, if supported, would have the effect of rewarding those businesses that are most unscrupulous in respect of negotiating wages and conditions with their workforce and, as such, it will render those companies that do not undercut their employees uncompetitive.

Industry-wide bargaining has the effect of protecting businesses that do not seek to exploit their employees by undercutting decent workplace standards. Many small businesses use multiple employer agreements on the basis that they are the only way in which they, as small businesses, can effectively bargain and apply in an affordable way their limited resources to the process of making an enterprise agreement. Industry-wide bargaining removes the instability created for end users when every one of their suppliers potentially has an industrial dispute during the life of their agreements, each expiring at

different times. Can you imagine the car industry, which may have over 500 different suppliers, potentially having a dispute every couple of weeks that could shut down their industry? Can you imagine a large construction site that may proceed for two years or more having a dispute at some time during the course of construction with each and every subcontractor, with each dispute causing delays and cost blow-outs?

As I mentioned earlier, the use of pattern bargaining is currently a strategy embraced by the federal government itself in relation to negotiating the pay and conditions of workers within the public sector. For instance, the federal government has just recently required universities to achieve specific outcomes in enterprise agreements in order to be eligible for supplementary salary funding. In this situation, the federal government has realised the benefits of industry-wide bargaining. It realises that it is often a more efficient and cost-effective way of undertaking its negotiations and achieving industry-consistent outcomes.

But, while the government sees fit to use pattern bargaining in its negotiations, it seeks to impose unequivocal restrictions on use by trade unions of the same procedure. The bill is just another example of an antiworker government. The government would have us believe that this bill has been inspired by the decision of Justice Munro in *Australian Industry Group v. Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union*. Justice Munro seems to be a most unwilling accomplice to the government's agenda. In his decision, Justice Munro said:

A common set of demands for conditions of employment, or for timing of negotiating rounds and outcomes is not sufficient in itself to establish that a negotiating party is not genuinely trying to reach agreement with the counterpart party.

It is for this reason that the government is pursuing the bill: quite simply, because it is the opinion of the independent umpire that pattern bargaining is not necessarily in itself a display of thwarting the bargaining process. This government has chosen to legislate in order to declare that it is and to outlaw it. Justice Munro demonstrated during the *Metals* case that the commission's discretion

to determine whether or not a party is genuinely trying to reach an agreement is available to be used in a wide range of circumstances. Justice Munro used section 170MW(2)(b) of the Workplace Relations Act, which specifically empowers the commission to suspend or terminate bargaining periods where a party is not genuinely trying to reach an agreement with the other negotiating parties. Justice Munro terminated bargaining periods against numerous employers because the relevant trade union was not believed to be signifying a genuine approach to the negotiation.

This legislation is not about empowering the commission to ensure that parties approach bargaining in a genuine fashion, because it already has that power. It is simply about outlawing a bargaining process that may afford workers across a number of enterprises similar outcomes which may be to their benefit. Likewise, the introduction of a new cooling-off period does not have much merit, as the commission already has the relevant power to order informal cooling-off periods under section 170MW. It has that power now if it is in the public interest and if it is to be of benefit to the negotiation.

If cooling-off periods were to have any relevance, they could be of use only where the commission itself has formed the opinion that it would genuinely assist the parties for this to occur. The last thing negotiating parties need is further bureaucratic systems of cooling-off periods that in many cases will simply not assist the negotiation or may even prolong it more than necessary. The Australian Industrial Relations Commission does not require a set of ideological rules with which to operate; it requires the power to compel parties to bargain in good faith. That is what is fundamentally lacking in our industrial relations system, certainly not the contents of this bill.

The Australian Labor Party is committed to an industrial relations system that embraces the notion of bargaining in good faith. That means empowering the Australian Industrial Relations Commission to require that parties meet face to face; attend meetings that have been organised; comply with negotiating procedures; disclose relevant infor-

mation to allow for an informed negotiation, subject to confidentially agreements; state their position on various issues; explain their position on issues; consider and respond to proposals made by the other side; and adhere to commitments given to the other negotiating party as to how they would progress matters. These are practical measures and commonsense. They are designed to reach agreement, not to make it more difficult to resolve, as this bill would have it.

In an increasingly global world and global economy, we must also be extremely mindful of our international obligations when we consider new laws. While the act as it stands does not comply with existing ILO conventions to which Australia is a signatory, the bill before us defiantly seeks to contravene those conventions even further. This government's proposal to outlaw multi-employer bargaining is unprecedented throughout the developed industrialised world. Nowhere are there restrictions on industry-wide agreement making like those that would exist in Australia if this bill were to pass the test of parliament.

This proposal and those of the past have been criticised by the International Labour Organisation and its Committee of Experts, a group of internationally eminent independent jurists. In fact, the Workplace Relations Act as a whole, as it stands unamended at the moment, has been condemned by the Committee of Experts for breaches of conventions 87 and 98 of the International Labour Organisation because of the excessive restrictions it places on industrial action in pursuit of multi-employer or industry-wide bargaining. It is important to note that the right to strike, to bargain collectively and to engage in and take industrial action at any level, be it national, industry or workplace, are now considered basic human rights and core labour standards. This bill clearly impedes those rights.

This bill is an unnecessary and unfounded attack on the rights of employees and unions, and it has a potentially detrimental effect on numerous industries and employers. There is no legitimate reason for the bill. There are no industrial circumstances that warrant such proposals. In fact, the passage of this bill

would make enterprise negotiations more difficult and cumbersome. Even where employers agreed that claims were socially desirable and industrially and economically reasonable, they could fall foul of the act. It is ill thought out and it should be rejected.

In the few moments I have left I want to address one thing that I have heard during this debate. A number of speakers have talked about the success of the current industrial relations environment and how all workers seem to have participated in the increases in wage levels. While that may be the case on average, it does not describe the full story. What we actually have in the case of an industrial relations negotiation is a power system where some people, predominantly organised labour, can in fact do quite well under a system that promotes individual enterprise bargaining but where those who do not have organisational power or who have no power at all for negotiating with their employer have been left behind.

**Senator McGauran**—No, they've got a choice!

**Senator MARSHALL**—They have a choice to go onto the poverty line. I know that is where you would like to have them. Cheap labour is what you would like to support and promote. It exists in and works for some countries, but it is not what Australian workers and our community want here.

**Senator Carr**—Feudal relations in Gippsland, that's what he wants!

**Senator MARSHALL**—That is what he wants. He wants a number of servants to put the silver spoon in and out of his mouth. Let us have a look at the metal manufacturing industry. It is worth taking a closer look at it, because it provides an interesting case study of the impact of enterprise bargaining on earning dispersions within occupations. During the 1980s, wage relativities remained almost constant. In 1983, for example, process workers under the metal industry award earned 82 per cent of the fitter's rate, a proportion that remained virtually unchanged in 1991. In the 1990s, however, this situation began to change as a growing disparity in earnings between those on agreements and those reliant on safety net increases began to

emerge. Since 1991, the cumulative growth in wages for the former has been in the range of 27 to 31 per cent, while the cumulative outcome for the latter has only been in the order of eight per cent in total.

In the decade from 1986 to 1995, male trades workers improved their wages by about 56 per cent in nominal terms, but this outcome favoured the more highly paid workers. Those in the lowest quartile gained only a 49 per cent increase, while for those in the top quartile the increase was 66 per cent. A similar pattern was evident amongst both male and female labourers, with the starkest difference occurring amongst the women. The difficulty with this is that we have a growing disparity between those who have and those who do not. There is more and more evidence being displayed every day in our communities that we have this underclass of working poor.

**Senator McGauran**—But they're not getting poorer!

**Senator Crossin**—How would you know?

**Senator MARSHALL**—You would not know, because I do not think you really come across many workers every day, Senator McGauran.

**Senator Carr**—Not in Collins Street, you don't!

**Senator MARSHALL**—And certainly not down on the farm, where he comes from. I really do not think that he ought to get up in this chamber and suggest that he has the interests of workers at heart when his government introduces what is clearly antiunion and antiworker legislation.

**Senator FORSHAW (New South Wales)** (6.27 p.m.)—Once again, we find ourselves debating legislation introduced by this government to pursue its ideological agenda to restrict the role of trade unions and deny workers the opportunity to collectively bargain. As we know, this has been an ideological obsession of the current Prime Minister from times well before he became Prime Minister, and it is an obsession that has been pursued by the government since it came to office in 1996.

This is not the first time that the contents of this legislation have been before this parliament. I will deal first with the [Workplace Relations Amendment \(Genuine Bargaining\) Bill 2002](#). On two previous occasions the government has attempted to introduce similar legislation, namely, the Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill 1999 and the Workplace Relations Amendment Bill 2000. One of the things that we note about this government's continuing attempts to wind back the entitlements of employees and the ability of trade unions to represent their members is the way in which it endeavours to create inventive, cuddly titles for its legislation. As we have seen, it once had the More Jobs, Better Pay bill, which did absolutely nothing of the sort.

**Senator Crossin**—Fewer jobs, worse pay!

**Senator FORSHAW**—It was about fewer jobs and worse pay. It also at one stage endeavoured to reduce the right of employees in small business to have access to unfair dismissal legislation. When that was defeated it brought the bill back again. It changed the title to the [Workplace Relations Amendment \(Fair Dismissal\) Bill 2002](#).

The first bill that I want to talk about in this cognate debate is called the Workplace Relations Amendment (Genuine Bargaining) Bill 2002. When you see a title like that in legislation introduced by this coalition government, the first thing you can pretty well predict is that it is going to have absolutely nothing at all to do with genuine bargaining and, further, that it is actually going to try and ensure the very opposite. Of course that is what this bill does. It has three key features. The bill seeks to place more and more emphasis on enterprise bargaining by making it harder and harder for employees to obtain access to protected bargaining under the act. The major thrust of this proposed legislation is to try and outlaw what has become known as pattern bargaining or industry wide bargaining.

The bill also seeks to give the Australian Industrial Relations Commission new powers to suspend bargaining periods for a specified time. That proposal will remove the

statutory protection available to persons engaged in industrial action in pursuance of a new workplace agreement. The irony of that last point is that the government—having spent the last six years taking away the powers of the Industrial Relations Commission, progressively stripping it of its powers and its ability to resolve industrial disputes by a number of means—now want to give the commission extra powers. But this time the extra powers that they want to give the commission are coercive powers; they are powers that the commission will be able to use to restrict the ability of workers to actually do what this government say they should be able to do—that is, to freely negotiate with their employers. I will come back to that in a minute.

The genuine bargaining bill provides, in particular, for the Industrial Relations Commission to consider whether industrial action during a bargaining period shows an intention to reach agreement with other persons in the industry. The bill specifies that such an intention would indicate that the organisation is not genuinely trying to reach an agreement with the other negotiating parties. This is what is otherwise known in the law as a strict liability offence. This bill says that, if the commission can determine that an organisation of employees is pursuing claims against a number of employers seeking agreement on the same claim—it is these days regarded, as I said, as pattern bargaining—those employees at that workplace do not have a legitimate intention to genuinely negotiate an agreement. Because somebody else might be seeking the same terms and conditions, the claim cannot be genuine.

The genuine bargaining bill will give the commission the discretion to order that a party who terminates the bargaining period may not initiate a new bargaining period in relation to the matters dealt with under the proposed agreement or may only initiate a new bargaining period on certain conditions. Further, the bill establishes what has been referred to as a 'cooling-off period'. I note that Senator Marshall, in his excellent speech, previously dealt with that aspect in some detail. I said earlier that it is ironic but it is actually really hypocritical for this gov-

ernment—having taken away a lot of the powers and the ability of the commission to intervene in industrial disputes, to conciliate and arbitrate on issues to resolve industrial disputes—to now say, 'Let's give the commission the power to suspend a bargaining period and call it a cooling-off period.' What is going to happen in the cooling-off period in those circumstances? It is all about endeavouring to frustrate the ability of the unions and the employees to negotiate their terms and conditions.

The Labor Party is opposed to the genuine bargaining bill and will be moving a series of amendments, as has been indicated, to seek to ensure that the right to bargain in good faith is recognised in this industrial relations legislation. We oppose the bill because it seeks to manipulate the role of the Industrial Relations Commission and limit its powers to resolve industrial disputes but at the same time give it powers which could be used in a coercive way to prevent employees and unions from pursuing their legitimate demands. The bill also sets up a situation where the discretion of the Industrial Relations Commission to deal with industrial disputes in the most appropriate way is further reduced.

Further on the genuine bargaining bill before I turn to the second bill we are debating, it is absolutely clear that this is just another political attack upon the trade union movement. The genuine bargaining bill does not have any underlying sense of fairness. It is one more initiative by a government seeking to find more and more ways to place impediments in the way of workers and their organisations to negotiate. Let us take this issue of pattern bargaining. The government says that we have to have a system of enterprise bargaining. This means that if employees at X company are seeking to negotiate certain claims and employees at Y company are also seeking to negotiate the same claims and they are all members of the same union, that cannot possibly be true enterprise bargaining and, therefore, should be outlawed. That of course attacks the collective nature of trade union representation in industries and across various employers.

Of course, that is not an ability that this government seeks to restrict for employers.

Constantly, in this country, employers and their organisations adopt positions uniformly across the industry, or even nationally, to oppose certain initiatives and certain claims in the industrial relations field. We are seeing that this government itself encourages employers and their organisations to do this. The minister is out there saying, 'You won't have paid maternity leave.' It will be over his dead body. He is saying to the employers of this country, 'Do not agree to paid maternity leave; don't negotiate it.' He is saying that that should be the policy position of the employers.

Organisations such as the National Farmers Federation adopt national policies with respect to their approach to particular industrial issues. In my former career in a trade union, I experienced it in negotiating with the NFF. They had a position that was the same for every single employer in this country, whether they were the poorest farmer or the wealthiest grazier. It did not matter. As far as their policy was concerned, no employee should ever get a wage increase. They had a policy which said, 'There shouldn't be any superannuation across the industry,' and they continue today to have policies and positions that are industry wide. It is a pattern across employers. Apparently this government believes it is all right for employers to adopt uniform positions, to go out there and argue and be supported by the government to oppose claims, but when unions seek to pursue initiatives across an industry that has to be outlawed. That is the great hypocrisy of this government's approach. There is one rule for unions and employees and an entirely different rule for employers. For employers, it is open slather.

In the remaining time I turn to the [Workplace Relations Amendment \(Secret Ballots for Protected Action\) Bill 2002](#), the second bill before us. This bill basically provides that anybody proposing to take industrial action must apply to the Australian Industrial Relations Commission for a secret ballot after a bargaining period has commenced. The application must contain the questions to be put in the ballot, including the nature of the proposed industrial action. The Australian Industrial Relations Commission must,

if practical, determine the application within two working days, and parties may make submissions to the Australian Industrial Relations Commission about the application. The AIRC must not allow the application unless it is satisfied that the applicant has been and is genuinely trying to reach agreement with the employer. The commission has a discretion to refuse a ballot on certain grounds, and the commission may order a ballot. Applicants are liable for the cost of the ballot. The legislation also provides that, for industrial action to be protected, 40 per cent of eligible voters must vote. This is the quorum requirement, and a majority of valid votes cast must authorise the action. I note that the quorum that is required in these secret ballots is more than the quorum that is required for this parliament to function. Forty per cent of eligible voters must vote for any decision to be valid. So this government is seeking to set a higher benchmark, a higher hurdle, than this parliament has set for itself.

Once again, this is simply legislation that is trying to frustrate the role of registered organisations—democratic trade unions—in being able to carry out their legitimate responsibilities of representing their members and of representing workers. It never ceases to amaze me that this government constantly attacks the very existence of the trade union movement. The minister responsible for this legislation in the Senate, Senator Alston, who is at the table, constantly vilifies the trade union movement. I will always keep reminding him that he may not like trade unions and he may not like the fact that they are associated with the Labor Party—and that is probably his real problem—but trade unions are a fundamental, inherent part of any democratic system. It is ultimately the dictators who attack collective bodies—whether it be trade unions, churches or political parties—to get their way. I would at least hope that one day this government might recognise that trade unions play a very constructive role in democracies around the world, and indeed are often fighting for the restoration of democracy.

This legislation is in line with a promise made by Robert Menzies in the 1949 cam-

paign. He proposed to introduce similar measures to wind back the rights of employees at that time. So one thing, at least, is consistent about the current Prime Minister, Mr Howard—that is, Mr Howard is always looking back at past days.

Again, I contrast these proposals, which would put severely onerous and indeed unworkable prescriptions on workers and trade unions and their members, with the system that exists in the business community. First of all, trade unions are democratic registered organisations, and their members vote for their officials. That does not happen necessarily with employers. Indeed, where votes do take place, such as at annual general meetings of companies, you often find that the chairman holds thousands and thousands of proxies. The shareholders who do attend the annual general meeting may have a vote but they are probably not going to carry the day if the chairman is holding all the proxies that he or she has been given to exercise.

**Senator Alston**—That is democratic; they just didn't turn up.

**Senator FORSHAW**—Senator Alston says that that is democratic; they did not turn up. Senator Alston, why is it then that this government is proposing that there has to be a minimum of a 40 per cent quorum in the vote in a secret ballot of trade union members, or employees, before it can have effect? Why is that the case? That is your proposal. You are putting an onerous condition on workers that does not in any way exist for companies.

Furthermore, as we know, there is no provision for requiring secret ballots when the major corporations in this country make decisions that can affect the lives of all Australians and affect the economy, that can have a far greater impact on the national interest than an industrial dispute at one workplace can. Those sorts of decisions can be made in the boardrooms and have huge impacts, as we have seen in recent times in this country and in America. They can have catastrophic consequences on the economy. But where is this government putting extra control and extra regulation on the way those corporations exist?

My point here is that I am not in any way engaging in an attack upon the corporate world. Contrary to the belief of some members of the government, we support and encourage business, because it is ultimately through the existence of vibrant small business and large business and the private sector as a whole in this country that more people will be employed. But there has got to be consistency, and it is about time that this government stopped focusing on trying to find more and more ingenious ways to attack trade unions and their members and workers in this country and maybe started addressing some of the real issues that affect employees and their families in this country, issues such as the huge corporate collapses that have been brought about by maladministration and, indeed, corruption and other practices in some of our major corporations.

Debate interrupted.

## DOCUMENTS

### Productivity Commission

**Senator STEPHENS (New South Wales)**  
(6.50 p.m.)—I move:

That the Senate take note of the document.

I wish to take note of the Productivity Commission's report on the Job Network tabled today. I draw the attention of senators to the recommendations of the review and the important issues that are raised within the review about servicing the long-term needs of our unemployed people in Australia. The overview of the report identifies many aspects of unemployment that are often forgotten. It states:

Unemployment increases poverty and inequality, it erodes people's skills and reduces social capital, economic output and national income. Many unemployed people feel demoralised and socially alienated.

It continues:

Young people with unemployed parents have worse educational and work outcomes compared with their peers.

The feelings of frustration and depression that many unemployed people experience are aptly summarised in the following quote from a young unemployed person:

You lose respect, you lose dignity, you're humiliated, you're in despair, you're embarrassed,

you're angry, you're frustrated and finally you just don't care. You just don't care. All this stuff leads to loneliness, alienation, feeling of inadequacy. You get very suicidal. I tend to. I am very angry.

That is certainly the experience that I had in the long period of time I spent working with the long-term unemployed in regional New South Wales. It is obvious that unemployment is a very complex issue and that labour market assistance needs to be flexible and responsive.

Australia was one of the first OECD countries to introduce market-type mechanisms into its employment services. The Job Network started in May 1998 and involved opening up public employment services to full contestability, involving private and community providers tendering to participate in the system. It uses a purchaser-provider model to deliver active labour market programs that include job matching, job search training and intensive assistance. The job matching service is open to nearly all unemployed people. Generally, those who have been unemployed for some time are referred to job search training. Others are referred to intensive assistance if they have significant difficulty in gaining employment.

The Productivity Commission report has called for incremental reforms to the Job Network, highlighting that, among other things, many job seekers participating in the intensive assistance strand are receiving significantly less support than they should receive and recommending that a system that better targets the needs of job seekers must be established. The review refers to this and advocates an active participation model which has a strong potential to address what is known in the labour market assistance world as the 'parking' problem.

An active participation model, or milestone program, is directed at a select group of job seekers who have a particular set of obstacles to work. The program tackles each set of identified obstacles to work—for example, poor literacy skills—with payments to service providers and allows the individual's obstacles to be overcome stage by stage as opposed to the current practice of parking those job seekers without assisting them to

improve their skills. A second significant recommendation addresses the issue of Job Network providers being able to re-refer their parked clients to other programs if they think they cannot help them. This is quite a significant shift which will allow new risk categories to be developed or for more appropriate referrals to be made in the first place.

The important option for rural and regional communities that is referred to in the report relates to the opportunity for people to participate in community work or with Green Corps as an alternative to intensive phases of assistance. The competitive tendering aspect of the Job Network is referred to as expensive for providers and disruptive of services, and the recommendation about licensing is a very sensible one. I urge the government to adopt the recommendations of the review and to continue to provide a range of options, particularly for the long-term unemployed. While it is a very heavy tome, with 550 pages, I commend the report to all senators as a very valuable piece of work.

**Senator WEBBER (Western Australia)** (6.52 p.m.)—I would also like to take note of the Productivity Commission report on the Job Network. As mentioned by Senator Stephens, the Job Network commenced in May 1998 and involved the opening up of the provision of employment services to the private sector as well as to the government and community based sector. However, it seems to me that in its quest to save money the government has lost sight of the people who most desperately need the assistance of Job Network—that is, the long-term unemployed.

A recent OECD report about the Job Network, released last year, highlighted the fact that, although the network has apparently saved the government money, glaring structural problems still remain. Job seekers are often unable to choose which provider they would like to use; indeed, many employers have insufficient awareness of how the Job Network works. The implementation of the network has also greatly disadvantaged people from my state of Western Australia, particularly in regional Western Australia. Because of our smaller market, job seekers in,



say, Kalgoorlie or Merredin do not have the same access to services as job seekers in Perth. Where employment services are available in regional WA, they do not provide the range of services required, simply because it is not cost effective for a private operator to provide them.

Looking at the role of competition within the provision of employment services, it seems to me that competition only works when all markets are equally contestable. That is clearly not the case in places like regional Western Australia. In fact it is absolutely not the case: Perth is far more attractive not only because of its geographical position but also because of its population size. Perth is far more attractive to a provider than, say, the wheat belt area of Western Australia. It also seems to me that the government's plan means that, regardless of a person's individual barriers to employment—whether they be language difficulties or simply the tyranny of distance, as is often felt by people in Western Australia—the same solution is offered across the board by the Job Network. I am sure that is of great concern to all Western Australians.

The government has also neglected the unemployed by providing financial incentives to assist only those people who do not have a job at all. Therefore, people who work fewer than 15 hours a week are effectively excluded from the government's definition of an 'eligible job seeker'. So people who have taken part-time work because it pays the bills or because there was nothing else available at the time are unable to access the service to try to find something better. This was not the case when it was a government or community based service provision model. So it is not surprising that the long-term unemployed also have an increased feeling of being abandoned by the government. Indeed, under the employment services contract No. 3, access to substantial outcome payments is deferred until the job seeker has been out of work for two or three years. By that time, the job seeker has gone from being unemployed to being long-term unemployed and is significantly worse off in every sense of the term.

These people need help now, and they should not be forced to wait until the problem has been allowed to deteriorate to an almost irretrievable position. The resultant barriers facing these job seekers are so severe and the likelihood of success in finding a job so low, particularly if they are in regional Western Australia, that it is not economically viable for Job Network providers to help them. Emphasis has always been placed on outcome payments since the establishment of this supposed solution of the Job Network. Once a job is found a payment is made by the government to the provider for a 'job well done.' So where is the incentive to help those for whom it is much harder to find work, such as the long-term unemployed? More incentives need to be given to providers to deliver programs that better reflect the needs of the long-term unemployed. This is also true for the plight of the more mature Australians who, once out of work, are almost guaranteed never to find work again. At least that seems to be the view of this government, as it refuses to invest in the needs of these people. The Job Network effectively neglects the long-term unemployed, the underemployed, anyone from a non-English-speaking background and anyone who lives outside a metropolitan area. (*Time expired*)

Question agreed to.

**Attorney-General's Department:  
Australian Government Solicitor**

**Senator ROBERT RAY (Victoria)** (6.58 p.m.)—I move:

That the Senate take note of the document.

When we are dealing with this particular institution it reminds me of the difficulty that this chamber has, and indeed both chambers have, with the provision of legal advice to government. What we have seen emerging as a pattern over the years is that advice provided by the Australian Government Solicitor's office to the executive is only ever published when it unambiguously backs up the government's point of view and when the government is under the political cosh on a particular issue. It is then that we find ministers coming into this chamber and tabling legal advice. They always say, 'This is done without precedence,' and that this does not

set a precedent for the future that they will do it on all occasions. In other words, it has become a total convenience. However, if they are criticised on a matter and we have said, 'We don't know whether this particular piece of legislation will be legal under the Constitution,' they often say, 'We have had legal advice on this.' We ask them to produce it and we get their weasel words saying, 'It is not the normal practice of government to table this advice.' This place does run by convention, but this is one convention on which I think it is time we went in a different direction. I think that any time the executive get legal advice, especially as to the constitutionality of a piece of legislation, they should be bound to table that advice in this chamber—not just when it suits them but on all occasions.

It would be difficult to argue that the legal opinions that come out of the Government Solicitor's office are without flaw. On many occasions in the past we have seen them with flaws. The number of times that I as a minister got a letter from the Attorney-General's Department that started: 'Minister, on a better view ...' and they have changed their minds. You would have acted strongly and vigorously on the previous legal advice only to find that it was changed. A lot of that would be benefited by publishing the advice so it can be examined by others. We know government departments are more and more often going outside the Australian Government Solicitor's office for advice.

**Senator Carr**—What are these panels they are operating?

**Senator ROBERT RAY**—Senator Carr raises the question of legal panels. These legal panels are set up because you cannot go through a bidding process, Senator Carr—it is so enervating and so expensive—so you go for the panel approach. What you are trying to do then is concentrate expertise over three, four or five legal firms. For instance, how many legal firms are experts in electoral law at the moment? Very few. So if you want to go to the Court of Disputed Returns you come to an old political pro like Senator Carr who has it all in their head, not some QC, because there are not specialists in these areas. But if we actually publish some

of these legal opinions—and I am not talking about publishing a government legal opinion that is critical to their defence in a High Court case; I would never conceive of doing something like that—if it is just on the constitutionality of their bill, let a thousand flowers bloom here. Let us put it on the table, let us have it debated and let us do it consistently.

This government may well say, 'Why should we cut the Gordian knot? No other government has done it.' They should do it because there is such a thing as progress. Every time you hear ministers in this chamber bleat, 'You didn't do it in the previous government.' Government is all about progress and change over time. And you get to a point where you should do new things and they should be welcomed. But instead we have an attitude of almost executive cowardice here. They want to hide behind legal opinions produced by not necessarily the greatest legal minds in history in this office. They are good triers—I concede that—but most people would say that if they had a little more brilliance they would probably be practising at law or indeed even seeking Senate preselection in certain cases.

**Senator Carr**—For the Liberal Party.

**Senator ROBERT RAY**—For anyone, for that matter. You cannot just restrict it to the Liberal Party, although they do have a predominance there. The point I am really making about these corporate goals is that on these particular issues it is better to go the open route. It would be better for the governance of the country, better for the role of this chamber and, in the end, better for the executive itself. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**United Nations: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

**United Nations: International Covenant on Civil and Political Rights**

**Senator BARTLETT (Queensland)** (7.03 p.m.)—I move:

That the Senate take note of the documents.

I also signal, in passing, my concurrence with the comments made by Senator Ray on the previous document. These documents are a range of communications under the convention against torture. I should probably specify—it is probably a little misleading on the Senate *Order of Business*—that there are three under the convention against torture and three that relate to the International Covenant on Civil and Political Rights. I rise to speak on them because I think it is important to note the nature of these documents and the nature of the conventions under which they apply.

I have pointed out a number of times in this chamber that, whilst Australia is a signatory to the convention against torture, which amongst other things at its fundamental level obliges Australia not to return somebody to a situation where they face torture or have a genuine likelihood of facing torture, that obligation is not incorporated in Australian law. So when people seek a protection visa under the Migration Act for protection from persecution the criteria that are applied by the migration department and, if necessary, by the Refugee Review Tribunal relate solely to the criteria outlined in the Migration Act, which refers only to the refugee convention.

The convention against torture or, to use its full name, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is not specified under the Migration Act. The migration department and the Refugee Review Tribunal are not obliged and indeed not empowered to take that broader protection into account. The only mechanism people can use to engage the protection that Australia is obliged to provide under the convention is to seek ministerial discretion. Minister Ruddock has sometimes provided that discretion and has certainly done so much more frequently than previous ministers. Nonetheless the person's fate is quite literally in the hands of the minister of the day. That, I think, and the Democrats think, is inadequate. It is an inadequate protection. It is not a protection that can be enforced by law at all. The minister's discretion is non-compellable and non-reviewable. The minister does not even have to consider

a request for protection, let alone act upon it. In the Democrats' view that is an inadequate protection for somebody given that Australia is a signatory to this convention, as it should be. It is an important convention.

A basic principle that most if not all Australians would agree on is that a person should not be removed or put at risk of being sent to a location where they are at genuine risk of suffering torture or other cruel, inhuman or degrading treatment. Having said that, I should note that these three communications from the committee that oversees the convention against torture determine that the government has not breached its obligations under the convention. In the interest of balance it is appropriate for me to point out that on these three occasions the government's actions have not breached the person's obligations and they were entitled to remove the person from Australia.

The Democrats' position has always been that people who are entitled to stay here because of their need for protection against persecution should be able to do so without excessive legal rigmarole and without being purely at the mercy of the minister. Those changes to the law need to be made but, at the same time, if people are not entitled to protection under these conventions and have no other reason or entitlement to stay in Australia, they should be removed. That is how it should be if you have any orderly system of migration, and we support that, but we do believe we need a stronger system for ensuring people's rights are protected under the international conventions that we sign.

Question agreed to.

#### ADJOURNMENT

**The ACTING DEPUTY PRESIDENT (Senator Brandis)**—Order! It being 7.09 p.m., I propose the question:

That the Senate do now adjourn.

#### **Information Technology: Singapore**

**Senator TIERNEY (New South Wales)** (7.09 p.m.)—Mr Acting Deputy President, I congratulate you on your rise to high office. I rise tonight to speak on Singapore's position in relation to information technology and education. I recently met with top Singaporean information technology experts and

school and library officials to discuss their approaches to tackling the roll-out of the information age. Senators will recall that the Senate currently has two inquiries into information technology under way—the first into information sources and the second into information transmission. Hearings will take place later this year, and the Senate Environment, Communications, Information Technology and the Arts References Committee will report back to the Senate around Easter 2003. It was therefore timely to examine Singapore's approach, which provides us with an excellent model for consideration when we discuss Australia's future direction in this information age.

Singapore is a major IT hub for the whole of Asia. The whole island being so small, it is very easy to wire up, and Singaporeans are very keen for outside cables to come in and link them to nearby countries. This highlights Singapore's desire to be the IT hub of Asia. Two years ago it introduced a legislative regime allowing a more liberal foreign investment system, and there are now 35 carriers and over 300 service providers in Singapore. It has also installed infrastructure that is ahead of demand and it is leading the world in wireless technologies such as m-commerce—mobile commerce. It has made a determined effort to overcome the digital divide between the rich and the poor. There is a pervasive computing goal to apply technology as widely as possible across Singaporean society. E-literacy rates are already at 55 per cent, and the national goal is to push these to 65 per cent by 2005. An example of the pervasive technology that will be developed is the smart house, with very advanced types of applications enabling you, for instance, to make your home fridge cooler from the office.

Such high-level applications are being developed not only in the home but also in schools and libraries. They have a master plan to fast-track the use of IT in the curriculum, in teaching and in the administration of schools. All schools now have one terminal to every two pupils and one notebook to every two teachers. Pre-service programs have been coordinated with in-service training resources being put into this system.

They have also integrated IT systems across their schools, they have contractors to develop IT solutions in each school and each school has an IT assistant on top of that. They have put strategies in place that will actually solve the problem of the lack of 'withitness' on IT issues that often exists in schools. They envisage that up to one-third of the curriculum will be available using IT by 2005. They are also rolling out a number of demonstration schools for IT at the moment and they hope that this will flow right across the school network.

The National Library of Singapore is playing a very impressive role in the roll-out of the information age. It started as the Raffles Library in 1871. Over the following 90 years there was not very much change, but in the last 30 years there have been some dramatic changes, particularly with a very extensive and comprehensive library network across Singapore which is trying to reach out to all people right across society and bring them into the information age. The system includes one of three university libraries, a professional library and 36 branch libraries, including one located in a shopping mall, which I visited. This lifestyle library is pitched to the 18- to 35-year age group. In the mall you enter the library through a coffee shop where a lot of young people were studying and drinking coffee. This provides a much more user friendly entrance than the traditional library.

The Prime Minister of Singapore has decreed the development of a 'take it to the people' approach which should also be extended to those not so well-off living in the big high-rise housing estates. An interesting strategy has been developed for children, in which 40 of the tower blocks people live in have children's libraries on the ground floor which include not only play areas, reading rooms and your normal library but also up to 20 computer screens where children as young as four can start down the path of e-literacy at a very early age—initially by playing games, but moving up from that.

Also being created across Singapore is a string of learning spaces. Often these are in rented places in shopping malls and, as well as books, they have up to 120 computer

screens for adult and community education. Education, especially retraining, is going to be a major underpinning of the future development of the Singaporean economy. These learning spaces will play a major role in re-training and upskilling the work force, and extending IT skills to those that are still on the wrong side of the IT divide.

Through the library outreach spaces, they are driving e-literacy on five levels. The first level is basic IT; the second is information and computing; the third is business uses; the fourth is e-careers, for example helping people develop the skills to be a web master; and the fifth is specialist IT applications, such as Cisco engineering. From the bottom to the top, through this adult education approach people can plug in at whatever level they are up to and advance their IT skills. With this very advanced community education model, people can develop all levels of IT training. This is all driven out of the extended library structure of Singapore. They feel this approach will work because libraries are perceived as being non-threatening education environments.

I also had the opportunity to observe how smart IT technology is revolutionising the workplaces in Singapore. For example, there is a very large emphasis on efficiency in the library. By using this new technology in clever ways, they have managed to improve efficiency by 30 per cent. But they did not fire 30 per cent of their staff; they extended the reach and services of the library and developed the skills of all their staff. Some of the devices they have are quite neat: the use of smart cards and tagging systems for checking books in and out. You do not actually interact with people when you do that in the Singapore libraries. All the fines are also distributed automatically, and queues have disappeared. They have actually abolished form-filling at the National Library of Singapore. Staff used to fill out about 70,000 forms a year, for sick leave and all sorts of other things. That has now all gone. Everything is done with smart cards and entering data on the computer. As I have stated in this place before, education and access to information can have a major effect on economic development and the efficient way in which

our economy works, particularly in this developing information age. We should take these lessons from Singapore into account when we plan for Australia's IT future.

#### **Immigration: Border Protection**

**Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate)** (7.18 p.m.)—This is the second of three speeches I will be making about the government's people-smuggling disruption program in Indonesia. The AFP is not the only agency to be involved in disruption activities. I have been trying to establish what role DFAT, ASIS, Defence and the immigration department play in the more active element of disruption. So far, most of the evidence about the more active element of disruption has come from the AFP. However, some evidence the AFP gave to the Senate committee and the Senate estimates hearings was contradictory and misleading. Commissioner Keelty told the CMI committee that the AFP have no police powers beyond Australia's borders. Furthermore, the AFP could not direct Indonesian police or other Indonesian authorities to disrupt people smugglers and asylum seekers. They could only seek their assistance and cooperation.

But in the case of Kevin Ennis this is clearly not what is occurring in Indonesia. The AFP have admitted that Kevin Ennis, in conjunction with the Indonesian police agency POLDA, was engaged in strategies designed to interdict asylum seekers where possible before they could depart for Australia. This appears to be exactly what the policy of disruption sets out to do. We know that the AFP works closely with the Indonesian National Police, Indonesian Immigration, and the Indonesian navy, army and marines when it comes to pursuing organised people-smuggling activities. But it is still unclear who else is involved in disruption and whether any other Australians are also involved. The AFP has said that no payment is made to the Indonesian authorities for carrying out disruption activities. As Commissioner Keelty told the CMI committee:

We do not ask them to carry out a task and then pay for them to do the task. There is a level of cooperation that we have with them under the protocol ...

He also said:

... the AFP paid no moneys to any government agency in Indonesia to have them disrupt the activities of people-smuggling organisers.

However, Commissioner Keelty did confirm that the AFP provides equipment, training and costs in travel to those Indonesian authorities involved in disruption activities. For instance, the AFP's Law Enforcement Cooperation Program provides training and equipment to the Indonesian National Police. Five teams of the Indonesian National Police have been established through this program and are directly involved in disruption activities.

Commissioner Keelty also told the CMI committee that AFP informants were only paid to provide information about the location of passengers and the activities of organisers. He said 'no money has been paid to anybody specifically empowered to intervene' in people-smuggling. But as a result of an investigation into the activities of Enniss, the AFP confirmed that they were aware Enniss purported to be a people smuggler in Indonesia. They also admitted to knowing that Enniss had taken money from asylum seekers on at least one occasion. According to the *Sunday* program, Kevin Enniss has also confessed to paying Indonesians to sabotage vessels. I ask the question: are these activities—sinking boats, taking asylum seekers' money and purporting to be a people smuggler—illegal? Commissioner Keelty has told the CMI committee that it has not come to the AFP's attention that they were doing anything unlawful or inhumane.

But we know that both the AFP'S investigation into Kevin Enniss—which we have only seen a summary of—and the *Sunday* program's investigation have clearly indicated that at least one Australian was involved in disruption activities of a highly dubious and probably criminal nature. Now that these admissions have been made by the AFP, there is only silence. Since the *Sunday* program revealed that Kevin Enniss may have deliberately sunk asylum seekers' vessels, there has been no response from the AFP, any other government agency or the government itself.

Legal advice given to the *Sunday* program indicated that the behaviour alleged of Mr Enniss is probably criminal, and that the AFP has probably also acted outside the law. Highly respected legal expert Professor Mark Findlay said of Mr Enniss on Channel Nine's *Sunday* program:

Well, under Australian law if he's a people smuggler it's a crime. If he's not a people-smuggler but purporting to be one, that's a misrepresentation. And to obtain a financial advantage as a consequence, that's a crime—you can't have it both ways.

Professor Findlay also rejected the AFP's claim to the Senate committee that the AFP and Enniss are protected by controlled operations legislation, which means that there are grounds to suspect that the AFP itself may have been involved in, or may have authorised or condoned, activities outside of the law or even in breach of Australian law.

In this regard it should be noted that amendments extending the controlled operations provisions of the Crimes Act 1914 to cover people-smuggling offences only entered into effect on 1 October 2001. Beyond the activities of Kevin Enniss, I believe there are serious questions about the disruption program and the behaviour of certain Australian agencies in Indonesia. Commissioner Keelty claimed that he was fully accountable for the disruption program, but it appears that no procedures have been put in place to ensure nothing untoward or illegal is occurring or has occurred. There seem to be no accountability mechanisms in place at all, with most of this activity taking place outside of Australian legal jurisdiction. I asked Commissioner Keelty at the CMI committee hearing:

What accountability, controls and constraints are on those Indonesian agencies that are conducting this activity? How are you satisfied that those activities are conducted in an appropriate way?

Commissioner Keelty answered:

That is not for me to say. I do not have any power over the Indonesian authorities.

Commissioner Keelty said:

The AFP, in tasking the INP to do anything that would disrupt the movement of people smugglers, has never asked—nor would it ask—

them to do anything illegal. If we became aware that they were doing something illegal or something that was inhumane, it would be brought to our notice and we would ask that they not do it that way. The difficulty is that, once we ask them to do it, we have to largely leave it in their hands as to how they best do it.

Commissioner Keely also said that he has not sought legal advice about the disruption activities in Indonesia. It is therefore difficult to understand how he can claim to know definitively that none of the activities are illegal or improper. It is now time for ministers to front up and explain to the parliament their knowledge of, involvement in and authorisation of the disruption activities in Indonesia, and the detail of those activities.

We do know that Minister Ruddock has been involved. Nelly Siegmund from the immigration department indicated to the CMI committee that she had briefed Minister Ruddock about AFP reports relating to 'Indonesian involvement in being able to stop certain vessels from departing'. In general, immigration officials at the CMI committee were vague about their knowledge of disruption, mainly referring to information campaigns. This contrasts with Minister Ruddock's release of a background paper outlining the policy of disruption. It notes that 'disruption during transit' includes 'interception at the actual point of attempting to continue their journey, either by sea or air'. Minister Ruddock should detail his involvement to the Australian people, as should the other ministers involved—the Attorney-General, the Minister for Justice, the Minister for Foreign Affairs and the Prime Minister.

We know from the select committee's work that the Prime Minister established the People Smuggling Task Force in his department to share high-level information, and we know that this task force discussed disruption activities on a number of occasions. What briefings did this task force provide to the Prime Minister about the nature and extent of disruption activities undertaken by, or condoned by, Commonwealth agencies? On 27 September 2000, Senator Ellison, the Minister for Justice and Customs, issued a ministerial direction to the AFP to give special emphasis to countering and otherwise

investigating organised people-smuggling. What does Senator Ellison know about how this directive was put into operation?

Section 6(1)(e) of the Intelligence Services Act, which commenced on 29 October 2001, requires the foreign minister to put into writing any ministerial direction authorising the Australian Secret Intelligence Service to engage in so-called 'other activities'—that is, any activities relating to people or organisations outside Australia other than intelligence collection. Disruption activities would be 'other activities' for ASIS under the provisions of the Intelligence Services Act. The question of provision for the authorisation of 'other activities' was certainly a government priority when the Intelligence Services Bill was before the parliament last year.

It is now time for the Minister for Foreign Affairs to confirm to the Australian parliament whether he authorised the Australian Secret Intelligence Service, either prior to or following the commencement of the Intelligence Services Act, to engage in disruption activities, and, if so, to explain what sort of disruption activities took place. Of course, direct parliamentary scrutiny of the role of ASIS is not possible. Nor is it possible for the joint committee to examine these matters. It is also possible that such an examination falls outside the powers of the Inspector General of Intelligence and Security. If ASIS is involved, the critical aspect would be the behaviour of its agents, not its intelligence officers. Ultimately, supervision and responsibility in this area lie with the foreign minister. If ASIS has been involved then in my view the Minister for Foreign Affairs should brief the Leader of the Opposition on this subject. (*Time expired*)

#### **Disabled Persons**

**Senator ALLISON** (Victoria) (7.28 p.m.)—I will speak tonight on the subject of people with disabilities and the very significant unmet need in that group. I want to refer to a document entitled *Broken promises, shattered lives: a snapshot of unmet need of people with high support needs in their families*, which was put out by the National Council on Intellectual Disability in June this year. A number of points were included in

that report. The first is that the personal and financial costs to families of intellectually disabled people are high, as is the potential cost to governments of lifetime care for those people. We consistently underestimate the efforts that are put in by the carers of people with disabilities; in this group in particular these are very long-term caring responsibilities.

After 10 years of the Commonwealth State Disability Agreement there are still a very large number of people with high support needs who urgently need services. This may sound like a broken record in this place, and I am sure that the government is sick of hearing about it, but we must not forget the seriousness of the situation. For that reason I remind honourable senators of that unmet need. In fact, under the CSDA—the Commonwealth State Disability Agreement—we have seen an increase in the level of unmet need. Obviously, that forum, that agreement, that mechanism to develop a unified plan for addressing unmet need has failed us. More likely, the CSDA has provided Commonwealth and state governments with an excuse to avoid responsibility. The classic buck-passing has come out of the CSDA. The National Council on Intellectual Disability says that the CSDA has allowed the Commonwealth to provide fewer employment services to disabled people who have high needs. Instead, this funding has been used to provide support to people who are not eligible for the DSP. This is despite the CSDA being explicit that the provision of employment support should come from the Commonwealth.

If the third Commonwealth State Disability Agreement does not address the failures of previous agreements it has failed as a framework to meet the needs of people with an intellectual disability and their families. The current government has not shown a serious commitment to supporting all Australians with disabilities. It is estimated in my home state of Victoria that there are over 5,000 people with an intellectual disability who have unmet needs. Nationally, that figure is estimated to be just under 30,000 people. Whilst most states report an increase in services, because of the ever increasing

number of new people registering their needs, there has been very little impact on unmet need. Some states have argued that services for intellectually disabled people have actually decreased.

In Victoria, Commonwealth initiatives were developed and implemented with significant additional funding from the state government. The main new initiative was home first packages, which aimed to support people to live in the community by providing up to 34 hours per week of support in their home or community. But only people with an urgent status on the Victorian Service Needs Register were eligible to be considered. Whilst these packages were effective for some families, for the majority the packages were not a suitable long-term option. The majority of families remained waiting on the Service Needs Register for appropriate support, and a large proportion of those who missed out were intellectually disabled people. The Commonwealth funding did not include 24-hour residential care accommodation.

The Service Needs Register currently has on it over 3,000 people in Victoria requiring accommodation support. The average waiting time for people who are placed on the Service Needs Register for receipt of an accommodation placement is over two years, exactly 810 days. All of these people are considered to be in urgent need—in other words, in very difficult or crisis situations, such as where a parent or a carer has died, accommodation puts them at risk or parents are ill. I think this is a disgraceful situation. The Senate Employment, Workplace Relations and Education References Committee is currently looking into services for students with disabilities. After seeing some of the people in this category who would in many cases leave their special school and return home, I was reminded of the very significant level of care that such people need and of the enormous effort that parents need to put in. Overall, the level of services in Victoria has increased, but the number of people receiving placements in the last few years, even with increased funding, is far fewer than the number of people registering their urgent need on the Service Needs Register.



A major issue impacting on addressing unmet need is the government's expansion of target groups for programs—in other words, putting all disabilities into one group. The Commonwealth government has contributed a total of \$152 million over two years to deal with unmet need, but this was on the basis that the states match the figure dollar for dollar. One of the main concerns raised by ageing carers was respite care. In a survey of focus groups, they said that respite care was useful and appreciated, centre based respite was needed, as well as in-home respite and packages, and residential arrangements where the carer would be allowed to begin withdrawing from the primary role and was assured of future care arrangements would be greatly appreciated. Typically, these are the main questions asked by ageing carers: 'When can I retire from this job? And, if I can't, what happens when I die?'

We know that carers' health can suffer from lack of support, particularly feelings of abandonment by the wider community. Many carers felt that the aged care system was a better system because it offered more choices for clients and carers. No one service type guarantees quality and responsiveness. People want the right to choose the option which most suits them and their environment. To do this, a flexible service model is needed, desired and would be appreciated. To achieve this, a flexible funding model is also needed. Many non-government organisations working within the disability field are severely underresourced, and this can affect the quality of service offered to disabled people.

The Commonwealth State Disability Agreement needs to move from crisis management to proactive planning and case management to succeed. It is conservatively estimated that, in 2001, 12,500 people needed accommodation and respite services, 8,200 places were available for community access services and 5,400 people needed employment service support. People needing assistance with ongoing care, mobility or communication are growing in number, and they are ageing. Between 2000 and 2006, it has been estimated that those aged under 65 years will grow by nine per cent, those aged

15 to 64 years by 12 per cent and those aged 45 to 64 years will increase by 19.3 per cent, or 59,500 people.

There are a large number of people with disabilities using services for the homeless. Disability related pension recipients accounted for 17 per cent of all Supported Accommodation Assistance Program clients in 1999-2000. Repeat use of SAAP services was highest for disability related pension recipients, with requests for accommodation support at 76 per cent and other support, at 82 per cent, being the primary reason for seeking assistance.

Insurance impacts on CSDA: people who are excluded from benefits because of insurance concerns create pressure on government schemes like the DSP. Insurance costs are also impacting on non-government organisations and the work they do. Transport needs, if not met, affect participation in the work force, day programs and general community activity. And equipment and environmental impacts are often overlooked as a way to assist carers and those with a physical disability. Respite services are reported to be significantly supported by the unmet need funding—7,400 people in 2000-01. The estimate of unmet need for accommodation support including in-home support and respite services is 12,500. It was estimated that 5,300 primary carers in the target group of bilateral agreements had never either received respite or wanted it, or had received it in the previous three months and wanted more. The list of unmet needs goes on. (*Time expired*)

#### **Agriculture: Cairns Group**

**Senator FERRIS (South Australia)** (7.38 p.m.)—As we read today about the effects of the devastating drought on Australian primary producers, I think it is worth remembering that we are still focused on the future of our agricultural producers in a world context and in trying to gain for them freer and fairer access to world trade. In that context, I would like to acknowledge the recent push by the Cairns Group to increase global market access for our agricultural products. It reflects our government's highest priority in trade, and that is to make our trade opportu-

nities for primary producers more open and more fair.

The Cairns Group was formed in 1985. I am very proud to say that I was a member of the staff of the National Farmers Federation at the time the then Minister for Trade, the Hon. John Dawkins, established the Cairns Group, which now comprises 18 member countries, led by Australia. Australia has always played a lead role in the Cairns Group and our current Minister for Trade, Mark Vaile, is chair of the Cairns Group at present. We are always arguing through that group for fairer and freer access for our agricultural products. We are currently campaigning through the Cairns Group for substantial improvements in our agricultural trading circumstances, with the objective of achieving significant improvements in market access across the board and moving the negotiations in the World Trade Organisation forward as quickly and as productively as possible.

The latest Cairns Group proposal would deliver very substantial new market access opportunities not only for all Australian farmers but for farmers around the world. We want to address the high tariffs, the tariff escalation and the tariff peaks in agriculture. We also want to allow increased access to world markets for efficient farmers, including those in developing countries who rely heavily on agriculture for their economic development. In that context, Senator Troeth and I will be representing Australia at the International Conference of Women in Agriculture, which takes place during the parliamentary break, in Madrid, Spain, and we look forward to progressing these issues in that world context.

The World Bank's global economic prospects report estimates that abolishing all trade barriers could boost global income by \$US2.8 trillion and lift 320 million people out of poverty around the world. It is the old trade versus aid argument: if we increase the amount of trade access for Third World countries, we are often able to assist them more effectively than if we continue to just give them aid. The benefit to developing countries from trade liberalisation would be eight times all of the debt relief granted by

the developed world. Some people claim that this is not politically realistic. I prefer to believe that it is realistic and I remain optimistic that it can be delivered—it is a man-made problem and can therefore be undone and changed. The Cairns Group wants to cut developed country agricultural support, which is currently at \$US380 billion. Developed country aid to developing countries is only at \$US43 billion. The developed countries spend 8.8 times more on subsidising inefficient agricultural practices than they do on foreign aid.

On 7 September 2002 the Cairns Group launched its new negotiating proposal at the World Trade Organisation. This market proposal reaffirms Australia and the Cairns Group's leading role in efforts to reform global trade rules for agriculture. It will add momentum to the World Trade Organisation's agricultural negotiations, it will put pressure on those countries that have not engaged seriously in the negotiations and it will open up major new export opportunities for Australian meat, sugar, dairy and cotton producers. This government will continue to work hard in the World Trade Organisation to further the interests of Australia's farmers.

The Cairns Group proposal focuses on three key areas: tariffs, tariff quotas and tariff quota red tape or administration. The Cairns Group proposal would cut all developed country's tariffs to 25 per cent or lower, expand all tariff quotas substantially to provide improved export opportunities for Australian farming families, improve tariff quota administration to allow better utilisation of market access opportunities thereby reducing hidden barriers to trade, and allow more flexibility for developing countries. The Cairns Group proposal would see tariff rate quotas increased by four or five times their existing levels over the next four or five years. As well, the Cairns Group has tabled a proposal for the elimination of export subsidies and is working to table an ambitious proposal on domestic support measures. At this point, I acknowledge the work of Lyall Howard of the National Farmers Federation in developing some of these proposals. Mr Howard has been a tireless advocate for

Australian farmers in their fight for freer and fairer market access for their products.

In conclusion, the success of the World Trade Organisation's Doha Development Round hinges on the round's ability to deliver substantial improvements for agricultural market access. The Cairns Group proposal adds a new dynamic to the World Trade Organisation negotiations and gives Australian farmers some glimmer of hope in a time of immense struggle and devastating drought. In the 21st century, the world deserves nothing less than to extend to agriculture the same treatment that has successfully been extended to trade in manufactured goods around the world.

#### **Telecommunications: Broadband Internet Connections**

**Senator LUNDY (Australian Capital Territory)** (7.45 p.m.)—Last Thursday, I rose to speak on the adjournment debate and was addressing the issues of the need for new broadband networks. I spoke about these networks needing to be open networks—that is, they should be networks that carry the retail services of any provider willing to lease the bandwidth necessary to deliver them. I argued that supporting an open network policy for new communications infrastructure is smart policy that has learned from past mistakes. I would like to continue my comments this evening.

In my view, such an approach would justify subsidies funded through connectivity programs to broadband carriers. So far, these taxpayer funded programs have served Telstra quite well in entrenching its monopoly, so it is about time that real broadband competitors got a decent share. Because this solution is at its core pro-competitive, Telstra would still be free to mount a case to their private shareholders to make the capital investment necessary to upgrade their own network. But I argue that they should not be eligible for further subsidisation because they still have a residual monopoly. Indeed, a good test for Telstra's operation in the marketplace would be that they as a company choose to lease their wholesale bandwidth off others as others lease their wholesale bandwidth off them.

However, the coalition has proven completely ineffective in what they call 'future-proofing' the telecommunications network and now are quite shameless in their pursuit of the privatisation agenda. An article entitled 'Howard push to ease Telstra sale' by Laura Tingle, which was published in the *Australian Financial Review* today, says:

A legislative package which includes guaranteed funding to overcome any problems in Telstra service delivery to rural Australia—while 'future proofing' rural telecommunications standards—is likely to be introduced in the Senate at the same time as Telstra sale legislation, sources said.

Well, well, well! What a surprise this is! This whole issue of further trying to bribe and buy the sale of Telstra is fully exposed. This was flagged by the Minister for Communications, Information Technology and the Arts back in July when the government was far more blatant in foreshadowing this shallow bribe. The minister was quoted then as saying:

... providing government funding assistance, either directly from the budget or through a fund earmarked specifically to getting what would otherwise be uncommercial telecommunications services over the line.

So what the government is talking about is throwing yet more taxpayers money at propping up a company, Telstra, which has failed to make that investment in the capital infrastructure to prepare Australia's telecommunications network for the future.

It is worth reflecting specifically on the fact that some \$800 million of taxpayers money has already been spent on the Regional Telecommunications Infrastructure Fund, Networking The Nation, the Social Bonus and Intelligent Island programs and other programs over the last six years since the coalition came to power. And where are we? We have yet another inquiry of the government's own initiative, the Estens inquiry, which is an effort to try and create some sort of mandate for the further sale. No doubt the Estens inquiry, like the Besley inquiry before it, will identify some deficiencies, at which the government will then throw money. Like the Besley inquiry and the subsequent Besley inquiry response, it will reallocate money from previous programs, put it into new programs, put a big pink bow around it and hand

it to rural and regional Australia and say, 'Here, this will fix it; support privatisation.' It is all so predictable: the Estens inquiry will have the bag of money that the minister earmarked previously and try to dress it up and flog off Telstra in the way that it has tried to and in fact succeeded with previous tranches.

At the end of this charade we still have a telecommunications network that in no way prepares Australia for the future. Certainly, to sell Telstra in the first instance is the worst way forward. There is still a residual monopoly and, hand in hand with the coalition government, Telstra has selected a future for Australia characterised by mediocrity and a myopic view of our ICT potential. This is a view that is fed and fuelled by Telstra executives, who have only one aspiration and that is for improving its share price. This aspiration is shared by the coalition government. Why? Because they want to sell it. They want to sell Telstra, and they have a direct interest in the return to the government from the sale because it means they can prop up their budget and so forth.

It seems to me that there needs to be some way to break the cycle. The best way to break it, of course, would be to elect a federal Labor government but, unfortunately, we have got a few years yet before we will have the opportunity. So what can be done in the meantime to stop this charade? You will see the Labor team continuing their valiant struggle against the further privatisation of Telstra. We will support an appropriate price control regime but we will not support the false program of price control that the government is putting forward. We will also look at our state colleagues to see what initiatives they can take to try and get Australia out of the broadband rut that Telstra has so comprehensively kept us in over the years.

Looking at what the states have done is a very worthy lesson for this chamber. To help break Telstra's stagnant grip on the market, it is quite appropriate that the states are looking at how they can aggregate demand and their requirements and put out to market various opportunities that, hopefully, will put some pressure on Telstra to actually respond to market needs. I would like to make direct reference to an initiative taken by our Labor

colleagues in the New South Wales government. They have taken the lead in connecting New South Wales to broadband. Despite the fact that Telstra has a significant presence in the market, it just has not happened. I will refer to a media release issued by my colleague Kim Yeadon in New South Wales on 18 September this year. It says:

The call has gone out to the private sector to work with the NSW Government to connect up to 5,000 sites throughout the State to faster and more reliable telecommunications services ... The NSW Government today called for Expressions of Interest on how companies could provide broadband connections via rail and electricity infrastructure as well as towers, ducts and rights of way owned by the NSW Government. This could provide fast, reliable Internet connections for towns from the Queensland to Victorian border including Armidale, Tamworth, Lithgow, Kiama, Yass, Wagga Wagga and Jindera. This is part of a \$283 million plan to bring faster and more reliable telecommunications services to towns and cities throughout NSW.

The point is made that nowhere else in Australia is this being attempted on this sort of size or scale. The New South Wales government wants the private sector to come forward and show how it can provide the last-mile connection to a backbone of fibre optic cable running from the Queensland border to the Victorian border.

This initiative is worth dwelling on for just one moment. It shows that there is something that can be done with government purchasing by actually leveraging again the expenditure of significant amounts of taxpayers' money. But have we seen an initiative like this from the federal government? Have we seen any interest at all in investing in what are known as disruptive technologies to provide a far more efficient, cost-effective and broadband service to the citizens of this country? Of course not. The coalition government is deadset intent on keeping Telstra's monopoly as rock-solid as it can, because it has an interest in Telstra's value and in privatising the rest of Telstra.

I would like to take this opportunity to commend the initiative of the New South Wales state government and of the other state governments, including the Victorian government. I will take the opportunity at some

other time to canvass the Victorian government's initiatives in driving broadband out into rural and regional Australia, where it is most needed. There is an inverse need—it is needed more out there because they are less able to connect with people in the usual way that we do in big cities. I will take the opportunity to outline the initiatives of the Queensland government and the other state Labor governments such as the Northern Territory government and so forth at another time. In this way Labor can work in opposition federally with our state counterparts to drive broadband out, despite the myopic and backward-looking view of the federal coalition government. (*Time expired*)

**Lee, Mrs Ida**

**Senator TCHEN (Victoria)** (7.55 p.m.)—On 11 September 2002 Mrs Ida Lee, the youngest daughter of Kwong Sue Duk, passed away in Melbourne, a day shy of her 93rd birthday. Ida Lee was born in Hong Kong in 1909 and came to Australia in 1913. In those days the children of Australians who were not white did not find their right to come home an automatic matter. Ida lived in Darwin until World War I, when her family moved to Melbourne. She attended Rathdowne Street State School and married Harry Lee Yook Hong when she was 16. She had her first and only child, Joyce, when she was 19. However, Joyce, who survives Ida, made up for her and Ida was surrounded by her full quota of grandchildren and great-grandchildren in her latter days.

By all accounts Ida had the full but not extraordinary life of an Australian housewife and mother. Like thousands of other Australian women, she was a strong and capable helper to her husband, a good and loving mother to her daughter and a doting and inspiring grandmother and great-grandmother to the younger generations. But she did not shrink from her community duties either. In Ida's eulogy, Joyce recalled how Ida actively involved herself in the war effort during World War II through tin rattling and selling badges and raffle tickets. Amongst her mourners I saw as many non-Asian Australians as Asian Australians and as many young people as older people. All came to farewell a woman who was, as Joyce said:

... a gentle, kind, patient and loving person and everyone was drawn to her personality. She spoke well of all people, never unkind words.

Like so many of her contemporary Australians, by her ordinary life Ida Lee achieved the extraordinary goal of making Australian society the image of her personality—tolerant, caring and wisely accepting. Ida was the ordinary daughter of an extraordinary father, but her contribution to our society was no less.

Ida's father, Kwong Sue Duk, was a herbalist and business entrepreneur. His life was a notable example of those Chinese Australians whose business and civil achievements received such recognition, both in their own community and in the mainstream community in pre- and early Federation Australia. They helped to moderate significantly the antipathy that Chinese Australians faced during that time and eventually facilitated the maturity of our community attitude. Kwong Sue Duk was born in the Toishan district of Guangdong province in southern China in 1853. He moved to the adjacent Zhongshan district when he was still a young man. This was quite an unusual event, since in this part of China parochialism was exceptionally strong in those days. From Zhongshan he first went to the Californian goldfields and then came to Australia, in 1875, and settled in Darwin where he established a general store trading under the name of Sun Mow Loong and practised his healing arts.

At that time there were large Chinese populations in the towns and goldfields of northern Queensland. Kwong Sue Duk, aided by his healing skills, established extensive business interests throughout Queensland, Northern Territory and eventually Victoria. His healing skills were especially appreciated in Melbourne, which until the Melbourne and Metropolitan Board of Works was established in 1891 to put things right was a most unhealthy place, as its unofficial name, Smellbourne, graphically testified. Kwong Sue Duk died in Townsville in 1929. His clan thrived, however, and by 1982 he had descendents in America, Canada, Britain, France, New Zealand, Hong Kong, Tai-

wan and Malaysia. But Australia remains the home base of the clan.

As a well-respected healer and successful businessman, Kwong Sue Duk played an important role in establishing a place for, and acceptance of, the Chinese in Australian society. He was, however, also very much Chinese in that he lived his life regardless of the mores of the society he had come to live in, which probably added to the misunderstanding that could arise between peoples of different cultures and certainly did arise between the Chinese and Australians during the early part of the last century.

In his book on Chinese Australian history entitled *Citizens: Flowers and the Wide Sea*—published by the University of Queensland Press in 1996—Eric Rolls wrote that when he started his research into Chinese Australian history Arthur Calwell, the then Leader of the Opposition, sent him a photograph of Kwong Sue Duk, taken with his four wives and some 40 of his 60-plus children and grandchildren. Rolls said that he only realised afterwards that Calwell had sent him the photograph as an example not of the vital people that Rolls was studying but of the immoral people Calwell had to contend with as Australia's first Minister for Immigration. Knowing that Arthur Calwell was a devout Catholic, I can understand his reaction to Kwong Sue Duk's eccentric family arrangements. However, it continues to be a source of amazement to me that a person who could condemn a whole race of people on the basis of one eccentricity of one person could aspire to be the leader of this great nation a mere 35 years ago. It was a close call indeed for Australia.

However, my purpose tonight is to remember the life of the ordinary Ida Lee, not the extraordinary life of Kwong Sue Duk. Let me close with words about Ida from Ida's great-granddaughter Fiona Wong. She said:

Heart shaped sticker on your purse,  
Stuck on so many years ago,  
But still you kept it,  
Treasured it and loved it.  
Gimmicky long haired troll dolls,  
Always a pat a day, just for luck,

And still you kept it,

Believed it and loved it.

Hoping that there is a Heaven

More beautiful than anything dreamt

And we'll still have hope

That you will still love us

And look down on us from up there.

#### **Maritime Union of Australia: Centenary**

**Senator WEBBER (Western Australia)** (8.02 p.m.)—I rise in this adjournment debate to bring to the attention of the Senate the Centenary of the Maritime Union of Australia, which of course includes the achievement of the individual unions that formed the amalgamated union in 1993. The Maritime Union represents stevedores, seafarers, port workers and divers—all of whom work long and arduous hours on ships, in harbours, on ferries and tugs, on our wharves, and in offices and control towers. That work is often long and dangerous and can include the operation of heavy equipment often up three storeys high or, in the case of divers, at depths of 500 metres below sea level laying underwater pipes.

Whilst the Maritime Union was created through an amalgamation in 1993, its beginnings go back a long way in Australia's history, with the formation of the world's first maritime union—the Seamen's Union of Australia—in 1872 followed shortly after by the Sydney Wharf Labourers Union, which was formed later that same year. In all cases the maritime unions were established in response to appalling working conditions, which often included 24-hour and sometimes 48-hour continuous shifts during peak wool and wheat seasons. Wharfies were invariably employed under the 'bull' system, where workers assembled to be selected for work on brute strength alone. This dehumanising practice forced workers to compete against each other for work, often jeopardising their own health. Unfortunately, the 'bull' system was not abolished until the Second World War.

Federation in 1901 resulted in national unions with the registration of the Waterside Workers Federation in 1902 and the Seamen's Union of Australia following four years later. The first of many industrial tests

for the WWF was the General Strike of 1917 in support of striking New South Wales railway and tramway workers, resulting in the recruitment of strike-breaking labour from country towns. The establishment of strike-breaking and employer funded unions led to the near starvation of striking WWF members and their families. Indeed, 1917 also saw the first large scale industrial dispute involving the WWF in my own state of Western Australia. On August 13, Fremantle lumpers, as wharfies were then called, refused to load the Singaporean vessel *Minderoo* with 1,100 tonnes of Western Australian flour for fear that it would eventually feed German troops in Europe. They had been told at a union meeting earlier that day that a returned soldier from the battlefields of France claimed to have seen Western Australian flour bags in German trenches.

Depicting the workers as disloyal and unpatriotic, the then Western Australian government, in concert with the shipowners, started to recruit non-union labour on the wharves. In three days the government had recruited 1,200 'blackleggers' or what was then called 'volunteer labour'. With the threat of the deregistration of their union, the WWF members eventually returned to work. The two groups of union and non-union lumpers struggled to work together, and simmering hostilities in Fremantle came to a head in 1919.

On April 10 that year, the SS *Dimboola* docked in Fremantle from interstate, carrying much needed supplies for Western Australia and a sick passenger, who was rumoured to have been exposed to a deadly pneumonic influenza outbreak in New South Wales. Fearing an outbreak in WA, union and non-union labour alike stood as one with the citizens of Fremantle in refusing to unload the vessel. With the Harbour Trust, as it then was, ordering fumigation at anchor, the owners of the cargo forced through a decision to berth the ship and fumigate at port. Whilst it was usual to wait seven days after such a procedure, a group of non-union labour began to unload the *Dimboola* after only two days. The *Dimboola* was picketed by lumpers and, whilst the labour continued to un-

load other ships, employers decided that no ships would be touched until the picket line was lifted. Similar to what we saw during the recent Patrick dispute, the people of Fremantle rallied to support the striking workers with even the then local lord mayor saying that he would stand or fall with the lumpers.

As the Depression hit Australia in 1928, appalling conditions remained on our wharves, with sacks of potatoes and wheat weighing up to 92 kilograms having to be carried by hand, sulphur cargo catching fire and carbon black staining the skin of workers for weeks. Rotting animal hides from South America, covered in maggots, also had to be unloaded by hand by the workers.

The resolve of the union to fight for better wages and conditions allowed them to endure the so called 'dog collar' act of 1928, where wharfies needed to be licensed simply to go to work. They also endured the efforts of the government in the 1950s to reintroduce non-union labour. The WWF, the SUA and other smaller unions operating in our maritime industries continually fought the erosion of wages and working conditions. In fact, the union had not faced an attempt to introduce non-union labour again until January 1998 when the Patrick Corporation locked its employees out of its Webb Dock operation in Melbourne. With a replacement work force secretly trained in the port of Rashid in Dubai to become stevedores, the livelihood of union members was again under threat.

Most Australians distinctly remember television images of security personnel in balaclavas preventing 1,400 permanent employees and 300 casuals going to work in various Patrick operations around the country on 7 April. Most Australians also remember the unambiguous support for and involvement in the activities of the Patrick Corporation by the former minister for workplace relations, Mr Reith. Most Australians will also recall the National Farmers Federation joining Patrick and the government in causing one of the darkest days in not only the industrial history but also the social history of this country. Neither police with bayonets in 1919 nor security guards with balaclavas and dogs could break the

spirit or resolve of the Maritime Union—or break their connection with our community.

As in 1919, the people of Fremantle and Western Australia rallied behind the Maritime Union to lend support and comfort to those workers, standing up for what they believed and for what they saw as a great injustice. It is fitting that the Fremantle picket line of the Patrick dispute was called the Tom Edwards picket line, in memory of the union worker who died in the strike of 1919 standing up for what he believed in. Indeed, faced with automation and the decrease of stevedores from a peak of 25,000 to about 4,000 today, the Maritime Union of Australia has protected the lot not only of its members but of society as a whole. Whether it be campaigns against declining wages and conditions, flags of convenience shipping, protests against the Vietnam conflict or support for an independent East Timor, the Maritime Union has been doing its part to ensure that the workers and the human rights of all Australians are fully protected. For over one hundred years, the Maritime Union of Australia has faced greater challenges than most and has weathered the storm, whilst continuing to look after the interests of its members. It would seem that, 100 years since the federal registration of the union, the MUA is here to stay.

#### **Transport: Bass Strait Passenger Vehicle Equalisation Scheme**

**Senator COLBECK (Tasmania)** (8.11 p.m.)—Yesterday, the member for Braddon made representation in the other chamber calling for an extension to the Bass Strait Passenger Vehicle Equalisation Scheme to cater for motorcycles with sidecars and trailers. He said:

There should be equity and equality across Bass Strait. The federal government must finish the jigsaw by putting in the last piece to make it fair and equitable—and bring those thousands of cyclists with thousands of sidecars over to Tasmania.

Unfortunately, the honourable member had not done his homework. As a member of this federal parliament and a representative of Tasmania, he should have been well aware of the provisions of the Bass Strait Passenger Vehicle Equalisation Scheme. He claimed in

his speech that previously he had been accused of political opportunism, but I will not accuse him of that, because this attempt is too inept even to qualify and, to be frank, I would have expected better of him.

The member for Braddon had only to read the brochure distributed by the TT-Line—the Tasmanian government owned company that operates the new twin ferry service to Tasmania—to find:

The Federal Government provides a rebate of \$75 for a motor bike and motor bike with sidecar, \$150 for a standard vehicle, and a maximum of \$300 for a vehicle towing a caravan and a motorhome or campervan, against the fare charged by the Spirit of Tasmania to transport an eligible passenger vehicle across Bass Strait. These rebates have been deducted from the rates shown below.

The real thing that concerns me about this representation is the message it sends about Tasmania. I have said before in this place that I was not another Tasmanian here with an upturned hand seeking handouts. It is claims such as this that perpetuate the view that Tasmania is always looking for handouts. How can we legitimately lobby for benefits for Tasmania when we have elected representatives who stand up in the parliament and ask for things that we have already been granted?

I agree with the member for Braddon that motorcycles with sidecars should travel free. Why? Because the federal government has provided a rebate for them to do so. It is the Tasmanian government and its company, the TT-Line, that treat motorcycles with sidecars differently, not the Howard government. If you look at the situation in space terms, a motorcycle with a sidecar takes up about 50 per cent of the space a standard vehicle up to five metres takes up, and the federal rebate is \$75—50 per cent of the \$150 rebate for a motor vehicle. No rebates are provided for trailers. However, with the rebate for a motorcycle being \$75 and a motorcycle with a trailer taking up about 50 per cent of the space that a car would take up, one could realistically argue that two motorcycles with trailers attracting a rebate, in total, of \$150—that of a car—and taking up the same room should be treated in the same way by the Tasmanian government and the TT-Line.



The member for Braddon talks about equity for motorcyclists. The federal government has provided that, as it did in the recent decision to provide a rebate for cyclists. I might add that a coalition government instigated the scheme and provided all the enhancements to the stage where this scheme has played a significant part in the very competitive fares that have made the two new vessels such an outstanding success, where your car, caravan, motorhome, motorcycle or pushbike can travel free for up to 45 weeks of the year—an expenditure of \$26.6 million this year, providing a total fare inclusive of your car for as little as \$100 each way. I would suggest to my colleagues in this place that they might like to try it out.

The Tasmanian Liberal senators and members fought hard to achieve the Bass Strait Passenger Vehicle Equalisation Scheme, and it is of significant concern that the member for Braddon seeks to claim something that has already been provided. As I said before, this sort of action diminishes the capacity of any Tasmanian member or senator to represent a case for our state. I would be more than happy to join with the member for Braddon in making representations to the TT-Line and the Tasmanian government, where this issue belongs, to allow for motorcycles with sidecars and/or trailers to travel free. It is the TT-Line and the Tasmanian government, not the federal government, that discriminates against motorcyclists with sidecars.

#### **Republic: Australian Republican Movement**

**Senator CROSSIN (Northern Territory)** (8.16 p.m.)—I am a strong supporter of Australia becoming a republic and believe that the future of this country lies in us forging our independence and carving out a direction for this country that all Australians can relate to and will treasure and respect into the next century. Following the 1999 referendum, I decided to become involved in the Australian Republican Movement to ensure that the voices of rural and regional Australia, particularly the voices of Indigenous Australians, were considered in any future debate.

I have often struggled with the notion of whether the republican debate can be best

advanced by people such as me using this parliament and our public position to advance the issues or whether it is better to let other people in the country—the grassroots, those in the suburbs or the regions—pick up and run with the cause. Given the events of last week, it may well be that it is time to strike a balance between the two, although there have been some interesting contributions and responses about the role of politicians and the issue of the republic in the media during the last few days.

Valid criticisms of the republican movement and suggestions for changes or positive marketing are always welcome. But I do not believe that the cause is well served by using the issue as a means of political attack on a member of another political party, especially when the person has not had an elected role within the organisation related to the republican movement for the last two years. Shaun Carney in the *Age* last Saturday proffered that the critique of the Australian Republican Movement put forward last week was ‘pithy’ when it called the ARM ‘out of touch’ and even ‘ineffectual’. He does, though, raise the genuine question of how the republic will ever become a first-order issue.

Last Thursday, the Australian Republican Movement announced its new leadership team. Since being established in 1991, the ARM has been led by Tom Keneally, Malcolm Turnbull and Greg Barnes, and it is now led by Professor John Warhurst. Since the referendum defeat of 1999, the Australian Republican Movement has sought to broaden its membership, its appeal and its policy development. It survives on membership subscriptions and fundraising activities alone, as do most of the other organisations that I am associated with—and I am sure this is the case for most other Australians.

The Australian Republican Movement is managed and controlled through a national committee and state and territory committees, the memberships of which are democratically elected. Once you join the Australian Republican Movement—for a very modest and affordable fee, these days, of only \$36 for a single; note, it is not in the hundreds—you can then nominate and vote in the elections. To suggest that the ARM

should be disbanded without proffering a replacement or a different model of operation or representation is nothing but mischievous.

The new national committee is made up of state nominees and those who are directly elected. Amongst its membership there is broad representation, including people who are Indigenous or from ethnic backgrounds, women and youth. I do not believe there is a better way to organise a national body. The new committee is quite aware of looking at tackling some of the difficult issues and challenges ahead of it and this movement.

During the last 12 months, the Australian Republican Movement have participated in the Corowa conference, out of which came six models for an Australia republic. They have taken the campaign to country towns, to schools and even to pubs. There has been a women's network within the republican movement established, and the membership base has been broadened. Last weekend there were over 120 people at the New South Wales conference.

While most Australians support a republic, there is still much debate to occur on the appropriate model. But such discussion needs the active support of politicians in our country, particularly from those in the leadership. The vote for statehood in the Northern Territory, held in conjunction with the 1998 federal election, was not successful. History books will show that the person most responsible for this was the Chief Minister at that time, Mr Shane Stone. He hijacked the agenda and the question and insisted on a question that was confusing and sought to intertwine two separate issues on the matter.

Similarly, the person most deserving of the responsibility for ensuring that the referendum went down in 1999, as the national director of the Australian Republican Movement suggested in an article last Tuesday, was the Prime Minister. It is true that no Commonwealth referendum has ever succeed without the support of the Prime Minister of the day. So perhaps the criticism of the 1999 result is best targeted elsewhere, rather than at the ARM.

Samantha Maiden from the Adelaide *Advertiser* raised the issue of perception on the

*Insiders* program last Sunday. She thought that the Adelaide Crows would, to quote her words, 'go down in flames' that day. But there you go—anything is possible. Perception is important, but it is just as important that people understand what the Australian Republican Movement is trying to achieve and to sign up to it, including the media, and to ensure they are committed to making it happen. Ray Cassin suggested in the *Sunday Age* that the republic 'has failed to reclaim a place in the public imagination and it has failed to excite'. I believe that most people are supportive of Australia becoming a republic, but that does not mean to say that it has to be on the front page of every paper and on everyone's lips every single minute of the day for it to reclaim a place or to excite ordinary citizens.

As I look around this chamber, I can see that this country is riddled with tradition and that this will take some time to change. World events over the last 12 months have not assisted in pushing the republic agenda; everyone's security has been severely threatened. Of course, moving to a republic would mean enormous change for this country. Further debate is needed about various aspects of the republic, not only about which of the six models should be adopted but also about whether the president should be directly elected or elected by the parliament, whether there should be a declaration of rights within our Constitution or even whether the Constitution should be rewritten and modernised. The new chairman of the Australian Republic Movement, Professor John Warhurst, said in the *Sunday Telegraph* some days ago:

Politics is about organisations like the ARM taking opportunities provided by political leaders as well as making their own. The two must go together.

But the two must also be balanced. Ideas, enthusiasm and assistance rather than criticism and disdain are needed in order to push this agenda forward. We need to ensure that the cause is advanced and reinvigorated rather than stifling the debate and hijacking the issues by ill-informed statements.

**Senate adjourned at 8.25 p.m.**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

APEC—Australia's individual action plan 2002.

Australasian Police Ministers' Council—Administration and activities of the National Common Police Services—Report for 2000-01.

Australian Government Solicitor—Statement of corporate intent 2002-03.

Productivity Commission—Report—No. 21—Independent review of the Job Network, 3 June 2002.

United Nations—

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment—Committee Against Torture—

Communications—

No. 154/2000—Views.

No. 162/2000—Decisions.

Complaint—

No. 177/2001—Decision.

International Covenant on Civil and Political Rights—Human Rights Committee—Communications—

No. 802/1998—Views.

No. 880/1999—Decision.

No. 1080/2002—Outline.

**Tabling**

The following documents were tabled by the Clerk:

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (Export of Cattle) Amendment Orders 2002 (No. 1).

Defence Act—Determinations under section 58H—Defence Force Remuneration Tribunal—Determinations Nos 11-13 of 2002.

National Health Act—Determinations under Schedule 1—HSR 22/2002 and HSR 24/2002.

Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 6/02 [2 dispensations].

**Indexed Lists of Files**

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2002—Statements of compliance—Agriculture, Fisheries and Forestry portfolio.

**Departmental and Agency Contracts**

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001:

Departmental and agency contracts—Letters of advice—2002 spring sittings—

Agriculture, Fisheries and Forestry portfolio—

Dairy Adjustment Authority.

Department of Agriculture, Fisheries and Forestry.

**QUESTIONS ON NOTICE**

The following answers to questions were circulated:

**Minister for Agriculture, Fisheries and Forestry: Visit to Japan  
(Question No. 527)**

**Senator O'Brien** asked the Minister for Finance and Administration, upon notice, on 7 August 2002:

With reference to the visit by the Minister for Agriculture, Fisheries and Forestry to Japan in July 2002:

- (1) What costs of travel and other associated expenses, if any, were met by the Department of Finance and Administration in respect to the Minister for Agriculture, Fisheries and Forestry and his staff.
- (2) If applicable, what were these costs per expenditure item for: (a) the Minister for Agriculture, Fisheries and Forestry; and (b) the Minister's staff.
- (3) What other costs, if any, were met by the department in relation to the trip.

**Senator Minchin**—The answer to the honourable senator's question is as follows:

- (1) \$14,677.43 as at 7 August 2002.
- (2) (a) Minister for Agriculture, Fisheries and Forestry:
  - Airfares - \$6,919.86
  - Travel Allowance Advance - \$252.00
- (b) Minister's staff:
  - Airfares - \$7,094.30
  - Travelling Allowance Advance - \$186.27
  - Equipment Allowance - \$225.00
- (3) As at 7 August 2002 no other costs have been met by the Department of Finance and Administration.

**Trade: United States Beef Quota  
(Question No. 550)**

**Senator O'Brien** asked the Minister representing the Minister for Trade, upon notice, on 15 August 2002:

- (1) What actions, if any, did the Minister take before 9 August 2002 to encourage the United States of America (US) to increase the beef quota allocation available to Australian beef exporters.
- (2) What actions, if any, has the Minister taken since 9 August 2002 to encourage the US to increase the beef quota allocation available to Australian beef exporters.
- (3) What actions, if any, does the Minister propose to take to encourage the US to increase the beef quota allocation available to Australian beef exporters.

**Senator Hill**—The following answer has been provided by the Minister for Trade:

- (1) to (3) The Government has been lobbying the US Administration for increased market access for Australian beef. The Minister for Agriculture, Fisheries and Forestry raised the matter in discussions with Mr Chuck F. Connor, Special Assistant to the President for Agricultural Trade and Food Assistance while in Washington on 10 December 2001. Following this meeting Minister Truss wrote to Mr Connor, raising the possibility of increasing beef quota access to the US, through seeking the agreement of the US Government to a one-off increase to the US 2002 calendar year beef quota for which Australia could compete for an increased market volume. The Minister raised the matter with US Secretary of Agriculture, Ann Veneman at the Quint Meeting, Kyoto, Japan in January 2002, and again at the July 2002, Quint Meeting, Nara, Japan.

On 15 October 2001, the Government made a formal request to US authorities for increased access for Australian beef to the US market. The Government has also made tariff rate quota expansion and the reduction of out-of-quota tariffs a key priority in the WTO agriculture negotiations. The Minister for Trade raised this issue with US Trade Representative Robert Zoellick during his visit to Washington in January 2002, and during the APEC Ministers Responsible for Trade

Meeting in Mexico in May 2002. The Minister for Trade also raised this issue with Deputy US Trade Representative Peter Allgeier during the OECD Ministerial Council Meeting in Paris in May 2002.

The Prime Minister raised the beef quota issue with US Administration officials and Congressmen during his 8-15 June 2002 visit to the United States. On 4 August 2002, the Prime Minister also wrote to Senator Max Baucus, Chairman of the Senate Committee on Finance, on trade issues and sought more open access for Australian beef exports. Pursuing this matter with the US Administration will remain a high priority for the Government.

### **Centrelink: Fraudulent Debt**

#### **(Question No. 555)**

**Senator Ludwig** asked the Minister for Family and Community Services, upon notice, on 19 August 2002:

- (1) How many Centrelink benefit recipients have declared Centrelink as a creditor in bankruptcy proceedings for each of the 2000-01 and 2001-02 financial years.
- (2) How many of these were rejected as they were considered to be a debt accrued through intentional fraud.
- (3) (a) Can the department provide breakdown of the benefits claimed that were determined to be fraudulent; and (b) what was the total cost to the Commonwealth of these benefits for each of the 2000-01 and 2001-02 financial years.
- (4) (a) How does the department determine that a debt has been accrued through intentional fraud; and (b) can examples be provided to illustrate the process.

**Senator Vanstone**—The answer to the honourable senator's question is as follows:

- (1) The Insolvency & Trustee Service Australia (ITSA) has advised that:
  - during the financial year 2000-01, Centrelink was listed as a creditor in 1,563 bankruptcy proceedings; and
  - during the financial year 2001-02, Centrelink was listed as a creditor in 1,989 bankruptcy proceedings.

Not all of these people were receiving Centrelink payments at the time of bankruptcy.
- (2) Centrelink does not maintain this type of statistical information. Centrelink resumes recovery of debts obtained through fraud after the period of bankruptcy.
- (3) Centrelink does not maintain this type of statistical information.
- (4) (a) Centrelink staff decide a debt was obtained by fraud only where it is clear that there was a guilty act and a guilty intention. As bankruptcy is a civil matter, these elements need only meet the civil test (on the balance of probabilities) rather than the criminal test (beyond reasonable doubt).
- (b) As an example, if a debt arose because a customer, with no language or reading difficulty, was working and earned \$400.00 per week for four months, yet they advised Centrelink every fortnight during this period that they did no work and earned nothing, it is likely that Centrelink would determine false information was provided intentionally to obtain Centrelink payments. The customer would be sent a standard letter advising that Centrelink intended to recover the debt after the period of bankruptcy and inviting contact if they disagreed with the decision, including a belief they did not obtain the money fraudulently.

### **Parliamentarians: Car Leasing**

#### **(Question No. 575)**

**Senator Faulkner** asked the Minister for Finance and Administration, upon notice, on 22 August 2002:

- (1) Can the department identify the number of cars provided to members of the House of Representatives from New South Wales, from 1 January 2002 to 31 July 2002, which were changed after delivery because the member was dissatisfied with his or her original order. (2) In each instance, can the department identify the reason for the change. (3) In each instance, can the department identify the vehicle's make and model in the original order, and the replacement vehicle (if the make and

model of each vehicle is the same, please identify the differing features between the vehicle originally supplied and the replacement vehicle). (4) In each instance, can the department identify how much the changeover of leasing arrangement cost.

**Senator Minchin**—The answer to the honourable senator's question is as follows:

- (1) Nil.\*
- (2) Not Applicable
- (3) Not Applicable
- (4) Not Applicable

\*The above answer relates to cars provided by the Department of Finance and Administration.

### **Immigration: Compliance Activities**

#### **(Question No. 600)**

**Senator Sherry** asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 29 August 2002:

- (1) How many departmental officers were engaged in compliance activities to detect those in Australia illegally, or working illegally, in each of the years from 1983 to 1996, inclusive.
- (2) How many compliance visits and/or raids were conducted for each of the years from 1983 to 1996, inclusive.

**Senator Ellison**—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable senator's question:

- (1) It is not possible to provide complete figures for the number of staff engaged in compliance activities for the years 1983 to 1996. This is because over the years the systems used by the Department have changed including the level of data captured on these systems.

Data on staffing from 1983 through to 1991/92 is only held by the Department at the location level – for example Central Office, State/Territory Offices and those working at overseas posts – and not by the kind of work those staff were engaged in.

However, information is available for the period from 1992/93 to 1996/97. This information goes to the number of staff engaged in the Department's sub-program 'Investigations and Enforcement', which is predominantly involved with onshore compliance activity of the kind asked about. This data is provided in the following table.

Period	Staff Years
1992/93	306
1993/94	244
1994/95	276
1995/96	204
1996/97	252

- (2) Similarly, it is not possible to provide complete figures for the number of compliance visits undertaken between 1983 and 1994/95. This information is not recorded in the Department's Annual Reports from that period, and is not available from departmental computer systems.

However, data is available on community visits undertaken by compliance staff since 1995/96. Since 1996/97 the data is available on both employer awareness visits and community visits. This data is provided in the following table.

Period	Employer Awareness		Total
	Visits	Community Visits	
1995/96	N/A	N/A	3544
1996/97	598	2725	3323
1997/98	577	3409	3986
1998/99	453	2740	3193
1999/2000	379	2940	3319