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the Senate and committee hearings are available at

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SITTING DAYS—2012

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RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, Sean Edwards, David Julian Fawcett, Mary Jo Fisher, Mark Lionel Furner, Scott Ludlam, Gavin Mark Marshall, Bridget McKenzie, Claire Mary Moore, Louise Clare Pratt, Arthur Sinodinos and Ursula Mary Stephens
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

Senate Party Leaders and Whips
Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party of Australia—Senator Hon. George Henry Brandis SC
Leader of The Nationals—Senator Barnaby Thomas Gerard Joyce
Deputy Leader of The Nationals—Senator Fiona Nash
Leader of the Australian Greens—Senator Christine Anne Milne
Chief Government Whip—Senator Anne McEwen
Deputy Government Whips—Senators Carol Louise Brown and Helen Beatrice Polley
Chief Opposition Whip—Senator Helen Kroger
Deputy Opposition Whips—Senators David Christopher Bushby and Christopher John Back
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert

Printed by authority of the Senate
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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.
(3) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice Hon. M. Arbib, resigned 5.3.12), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice J. Adams, died in office 31.3.12), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.
(6) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
## GILLARD MINISTRY

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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister on Digital Productivity</strong></td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister on Mental Health Reform</strong></td>
<td>The Hon Mark Butler MP</td>
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<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister on the Centenary of ANZAC</strong></td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
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<td>Senator the Hon Jan McLucas</td>
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<tr>
<td><strong>Treasurer</strong> (Deputy Prime Minister)</td>
<td>The Hon Wayne Swan MP</td>
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<td>The Hon Bill Shorten MP</td>
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<tr>
<td><strong>Assistant Treasurer</strong></td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
<td>The Hon Bernie Ripoll MP</td>
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<td>The Hon Greg Combet AM MP</td>
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<td>Parliamentary Secretary for Sustainability and Urban Water</td>
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<td><strong>Shadow Minister for Infrastructure and Transport</strong></td>
<td>The Hon Warren Truss MP</td>
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<td>The Hon Malcolm Turnbull MP</td>
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<td>Shadow Minister for Regional Communications</td>
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<td><strong>Shadow Minister for Health and Ageing</strong></td>
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<td>Shadow Parliamentary Secretary for Regional Health Services and</td>
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TUESDAY, 14 AUGUST 2012

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12:30, read prayers and made an acknowledgement of country.

CONDOLENCES

Diddams, Sergeant Blaine Flower

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:31): by leave—I move:

That the Senate records its deep sorrow at the death, on 2 July 2012, of Sergeant Blaine Diddams, while on combat operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Question agreed to, honourable senators standing in their places.

BUSINESS

Senate Temporary Orders

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:32): by leave—I move:

That the temporary order of the Senate relating to modified rules for question time continue to operate as a temporary order until the end of the first sitting week in 2013.

Question agreed to.

COMMITTEES

Environment and Communications Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (12:32): by leave—At the request of Senator Cameron, I move:

That the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.45 pm.

Question agreed to.

Community Affairs References Committee

Community Affairs Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (12:33): by leave—At the request of Senator Moore and Senator Siewert, I move:

That the Community Affairs Legislation Committee and the Community Affairs References Committee be authorised to hold the private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 12.35 pm.

Question agreed to.

PARLIAMENTARY REPRESENTATION

Valedictory

Senator FISHER (South Australia) (12:34): by leave—Thank you, Mr President, and I do thank the chamber for its indulgence. I have really enjoyed the bulk of my five years representing South Australians in the Senate. It has been a privilege to participate in Senate committees. I tried to do my bit to uphold the integrity of Senate process and use it to ensure that the government and public servants explain their policies and processes in a way that is visible to the general public. I hope that my participation has helped to make a difference and contributed to an improved end result.

For me, working on the National Broadband Network has been as enjoyable as
it has been challenging. Mind you, with the earlier promised fibre to the node I was pretty disappointed, Senator Conroy, that you did not answer my call to, 'Show us your nodes, Minister.' Chairing the inquiry into the scrapped Home Insulation Program was both confronting in terms of the tragedies and appalling. I expect that all parties have learned lessons from the appropriate demise of that scheme and from what happens when a government with all good intent artificially skews a market and inflates a part of it without giving the ultimate beneficiaries any skin in the game.

I have long been a workplace relations tragic. I was honoured to work as senior adviser to former ministers for workplace relations Abbott and Reith. Neither bloke is everyone's cup of tea but they are mine and I owe each much. Whilst it did not please the government, I am pleased to have helped to have slowed the ultimate demise of the Australian Building and Construction Commission. Yes, I am biased, having helped former minister Abbott to set up the Cole royal commission into the industry. However, I am no more biased than the industry is lawless and I wish all the best to the new division of Fair Work Australia charged with dealing with the industry.

Most of all, I am proud to have helped bring about the appearance of the President of Fair Work Australia before Senate estimates. The coalition could not have done this without the support of Senator Xenophon and former Senator Steve Fielding. I thank both for always opening their doors to me whenever I wanted to talk workplace relations.

We are all accountable for our actions in one way or another, equally so a president legislatively charged with the efficient running and management of an arbitral tribunal. I regret that the president's attendance at estimates has been brought about by an order of the Senate and that the president is the only officer of a body appearing before estimates who needed to be subject to such an order.

While I have moved from the country, no-one can take the country out of me. I have fought, along with others, for rural and regional Australia in this place, and will continue to do so outside it.

I am a bit bemused that my impromptu parody of the hokey-pokey and *Time Warp* failed to set a standard for the ensuing pale imitations. To the member for Rankin: Craig, that was not singing and that was not dancing! I was trying to send a message about a policy that I thought was wrong. Afterwards, at field days on a Saturday in South Australia, in the south-east, 10-year-old Georgie said to me, 'Mary Jo, can you stay until Tuesday because I want to take you to school for show and tell.' That is when you know that you have reached an audience that you have not reached before.

Being a senator gives us, and has given me, an unparalleled opportunity to meet a huge number of people passionate about making a difference, be they various industry leaders, experts in their field or people just going about their everyday lives. This has been a great privilege and is a gift that I will cherish always.

Of course, I carry deep sorrow that my now infamous depression has taken me to a point where I can no longer ask the community to continue to support me in the Senate—a position of trust where consistency and predictability of conduct must be a given. I had thought I could make it. Perhaps my biggest regret is that I did not succeed in showing others, as an example to other sufferers, that there is a way to manage this illness while continuing in your
favourite job. Luckily, many others prove that it need not be so, and that remains my challenge for the future.

In time I want to continue helping people to build better lives, returning to a useful and productive community role. In hoping for this, I have been overwhelmed and humbled by the supportive and touching sentiments from the general community, many of whom I know not. Worthy of note is Edeltraut Blauberl, a woman who lives not far from my own old home in Adelaide and whom I had never met. She dropped into the office a few weeks ago with a handmade crocheted rug, in my favourite colours of orange and blue, and a simple message written to me: 'Don't give up'.

Apart from my long-suffering husband, John, family, friends and supporters in South Australia and interstate, I publicly thank my staff: Sanjay Kumar and Kristie Johnston, for solid contributions in my early days; Sonia Gentile, who stuck with me through the toughest time; and Bronte McQueen and Julie Thomas, who have been with me for all of it. Julie, Bronte and Sonia had a choice; they could have left yet never did. Julie, Bronte and Sonia: I tip my lid. A special thank you to the members for Goldstein and Mayo, Andrew Robb and Jamie Briggs, for their unflinching support. Thanks also to the professional and efficient staff of the Senate, many of whom have helped me immeasurably and separately from their professional remit. Likewise, I acknowledge so much support from this chamber both past and present: beside me and around me, from the crossbenchers, and from many members opposite. Some of the most helpful support has come from the most unexpected places: you know who you are; thank you so much. And likely to surprise many is my appreciation of the splendidly absent but also very important press gallery: you could have been anything but, yet you have been totally decent to me and then some. Thank you.

In finishing, to Edeltraut: I may have had to give up being a senator, but like others in this chamber I will not give up on helping people build better lives and, in my case, on first getting myself better. My childhood home farm in Western Australia, Redlands, has so far been the home to two of Australia's female senators: my mum's sister and my aunt, Jo Vallentine, and me. Okay, we are a couple of decades and quite some policy positions apart, but I now draw to a close my chapter in our family's political contribution to our Australian way of life. Thank you to the chamber and thank you, Mr President.

BILLS
Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator CORMANN (Western Australia) (12:48): The Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012 does a number of things. It increases obligations on superannuation fund trustees and directors both generally for all super fund trustees and specifically for MySuper trustees. It also gives APRA, the regulator, the power to issue prudential standards in relation to various prudential matters in superannuation.

The coalition strongly supports genuine attempts to improve corporate governance and transparency for trustees and directors of superannuation funds. The coalition also strongly supports improvements and enhancements to prudential standards in superannuation. All of us have to continue to work hard to ensure that we have the most
efficient, the most transparent and the most competitive superannuation system possible, with the most appropriate corporate governance and transparency standards in place. Of course, we still have some way to go in that regard, but only the most efficient, the most transparent and the most competitive superannuation system possible will help to maximise value for Australians with superannuation and, ultimately, the value of the retirement savings that Australians have in their superannuation.

However, the coalition cannot support this bill in its current form. The coalition will propose a very sensible and very constructive amendment that would significantly improve this bill by removing the government's proposed and unworkable scale test. This is because the government's version of the scale test is a vague and external test imposed on superannuation trustees which would make it impossible to administer in practice. As it is, it is already hard to attract properly qualified super fund trustees to these sorts of roles and the government, by making it even more complex and more uncertain for people who have to fulfil and take on those responsibilities, will make it even more difficult. If the amendment that the coalition very constructively will put forward is supported, we would be in a position to support the passage of this bill.

The coalition also has some concerns about a new provision in the bill that may impose personal liability on directors of superannuation fund boards to meet the collective obligations of the trustee board by introducing a series of new covenants for directors and deeming individual directors to be parties to the governing rules of the superannuation fund. It is important to remember that the Cooper review commissioned by this government into Australia's superannuation system handed down its report back in June 2010, and it made of series of very sensible recommendations on how corporate governance in superannuation could and should be improved.

The government and the current minister for superannuation has either outright opposed or been very unenthusiastic about embracing some of these very sensible recommendations that have been made by the government's own Cooper review on how corporate governance in superannuation should be improved. So there is a lot of unfinished and unprogressed business here that we think the government should start to act on.

The Cooper review specifically recommended that disclosure of conflicts of interest be mandatory. Given some of the recent events across the broader union and union dominated industry super funds movement I would have thought that it is pretty self-evident that disclosure of conflicts of interest ought to be mandatory. Directors should be forced to properly disclose their remuneration in line with the provisions that apply for publicly listed companies. And the Cooper review did recommend that there be appropriate provision for independent directors on superannuation fund boards, a recommendation that the government, and Minister Shorten in particular, has refused to embrace because his friends in the union movement do not want him to act on that particular recommendation.

Very self-evidently, a very sensible recommendation made by the Cooper review was that those directors who want to sit on multiple boards should demonstrate to APRA that they do not have any foreseeable conflicts of interest. This seems to be completely non-controversial as a very
sensible suggestion. Yet the government's legislation here before us does not include any of these very important and necessary improvements to the corporate governance and transparency framework in superannuation, because Minister Shorten does not want to pick a fight with his friends in the union movement, who do not want him to make these very important and sensible changes to corporate governance arrangements in superannuation.

I note that Minister Conroy, having been quite aggressive in his interjections early on, has gone very, very quiet.

**Senator Conroy:** I've fallen asleep—it was so exciting!

**Senator CORMANN:** The government continues to ignore those many sensible and important corporate governance recommendations from the Cooper review because the Labor government and Minister Shorten continue to put the interests of their friends in union dominated industry super funds ahead of the interests of all those Australians who have their retirement savings invested in the superannuation system.

**Senator Conroy:** Union dominated? It is fifty-fifty.

**Senator CORMANN:** Minister Conroy is now getting active again on the interjection front. The coalition will propose a logical and sensible amendment that would address significant concerns with this bill in relation to the scale test. In government, should we be successful at the next election, we will implement the sensible corporate governance reform recommendations made by the Cooper review that would see mandatory disclosure of conflicts of interest, the appropriate provision of independent directors on superannuation fund boards and which would force directors who want to sit on multiple boards and where there is clearly an apparent risk of conflict of interest to be required to demonstrate to APRA that they do not have in fact any foreseeable conflicts of interest. There is also the issue of conflicts of interest in relation to related party transactions that do need further tidying up when it comes to corporate governance standards.

Schedule 1 of this bill contains provisions for the following additional statutory duties for trustees of superannuation funds. MySuper trustees must promote the financial interests of beneficiaries, in particular, returns; they must annually assess sufficiency of scale—the scale test, about which I will have something more to say in a moment—and they must include in their investment strategy and investment return target and level of risk for MySuper members. Trustees of registrable superannuation entities, or RSEs, must give priority to the interests of beneficiaries where conflicts arise; must exercise the same degree of care, skill and diligence as a prudent superannuation trustee; must have regard to valuation information, expected tax consequences and costs in their investment strategies; and offer a range of options sufficient to allow members to choose a diversified asset mix. They also must have an insurance strategy and meet additional duties in relation to insurance. They must formulate, regularly review and give effect to the risk management strategy and maintain and manage financial resources to cover operational risk.

The covenants are the default rules for trustee governance in super, similar to model rules for companies, and they would replace existing differently worded covenants contained in the Superannuation Industry (Supervision) Act 1993. Schedule 1 also sets out a series of new covenants and obligations that will apply to individual directors of corporate trustees and impose a personal
liability on directors by deeming them to be parties to the governing rules of the trust.

In schedule 2, as Australia's prudential regulator, APRA currently has the power to issue prudential standards in relation to authorised deposit-taking institutions, life insurance companies and general insurance companies but not for superannuation funds. Currently, APRA can issue guidance material on expected standards, but these materials are not legally binding. The Cooper review recommended APRA be given our standards-making power in relation to superannuation. The prudential standards would be determined and drafted by APRA, consistent with this schedule. They would be legislative instruments within the meaning of the Legislative Instruments Act 2003 and disallowable by parliament, and that is of course a change that we support.

In relation to the scale test I mentioned earlier, the coalition does have some serious concerns about the way the new scale test is provided for in this bill. I quote here from the explanatory memorandum that the government has circulated in relation to this bill, where it says that this bill requires trustees of superannuation funds to:

- determine on an annual basis that there is sufficient scale, in terms of assets and beneficiaries, such as to not disadvantage the financial interests of beneficiaries—

and some emphasis here—

relative to the financial interests of beneficiaries in MySuper products in other RSEs—

Now the industry experts, including the Financial Services Council, have indicated very clearly that such external comparison will be impossible to conduct in practice, as a trustee will not have sufficient knowledge of other registrable superannuation entities in order to make a valid judgment and to meet this test. The scale test is based on a presumption that larger funds invariably provide lower fees and higher returns to members when demonstrably that is not the case. There is no evidence to indicate that this presumption is correct in all cases and, while we intuitively might be of the view that biggest is best, the evidence in the marketplace is that that is not always the case, and I am sure that the government would have received similar representations on that point as the coalition has.

The scale test, if implemented in its proposed form, could be another potential source of advantage to the larger industry superannuation funds because they have existing scale. The scale test would create a significant new barrier to entry for new funds by making it difficult for them to achieve the required scale from the outset, which would lead to a reduction in competition in superannuation which of course manifestly is not in the public interest. It may also lead to further consolidation and mergers of super funds that are driven not by an assessment of the overall best interests of members but by concerns about meeting this technical and rather arbitrary test. Industry groups have submitted that a better alternative would be an internal test based on a finite list of factors rather than on an open-ended and poorly defined external test that the government has proposed. In relation to this, it should be noted that the government's own Cooper review into Australia's superannuation system did in fact recommend that a MySuper product should have a scale test that was quite differently pitched from what the government has put forward here in this legislation. The Cooper review recommendation was that trustees should 'actively examine and conclude whether on an annual basis its MySuper product has sufficient scale on its own with respect to both assets and number of members to continue providing optimum benefits to members'. This recommendation,
with the use of the term 'sufficient scale on its own' clearly implies an internal test rather than the open-ended and poorly defined external test that the government is proposing in this legislation.

Mr Acting Deputy President, that might all sound rather technical and it might be difficult to follow for those who are listening to this debate as to what the implications of this legislation are. Let me provide you with this very clear assurance, that what the government is proposing to do will make it easier and will further concentrate the power of the larger union dominated industry funds at the expense of competition and efforts to maximise value for all superannuants across Australia. The government's approach is contrary to the recommendations that were made by the government's own review and inquiry into this particular area of legislation. Our job here is to act in the public interest, not just in the vested interest of the—

Senator Conroy: Union dominated—

Senator CORMANN: Yes, union dominated super funds. And I can see that Minister Conroy, like Minister Shorten, is right on song. The government should withdraw this provision and then embark on a proper consultation process with all participants in the superannuation industry, not just with—and here you can interject, Senator Conroy—one segment of the financial services market, to achieve a more appropriate, a more balanced, a more competitively neutral and a more workable outcome than the current flawed proposal. With MySuper not due to commence until 1 July 2013, there is sufficient time for the government to go back to the drawing board and get this important provision right.

Proposed section 52, on the personal liability of directors, of the Superannuation Industry Supervision Act 1993 imposes a series of statutory obligations and covenants on trustees of regulated superannuation funds. These covenants or obligations are exercised by the board of directors of the trustees acting collectively. The bill replaces the existing section 52 with a new section containing enhanced statutory covenants that will be imposed on all regulated super fund trustees including MySuper trustees. The bill also includes proposed section 52A, which extends the covenants to individual directors of super funds. There is no equivalent provision in the current SIS Act. Proposed section 52A would make individual directors personally liable for any breach of the covenants by deeming them to be parties to the governing rules of the fund. The coalition strongly support enhancing and clarifying the law relating to the obligations of super fund trustees and directors. We also support introducing provisions that clearly deal with conflicts of interest of directors of super funds and which ensure that at all times directors of super funds put the interests of fund members ahead of any other interest including their own personal interest. But we have some strong concerns about the mechanism that the government has used in an attempt to achieve these aims.

The bill tries to introduce covenants that are imported into the governing rules of every single super fund and then tries to bind directors to those covenants by deeming each director to be a party to the governing rules of the super fund. The provisions of section 52A appear to reverse the longstanding convention that boards of directors are jointly or collectively liable for decisions made by the board, including a trustee board, and that directors are only personally liable if they breach their directors' duties, including their duty to act with reasonable care and diligence at all times. The provisions are so broadly drafted that they may not provide certainty for directors who are trying to faithfully execute their duties so that they are
complying with the law. The coalition is concerned that if implemented these provisions may discourage otherwise suitably qualified directors from accepting a role as directors of super boards. If high-quality inexperienced directors are discouraged from serving on superannuation boards by these provisions, it would have a severe impact on the quality of corporate governance of funds and on the performance of funds. This could result in lower investment returns and lower retirement savings for consumers because the best people to manage their investments have not chosen to be directors of those funds.

Again, the Cooper review made a series of sensible recommendations for reform of corporate governance and the duties of directors that have not been implemented by the government. The Cooper review noted the difficulty for trustees and directors in understanding what is expected of them under existing laws but it did not make any recommendation to extend the application of the SIS Act covenants for trustees to individual directors or for deemed directors of super funds to be parties to the funds' governing rules. They provisions of section 52A are confusing and they make the new laws even more unclear for directors especially given that proposed section 54A allows the government to introduce new covenants at any time in the future by regulation rather than by legislation. The coalition will closely monitor the impact of these proposed obligations on directors of superannuation funds when they come into force and will act in government to address any issues that may arise in the future.

The Cooper review did recommend, as I said at the outset, a number of changes which the government has outright opposed or chosen to ignore or only unenthusiastically embraced. There is a lot of unfinished business in superannuation, the most obvious of which is the need to ensure as a matter of absolute urgency that default funds under modern awards are selected through a more open, more transparent and more competitive process than is currently the case. The current arrangement by which default funds are selected under modern awards by Fair Work Australia is an absolute national disgrace. It is a closed shop, anticompetitive arrangement that is designed to favour the interests of union dominated industry super funds at the expense of Australians with superannuation. All Australians with superannuation should be able to benefit from genuine competition in the default fund market so that investment returns and the value of their retirement savings are ultimately maximised.

These are all areas in which a future coalition government will act. We will ensure that we have the most efficient, most transparent and most competitive superannuation system possible in place so that all Australians can have full confidence that their retirement savings over their working life will be maximised.

Senator THISTLETHWAITE (New South Wales) (13:08): I speak in support of the Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill. Superannuation is the backbone of the strength of the Australian economy. Australia, a relatively small nation in terms of our population, with around 22 million people, has the fourth largest pool of savings funds of any nation throughout world. In March 2011 APRA estimated the value of the pool of superannuation funds in Australia to be $1.3 trillion. What does that money go towards? What happens with the money that is sitting in that pool of superannuation funds?

In a market economy such as Australia, savings equals investment. In other words,
all of that money that is sitting in the superannuation funds and bank accounts of Australians is invested in our economy. It is invested in businesses, it is invested in projects and it is invested in infrastructure. That is what has been occurring in the Australian economy. That is the reason our economy performed so well during the global financial crisis.

Anyone who has been to Sydney recently would have seen a new building that has popped up: No. 1 Bligh Street. It is an enormous building, about 40 storeys high. It is the most environmentally friendly building in Australia, having a six-star rating. It is being occupied as a commercial premises being leased by companies. What many people would not know is that that building was built by superannuation fund members. They invested in the building and construction of that project, creating thousands of jobs for Australians and creating a hallmark for environmental standards in our country. That building was built by Cbus, the construction and building unions superannuation fund, the people that Senator Cormann says are a union dominated superannuation fund. It was a wise investment by a smart set of trustees on a superannuation board. That pool of investment funds creates jobs in our economy, jobs for Australians.

I mentioned earlier that it is one of the reasons why Australia performed so well during the global financial crisis. Last year the Association of Superannuation Funds of Australia engaged Allen Consulting Group to prepare a report. The report, entitled Enhancing financial stability and economic growth: the contribution of superannuation, found: 'Superannuation funds were one of the main sources of equity financing for companies through private placements when debt financing became unavailable or unaffordable for Australian companies during the global financial crisis. The superannuation industry played a disproportionately large role in assisting corporate Australia to lower corporate risk during the global financial crisis.' During the global financial crisis we had instability in financial markets, with speculative investors withdrawing their funds—that money that ordinarily goes to funding projects, businesses and jobs in our economy. Because of the large pool of savings in superannuation, Australian superannuation funds entered the breach and invested and ensured that our economy remained strong. The crux of the report prepared by Allen Consulting is that superannuation in Australia is a winner—a winner for our economy, a winner for businesses, a winner for investment and a winner for members of those superannuation funds and their retirement savings.

As the pool of superannuation funds in our economy grows, so does the risk. There is an increasing risk of fraud, and we saw that occur with Trio Capital. Senator Cormann and I sat on the Senate inquiry into the collapse of Trio Capital. In the case of Trio, predominantly self-managed superannuation funds but also industry funds were subject to fraud, and many innocent Australians lost money because of the dishonesty of a few unreliable business people in this country. We also saw bad investment decisions and of course a general downturn in the economy. Many Australians and many people throughout the world lost money in terms of their superannuation balances during the global financial crisis because of the general downturn in the stock market.

Any good government makes sure that, periodically, a policy or particular law continues to meet its objectives. Just like getting your car serviced, it is important that, as a government, we continue to check that
particular laws and policies meet their initial objectives and are delivering for the Australian people. That is what this government did in 2009 with superannuation. We commissioned Jeremy Cooper to undertake a comprehensive review of Australia’s superannuation system—to check under the hood, if you like—to see if it was meeting its objectives of delivering adequate retirement savings for Australians but also doing so in an efficient, effective, fair and moral way. Jeremy Cooper published his report in 2010 after a year of consultation with people throughout the industry. He made 10 packages of recommendations. They included things like increasing the superannuation guarantee from nine to 12 per cent and introducing MySuper as a default, simple product that people could access that had low fees, simple investment decisions and the like. He also, importantly, made recommendations relating to trustee governance and investment governance.

This bill before the Senate today delivers those recommendations. It ensures that we are providing better outcomes for superannuation members in this country. It ensures that they can have greater trust in the way that their funds are being managed by trustees of superannuation funds. The way that we do this is through three elements. Those three elements are: to apply new trustee duties to superannuation entities that offer the default MySuper products, to expand the general duties of superannuation entities that hold licences and to introduce a power for APRA to make prudential standards.

The enhanced trustee duties will apply to any MySuper product or an entity that offers a MySuper product. They will include ensuring that the financial interests of MySuper members are placed above any other potential interests or conflicts that may come. They will also include an annual determination of scale. This means that the trustees have an obligation on an annual basis to check that the financial interests of their members are not disadvantaged in relation to those in other comparable funds due to insufficient assets and to ensure that members get adequate returns for their investment. The opposition are opposed to this, but it came about as a result of a recommendation from the Cooper review. It ensures that those who may be involved in smaller funds with smaller asset bases are not being disadvantaged compared to those in bigger or middle-tier schemes and ensures adequate investment returns for members. The trustees will look at targeting investment returns and the level of risk. The target will be an expected return over an average rolling period of 10 years. The trustees will look at the investment risk and the expected return over a 10-year period and report that to members of the fund so the members can make adequate decisions about where to invest in coming years.

There are also a set of new covenants or duties for superannuation funds in Australia and they go to the standard of care, skill and diligence that must be offered to members. A prudent superannuation trustee will be the new test which needs to be applied to the care, skill and diligence in operating a fund. Previously, the test was to apply to a prudent person, but the new test will be a prudent trustee. In relation to conflicts of interest, there is a new obligation on trustees to give priority to duties and interests of beneficiaries above all other persons and corporations. This ensures that the benefits and interests of a member are put ahead of any other potential decisions or conflicts that may arise that trustees have to consider.

There is a duty to act fairly in dealing with all classes of beneficiaries. In superannuation funds there are different classes of
As beneficiaries who invest in different schemes, depending on what stage of life they are at. This obligation ensures that the trustees of those superannuation funds consider all classes of beneficiaries, not particular classes of beneficiaries, in the operation of a fund. In terms of investment strategies, trustees are now obliged not just to look at the whole of the superannuation fund and its performance and decisions related to investment strategy but to go a level below and look at different classes of investors within particular funds. That will include looking at matters such as the amount of information that is given to particular classes of investors, the tax that they may pay and any ongoing liabilities that they may have in respect of their particular investment.

Another obligation will relate to insurance. On an annual basis, the trustees of the fund will be required to assess the insurance strategy that they are taking out on behalf of members. The RSE will be required to formulate, review and regularly look at the insurance strategy for the benefit of beneficiaries. That will include looking at the kinds of insurance that are offered to members of the fund, the level of insurance that may be appropriate to each fund member and, of course, the cost of that insurance.

A new obligation will be to assess, on an annual basis, operational risk. That does not mean investment risk; it means the operation of the fund and any risks associated with that. It relates to potentially failed internal processes and systems that may disadvantage fund members financially. Now, because of these reforms, trustees will be obliged to assess that risk on an annual basis. They will also be obliged to assess and develop a risk management strategy.

There are new covenants for individual directors. Where the rules do not include duties, they are taken to be included because of this law. Those duties are to act honestly, to act in the best interests of members of the superannuation fund and not to enter into a covenant that would be in conflict with the interests of superannuation fund members.

The aim of all of these reforms and of the new interests and duties that are introduced by this legislation is to ensure better service, better results and better efficiency for members of superannuation funds by applying higher standards. Again, these came about as a result of the extensive consultation undertaken by the Cooper review.

The third element of the reforms is to ensure that prudential standards are improved. The law gives APRA the power to make general standards with respect to superannuation funds relating to prudential conditions. This is consistent with the recommendations of the Cooper review. The prudential standards will be available to be made on any matters including: protecting the interests of members; ensuring that the conduct of a superannuation entity or licensee connected to that meets the reasonable expectation of members; keeping an RSE licence or connected entity in a sound financial position; ensuring the conduct of an RSE licensee does not cause or promote instability; the appointment of auditors and actuaries; and the conduct of audits and actuarial investigations. Again, this is ensuring that the standards that relate to superannuation are improved and increased in our economy and that superannuation fund members can have greater confidence that the checks and balances related to their investment are increasing, and that ultimately, hopefully, their fund performance will improve.

Senator Cormann made much of the issue associated with the elements of the bill that those opposite are opposed to. He mentioned
the timeline of 1 July 2013 and said that there was adequate time to reform this bill and to go through another process of investigation. That is not the case at all. Although MySuper does begin on 1 July 2013, it will take APRA at least 12 months to write the prudential standards associated with the commencement of this bill. That is why it is important that the Senate pass this legislation today. I reiterate the point that Jeremy Cooper undertook a comprehensive, close to nine-month consultation with those who work in the industry, representing all different facets and organisations in the industry. He called for submissions and there was the opportunity for super fund members right up to the associations to have their point of view put. So there has been adequate consultation in respect of these reforms.

The aim of this bill is to improve the governance of superannuation funds in Australia, to improve the efficiency and the quality of the superannuation system in Australia, and to ensure that beneficiaries are maximising the returns and getting better information for their investment and their retirement savings in our economy. It also ensures that our economy maximises the investment that can be undertaken through superannuation and the benefits for our economy that flow from job creation and growth.

I do want to make a point about the comments of Senator Cormann and his 'union-dominated superannuation funds'. The fact is that those opposite have never been supporters of the introduction of superannuation. When it was introduced by the Keating government in 1992, those opposite opposed it. They could not bring themselves to agree to a scheme that allowed workers in this country some say over their retirement incomes. That view has never changed, and here we still hear the rhetoric from those opposite about union-dominated superannuation funds.

Let us look at the performance of these superannuation funds: $1.3 trillion in investment income for our country, which helped us to survive through the global financial crisis, and investment in projects in infrastructure, creating jobs for Australians. Some of those so-called union-dominated superannuation funds are the best-performing investment vehicles in our economy. It comes back to the fact that those opposite cannot, and have never been able to, bring themselves to agree that workers should have a say in the allocation of investment portfolios and money related to their retirement savings. That is what this is all about. They have never got over the fact, and they never will, that workers and their representatives have the right to sit on superannuation fund boards and make decisions about the allocation of investment funds in our economy. Every chance they have had they have tried to whittle down and water down that system. They introduced choice legislation during the years of the Howard government because they believed that by introducing choice workers would flee industry funds and go and set up their own superannuation funds or go out and join corporate funds and the like. And what happened? The position of industry funds was actually strengthened, because the best-performing funds—

**Senator Conroy:** And they were cheaper.

**Senator THISTLETHWAITE:** As Senator Conroy points out, the cheapest funds were the industry superannuation funds. They were the best performing and the cheapest, so naturally workers and investors flocked to the industry funds. It backfired on the opposition and it will again, because this government is committed to
increasing the pool of superannuation funds from nine to 12 per cent, to simplifying the system by introducing MySuper, to ensuring that Australians can have greater confidence that their pool of superannuation funds are being invested wisely and that the trustees' obligations are being increased. That is why this bill is necessary, and I commend the bill to the Senate.

**Senator XENOPHON** (South Australia) (13:28): I would like to indicate my support for the provisions in the Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012, particularly those aimed at greater accountability and transparency for superannuation funds. But we need to go further. The Cooper review into superannuation talks about the theory of 'rational and informed investors versus real-life experience'. Up until now the presumption has been to treat super fund members as informed and rational investors, which in an ideal world I am sure we all would be. But this is not an ideal world.

The report quotes from ABS figures which show that 46 per cent of 15- to 74-year-olds, approximately seven million people, would struggle to understand documents such as job applications and payroll forms; 53 per cent of people surveyed reached only the second of five levels in a practical numeracy test; and 70 per cent, or 10.6 million people, only managed to reach level 2 in a series of problem-solving exercises. The report states that the survey developers regard level 3 as the minimum required by individuals to 'meet the complex demands of everyday life and work'. Leaving that aside and apart from the obvious concerns this raises about our education system, it is clear that we cannot expect everyone to be a financial genius or even financially literate. Should these people—according to the ABS survey, the majority of our population—be disadvantaged? For many people super is something that is there to be thought about later; it is for old age. There are not many people I know who will voluntarily admit, even to themselves, that they fit into that category.

But superannuation is compulsory. We do have some choice about what fund, whether we make voluntary contributions and whether we direct our fund managers or leave them to it. Ultimately the law says we have to have superannuation, and most of us do not make an informed choice. If the government uphold superannuation as compulsory, as it should be, then they also have a responsibility to ensure the sector is appropriately regulated and that consumers are protected. The Cooper review, which the government are holding up as the basis for these reforms, states:

... there is presently a lack of transparency, comparability and, ultimately, accountability in the Australian superannuation system ...

That, clearly, is the nub of the problem.

There is an unstoppable trend to increase transparency in the financial services sector, and that trend has in part been driven by a lack of trust in the financial services sector. I look to the work of those who have been campaigning for better governance and for better accountability over many years, such as Dean Paatsch of Ownership Matters and formerly of RiskMetrics. The key theme of the many opinion pieces that Mr Paatsch has written over the years, and his work, is about improving governance and transparency, and about getting meaningful information as to how your fund is performing and its compatibility with other funds. We just do not have that at the moment.

I applaud the government for the action it has taken so far and the further action it is planning to take, but there is far more we can...
do for consumers—for those who put their life savings, effectively, into these super funds. Firstly, consumers need to be able to make meaningful comparisons between funds. I acknowledge that there are provisions in the bill before us to require greater transparency from funds and for them to publish certain comparisons relating to scale. Clear and relevant information is important. Funds should be required to provide standard figures about returns, member numbers, fees, executive pay and commissions in a standardised format to allow for easy comparison. That is a given, and they are fundamental benchmarks. Ideally, however, commissions should not come into this question at all. Where there is an essentially compulsory product we need to move away from commissions, which are more likely to encourage risky behaviour on the part of fund managers and trustees.

I also note the provisions in this bill relating to conflicts of interest. I support the intention of this legislation, which is to require fund trustees to place the interests of their MySuper clients above any other interests. Ultimately, however, this raises the question of whether fund trustees should be required to disclose these conflicts and demonstrate exactly how they prioritise their interests. There also needs to be greater openness and communication on the part of the funds themselves. Funds should be open about answering questions in relation to their operations. A greater release of information would be likely to engage consumers with their funds, and provide them with the understanding and confidence to hold their funds to a higher standard.

Currently, for most consumers superannuation is all too hard. That is understandable, given the current complexities and the current lack of transparency. But as people get closer to retirement they tend to focus on their super more and begin digging through the paperwork, annual reports and carefully-worded statements to find out what all this could possibly mean for them in their retirement. Unfortunately, too many of them get a nasty shock and their last years at work are spent frantically trying to build up their fund to get them through retirement.

But if funds provided clear and relevant information and focused on engagement and conversation with their members, consumers would benefit in the long run. Funds need to consider the idea of direct discussions with their members, either through AGMs or other meetings. This is something that must be structured into funds so that every fund member has the right to attend an AGM in the same way as for a public company. There must be ways that this mechanism can be put in place and that the information provided to members is meaningful information; meaningful comparisons so that relevant questions can be asked about the performance of the fund and the governance of that fund.

I foreshadow that if this is something that the government does not come up with in its next tranche of reforms then I believe it is worth moving specific amendments to the legislation so that there is that level of transparency, accountability and engagement for individual fund members to attend a nominated meeting or participate via online and ask the directors of that super fund relevant questions and keep them accountable. Consumers need to be empowered to ask questions and insist on answers, and we do not have that now.

There are not many of us who would not complain if we were overcharged in a supermarket or restaurant. But because we do not have the information we need, we essentially can give some super funds a free pass. The basis of the Cooper report was that
we need to move the superannuation sector from the idea of an 'engaged consumer' towards the idea of 'choice architecture'. The report explains this as the idea that if a consumer is financially literate and engaged then they should be able to make choices about their super funds, but if they are not then they should not be disadvantaged. According to the review, the super system should provide optimal outcomes for both. I strongly support this.

However, I believe that putting further, easy-to-understand and comparable information into the public sphere will help to engage consumers in superannuation. This further accountability should also be a priority for the government, given the significant amounts of government expenditure on superannuation. Taxpayers deserve to know their money is being well spent and that the appropriate safeguards are in place. They also deserve to know that their investments are being protected.

More importantly, there are issues such as long-term investment strategies and mandates that need to be considered. Given the importance of superannuation in our economy, both in terms of the investment and in terms of security for retirees, we should be opening the industry up further and encouraging funds to move away from liquid investments and more towards concrete investments such as infrastructure. I know that there has been a debate in the recent Senate committee hearing where David Farley from the Australian Agricultural Company talked about the importance of superannuation funds investing in Australian agriculture. I think that is a very real issue, and that if we had greater transparency and a more accountable system it would encourage that.

While these types of investments may not have the short-term gains generally associated with super funds, they are likely to have better and more secure returns in the long run. Ultimately, we have been presented with the ideal opportunity to reform the superannuation industry in Australia. Given our ageing population and uncertainty about global finances, there has never been a better time. I can indicate my support for this bill, and I hope that this is only the beginning of this discussion and the necessary reforms.

Senator BOYCE (Queensland) (13:37): I would like to acknowledge Senator Xenophon's contribution and the thought he has put into the issue of personal superannuation. One of the biggest problems that I see in this area is, of course, that lack of engaged consumers. People do not see their superannuation money—it comes out of their wages before they receive their wages—and, until their minds are focused by wanting to retire or a desperate need for funds, on the subject of super people often behave as though it is not really their money. So it is incumbent on this parliament not only to come up with good suggestions to make consumers more literate and to try to encourage them to engage more but also to make sure that the governance around superannuation is as good, as strong and as practical as possible. That is certainly something this legislation does not do. We have the usual charade from the government of dribbling through bits and pieces of legislation which leave all the stakeholders saying: 'We think the intention's good. We're a bit worried about the detail that we can understand and, of course, until we see the whole picture'—which they never do—'we can't say whether we support this legislation or not.'

The Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012 that we are looking at will make a number of changes. It is basically part, but only part, of the
government's response to the Cooper review in 2010. What has happened is that the government have picked out little bits and pieces. It is impossible to understand the criteria they have used for picking out the bits and pieces they have, other than thinking that very firmly in their view is the idea of ensuring that the union industry funds are well supported so that they can continue to support the Australian Labor Party. The first step in this continuing saga was the introduction of the Superannuation Legislation Amendment (MySuper Core Provisions) Bill in 2011. That bill established MySuper as a standardised, low-frills, no-fee superannuation product available as a basic option but not compulsory. It was intended to be the default fund that would be automatically chosen if employees did not make a decision. Now we have a second bite of the cherry in the Stronger Super reforms.

Certainly one thing that came through during our inquiry into this legislation was that the government's staggered release of bits and pieces of the legislation around super was not aiding clarity or consistency and it was creating uncertainty and confusion in the sector. Of course, the uncertainty and confusion are not helped by the fact that this bill also introduces new definitions and new trustees' duties which are unclear, not least because they depart from the current regime of trustees' duties. I cannot imagine anyone in their right mind choosing to be a trustee or a company director if they did not know what the rules of being a good trustee or company director were. So this will make it almost impossible for trustees and directors to comply with the legislation, because they cannot understand the core components of it, and it will expose directors to uncertainty and risk. Why would anyone take it on in that circumstance?

The Law Council of Australia, in its submission to the Parliamentary Joint Committee on Corporations and Financial Services, said:

In order to promote compliance, legislation should be clear and certain. This is particularly the case when personal liability can flow from a breach—
as it can for a company director or a director of a superannuation fund.

Legislation should also be consistent. There are examples where the Bill uses terms found in case law and other legislation, but in slightly different ways.

Pity the poor judge that has to sort out what that means—and inevitably, of course, there will be cases when this sort of confusion is apparently deliberately put into the law. The Law Council went on to say:

Again, this raises the question of whether differences in language reflect differences in duties or standards.

So here we are dealing with a poorly drafted bill which rather than assisting the superannuation industry and the beneficiaries, who we need to remember are the workers of Australia, in many respects creates ambiguity and because of that increases the level of risk and the level of complexity and, of course—something that this government is excellent at—increases the level of red tape. Trustees and directors will need to watch their back because of the uncertainty in this legislation. In some ways I guess this bill captures the very essence of the government led by Prime Minister Gillard: it is poorly thought through, it is badly drafted and the people who will wear the consequences of it over time will be Australian superannuants.

A survey recently by the Australian Taxation Office found that only 10 per cent of people were aware of the superannuation reforms that the Gillard government was undertaking. So much for engaged consumers! So much for efforts from the government to even try to engage
consumers! I suspect that there is quite a happy group who think the less workers know about what is happening to their super the better. I would encourage people to take note because the government is doing a very good job of messing up what should be significant and useful reforms. And we are talking about, of course, the livelihoods and income of older Australians.

There is currently $1.3 billion annually put into the super funds, and the industry is boosted, of course, by the compulsory nature of superannuation contributions, which are currently nine per cent but are going up to 12 per cent over the next six years. Once again I urge all policymakers to think about the need for people to see and be engaged with the taking of superannuation from their pay packets. I think Senator Xenophon's suggestion of an annual information night or something might be a starting point, but certainly superannuation bodies and the government are not doing enough at the moment to keep consumers informed about superannuation, let alone engaged in the question.

I would also like to look at one of the worst features of this bill: the scale test. We on the coalition side see that as a standout example of bad policy; and, unless there are amendments here, we will not be supporting this bill. We have serious concerns about the new scale test provided in the bill which requires trustees of superannuation funds, according to the explanatory memorandum:

… to determine on an annual basis that there is sufficient scale, in terms of assets and beneficiaries, such as to not disadvantage the financial interests of beneficiaries relative to the financial interests of beneficiaries in MySuper products in other RSEs;

The first question is: how on earth does a superannuation fund know whether its scale disadvantages the financial interests of beneficiaries comparable to other funds? Industry experts such as the Financial Services Council have said that such external comparison would be impossible to conduct in practice as a trustee would not have sufficient knowledge of other registerable superannuation entities so that they could carry out this test. Is the government suggesting that we have open-book funds? If so, perhaps they should be putting some legislation through on that.

The scale test is based on a presumption that, the larger the fund, the more likely there will be lower fees and higher returns to members. Once again we have no evidence whatsoever to indicate that this presumption is true. It may be true in some cases, but there is no evidence to suggest that it is correct in all cases. Gut feeling might tell you that, the bigger the fund, the lower the fees and the higher the returns, but that is all we have here. There has been no proper analysis done by the government. There has been some fudging of figures by industry super funds to try to ensure that their funds look cheaper without showing the entire picture of the costs and the benefits of each fund.

The scale test, if implemented in its proposed form, would be another potential source of advantage to the larger industry superannuation funds because they already have that existing scale in terms of assets and beneficiaries. The scale test would create a significant new barrier to entry for new funds by making it very difficult for them to scale up to the level where they could be confident that, for the first year or so of operation, they were not disadvantaging the financial interests of their beneficiaries.

The scale test is also anticompetitive, which is not at all what I believe Jeremy Cooper had in mind when he made proposals around the scale test. He said in the Cooper
review that MySuper products should have a scale test but that the trustees should:

… actively examine and conclude whether, on an annual basis, its MySuper product has sufficient scale on its own (with respect to both assets and number of members) to continue providing optimal benefits to members.

That, of course, is quite different from expecting trustees each year to work out if their fund was the best fund. Where do we end up with this if any financial disadvantage is the issue? Do we end up with one fund? Inevitably some funds will function better in some years than others. No wonder directors are very concerned about this legislation.

The Association of Superannuation Funds of Australia said during the hearing that our committee conducted into this:

… the current wording of the scale test is problematic. On speaking to Treasury, we believe that guidance will be provided by APRA. That is wonderful, isn’t it? APRA might provide some guidance—not some law or some regulation but some guidance. The Association of Superannuation Funds went on to say:

In terms of being able to provide for fund members, size of portfolio and number of members are certainly two factors, but there are other factors as well. In our view, fund trustees, as part of their best interest duties, have to look each year at whether or not they are able to provide services in the best interests of their members. So our initial view is very much that the—and certainly part of the consultation process—whole scale test may produce the wrong results.

The Corporate Super Association also said the scale test was unnecessary, and they took the view that investments and risk covenants for all RSE trustees are sufficient requirements, that trustees should not be operating a fund or MySuper product when assets and member numbers do not lend sufficient economies of scale to support a viable product.

I hope Minister Shorten is aware that in fact there is no correlation between the size of a fund and the size of individual portfolios within that fund, so why a scale test on this particular basis is included in the bill is beyond me. The issue of scale must be a matter of judgment, and legislating for an exercise of judgment simply will not work. We are giving directors rules that are impossible for them to function within and asking them not to use their own judgment on what they think constitutes being in the best interests of their beneficiaries but rather what Minister Shorten thinks might be in the best interests of the industry super funds.

The scale test is anticompetitive. Large funds will be precluded from investing in small and medium-sized companies. The bill actually legislates against one of the very foundations of an investment strategy: having a diversified portfolio. Not only do we have this as a barrier of entry for new funds; we also have this problem where there will be fewer funds flowing into small and medium-sized public company shareholdings. The requirements of the scale test will be difficult, if not impossible, for trustees and directors to comply with because there is no clarity around the terminology and there is a lack of certainty with the benchmarks against which trustees are required to measure their fund.

The coalition is particularly concerned that the government has picked up bits of the Cooper review in some areas and ignored it completely in other areas. I have no idea why you would try to improve governance by telling directors to measure themselves against everybody else in the market but not include some of the other governance matters Cooper canvassed. In the area of conflict of interest, for example, the
government has completely ignored the recommendation for the disclosure of conflict of interests being made mandatory. Why has it ignored that? The disclosure requirements vary depending on the type of superannuation fund. And it is quite reasonable that publicly listed funds have more robust disclosure requirements. But the level of disclosure should be uniform across all superannuation funds because they are dealing with the same product and the same group of clients, the same beneficiaries—the superannuates of Australia.

Taking a lead in this regard, the Financial Services Council, which represents the for-profit funds—the people that one suspects the government rather dislikes—released a voluntary code in March in 2012 with the following features: superannuation funds must have an independent chair; the majority of directors must be independent; remuneration of directors and senior management must be disclosed when they are paid from the trust; directors must not hold multiple and competing superannuation fund board positions; the fund must develop an environmental, social and governance risk management policy that is made available to members; and the fund must develop and publicly disclose a proxy-voting policy and publish its Australian proxy-voting record.

This would be an excellent code if only this government would pick it up and apply it to the industry funds. But the massive conflict of interest within the union dominated industry funds is exactly what the government is shying away from doing anything about.

AustralianSuper, which is the largest industry fund, oversees $42 billion of retirement savings. On its board we have people such as Paul Howes from the Australian Workers Union and Dave Oliver, the ACTU Secretary. They are representing the interests—the individual interests, remember—of every beneficiary: the individual interests of 1.8 million workers. AustralianSuper invests in companies such as Woolworths, BHP and Rio Tinto. So I do not know how people such as Mr Howes or Mr Oliver can be on that board representing the best individual interests of the beneficiaries of the fund while, at the same time, planning industrial action against some of the shareholding companies. How does that work? How is that not a blatant and obvious conflict of interest? It is impossible to criticise a company by saying, 'Frankly, monkeys could do a better job,' which is what Mr Howes said about Rio Tinto, while, at the same time, saying, 'I have bought the shares in this company to assist our members to make a profit.' It is a ridiculous sham. This legislation must be amended.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:57): I would like to thank those people who made a contribution to this debate, particularly Senator Thistlethwaite, who I thought accurately depicted the nature of this legislation, and also Senator Xenophon, who I also think had a valuable contribution to make.

The bill contains measures that implement changes recommended by the review into the governance efficiency structure and operation of Australia's superannuation system, chaired by Jeremy Cooper. Schedule 1 of this bill applies to duties of trustees, including a requirement to give priority to beneficiaries over other persons where a conflict may exist. Trustees will also have expanded requirements in relation to their investment strategies. They will have a new requirement to develop an insurance strategy for members of their fund and a risk management strategy and also to meet a requirement to maintain financial resources either as trustee capital or as fund reserves to
cover the operational risks of the funds that they manage.

Trustees that offer MySuper products will have additional obligations reflecting that these members have effectively delegated all decisions of their superannuation to the trustee. This bill also clearly identifies the duties that apply to the individuals who are directors or corporate trustees of superannuation funds, including acting honestly and in the best interests of their members. Schedule 1 will apply from 1 July 2013. Schedule 2 to the bill will provide APRA with the ability to make prudential standards. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

DISTINGUISHED VISITORS

The PRESIDENT (14:00): I draw to the attention of honourable senators the presence in the gallery of the Australian Political Exchange Council’s third delegation from the Republic of Korea. On behalf of all senators I wish you a warm welcome to Australia and in particular to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:00): My question is to Senator Evans, the Minister representing the Prime Minister. I refer to the Leader of the Government in the Senate's address to the Refugee Council of Australia on 17 November 2008, when he was the immigration minister, in which he said:

Labor committed to abolishing the Pacific Solution and this was one the first things the Rudd Labor Government did on taking office. It was also one of my greatest pleasures in politics.

Given the Prime Minister's statement yesterday, why did the government demonise Nauru for four years? And does the government now acknowledge that its decision to close the Nauru detention centre was a mistake?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:01): I thank Senator Abetz for the question. I do not know whether those are exactly accurate remarks but I suspect they are, and I did have great pleasure in abolishing the Pacific solution. I continue to have the view that the approach taken with the Pacific solution, as with putting terrible conditions on people through TPVs, as with making people pay for their detention, was punitive and wrong. I think that is the wrong approach. Having had a chance to look at the Houston report today as I was travelling—

Senator Cormann: I remember you saying offshore processing was wrong.

Senator CHRIS EVANS: Senator Cormann, do you want to have a go? I am happy to point the finger at you again, Senator Cormann.

The PRESIDENT: Order! Senator Cormann and Senator Evans. Interjections are disorderly.

Senator CHRIS EVANS: As I was saying, it was a regime based on punishment and trying to convince people that if you hurt them they would stop coming. Having read the Houston report, it recommends a very different approach. I had the pleasure of talking to Paris Aristotle—

Opposition senators interjecting—

The PRESIDENT: Order! Senator Evans, you just might resume your seat. It might be much easier.

Senator CHRIS EVANS: I had the advantage of talking to Mr Paris Aristotle, a member of the Houston review, this
morning. He pointed out to me the very strong differences in approach in terms of using Nauru and Manus Island for the detention of people seeking asylum. I just make this point: the Pacific solution was premised on a belief that you should tell people they could not possibly resettle in Australia and to leave them to rot as a signal. That is not the approach that has been recommended here and it is not the approach in the legislation. (Time expired)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:04): Mr President, I ask a supplementary question. Given the government has now adopted one element of the Pacific solution—namely, reopening Nauru and Manus Island—will it now also adopt the other elements of the Pacific solution that proved so successful in stopping the boats: reintroducing temporary protection visas and turning around the boats when it is safe and possible to do so?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:06): The senator continues to misrepresent what the report says. I will look to find the actual quote.

Senator Abetz: Mr President, I rise on a point of order. My supplementary question did not refer to the report at all. What I am seeking is the government's position.

The PRESIDENT: Order! There is no point of order at this stage. The minister has 49 seconds remaining.

Senator CHRIS EVANS: The obvious point to Senator Abetz is to say that we have adopted the recommendations of the Houston report. That will form the basis of legislation being introduced in this parliament, I think, later today. The senator and all senators will get a chance to debate that legislation if it is passed by the House of Representatives. It makes clear that it is not possible to turn boats around when the conditions are such as they are. Indonesia have made it clear they will not accept the turnaround of boats. The Indonesian government will not accept it. That is a very, very clear problem, and the report refers to other issues which make it unsafe and impossible in the current circumstances. I suggest you read the report.

National Disability Insurance Scheme

Senator MOORE (Queensland) (14:07): My question is to the Minister representing
the Minister for Disability Reform, Senator Evans. Can the minister update the Senate on the rollout of the National Disability Insurance Scheme?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:07): I thank Senator Moore for her long-term interest in this issue. The Gillard government is absolutely committed to delivering a National Disability Insurance Scheme. An NDIS will make sure we are delivering the kind of care and support Australians expect for people with a disability, their families and their carers.

One year ago, we received and released the Productivity Commission’s report into disability care and support in Australia. This showed that people with disability, their families and their carers were waiting far too long for the care and support they need. That is why the Labor government put people with a disability, their carers and their families first when we committed to an NDIS. The NDIS will end the cruel lottery that sees people with disability receive different support depending on where they live or how they acquired their disability, give decision making to people with disability, their families and their carers, and put choice in their hands so that they can make the most of their opportunities and fulfil their potential.

That is why we are getting on with the job of delivering the foundations of the scheme. We put $1 billion on the table to fund the first stages of the scheme. We have established a new launch transition agency to run the delivery of care and support people with disability, their families and their carers. Applications are open for the $10 million practical design fund. I can also inform the Senate that in the past fortnight the government has reached agreement with the governments of New South Wales, Victoria, South Australia, Tasmania and the ACT for launch sites.

We regard this as a fundamental Labor reform, standing up for ordinary Australians. Like another great Labor reform, Medicare, the National Disability Insurance Scheme will provide comfort to every parent in the country. It will provide a solution to the very considerable neglect that people with disability have had to suffer for many years.

Senator MOORE (Queensland) (14:09): Mr President, I ask a supplementary question. Can the minister advise the Senate on how the announcement of the launch site in Victoria will benefit people in the Barwon region?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:10): The government are very pleased that, with the Victorian government, we have agreed to a launch site in Victoria, in the Barwon region. From July this year, about 5,000 Victorians with significant and profound disabilities, their families and their carers will have their needs assessed and will start to receive individual care and support packages under the NDIS. This is an additional investment of more than $190 million by the Commonwealth in the Geelong region—direct investment in providing better care and support for people with disability, their families and their carers.

This means people with a disability in the Barwon region will be assessed to receive NDIS individualised care and support packages; have decision-making power about their care and support, including choice of service provider; be assisted by local coordinators to help manage and deliver their support; and access a system
they can easily navigate that will link them to community services. It is a very welcome agreement and we look forward to the trial being rolled out—(Time expired)

Senator MOORE (Queensland) (14:11): Mr President, I ask a further supplementary question. Can the minister also advise the Senate on how the government is working with the community on the development of the NDIS?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:11): In developing the NDIS, the government has committed to engaging with people with disability, their carers and families, and the community more broadly. To involve those Australians most closely associated with disability, the government is funding the National Disability and Carers Alliance to hold a series of forums across the country. It means that people from all walks of life can help shape the detailed design of the scheme. We have also launched an online forum, NDIS Your Say, which asks for people's views on key questions about how the scheme should work.

Also, the government has established an advisory group to work closely with all governments to lay the foundations for an NDIS. Four expert groups have been appointed and the key elements of scheme design—choice and control, eligibility assessment, quality and safeguards, and workforce and sector capacity—will be a focus of their work. This will ensure a stronger and more effective NDIS for the future. (Time expired)

Mining

Senator CORMANN (Western Australia) (14:12): My question is to the Minister representing the Treasurer, Senator Wong. Minister, how much revenue from the minerals resource rent tax has the government collected in July this year?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:12): I thank Senator Cormann for the question. I do not know how I have managed for the last six weeks without questions from Senator Cormann, but I struggled through! In terms of the MRRT, as you know, Mr President, I previously advised Senator Cormann that the forward estimate projections for the MRRT revenue are $13.4 billion. That was a revision down from the previous—

Senator Cormann: Mr President, I rise on a point of order. It goes to the requirement for the minister to be directly relevant to the question. I asked the minister a very specific question, which was: how much has the government collected in MRRT revenue in the month of July? There is only one answer to that question that can be directly relevant, and that is a dollar figure in relation to the revenue collected in the month of July. If the minister does not know the answer, she should just say so.

The President: There is no point of order. I believe the minister is answering the question. The minister has one minute and 30 seconds remaining.

Senator WONG: As I was going on to say, in the last budget we updated and revised the MRRT revenue to $13.4 billion over the forward estimates. As Senator Cormann well knows from questions in this place and in Senate estimates, the government acknowledges that the revenue take from the MRRT obviously depends on a range of factors such as commodity prices, exchange rates and production volumes. By virtue of being a profit based tax, it is obviously more volatile than other types of revenue.
In terms of the quantum, the senator knows that I release monthly statements of the budget. Those are released every month from the preceding month, and he can consider those statements when they are released and made public, as is usually the case. I make this point about the position that Senator Cormann asserts.

**Senator Brandis:** Mr President, I raise a point of order on direct relevance. The minister has just told us that she is not going to provide the figure which is the subject of the question. She is now making comment on what she calls the 'position' Senator Cormann asserts. Senator Cormann asserts no position. He merely makes an inquiry which the minister has told us that she is not able to respond to today. Nothing more can be relevant—directly or indirectly.

**The PRESIDENT:** There is no point of order. The minister is answering the question and she does have 25 seconds. I am listening closely to the minister's answer. The minister has 25 seconds remaining to answer the question.

**Senator WONG:** We got to sooky la-la pretty quickly, didn't we? As soon as anybody starts talking about them—

**The PRESIDENT:** Minister, come to the question.

**Senator WONG:** up jumps George, saying, 'Oh no, don't talk about us! We don't want you to talk about us!'

**The PRESIDENT:** Order, Minister! Come to the question!

**Senator WONG:** Thank you, Mr President. You can't have it both ways. You cannot say, 'The mining tax doesn't collect any revenue but will also simultaneously kill the mining industry.' That is the hypocrisy of the other side.

**The PRESIDENT:** Order! That is debating the issue. Minister, I draw your attention to the question. You have got seven seconds remaining. Have you finished, Minister?

**Senator WONG:** Thank you, Mr President.

**Senator CORMANN** (Western Australia) (14:16): Mr President, I ask a supplementary question. Why is the government not in a position to provide the information I sought in relation to MRRT revenue collected by the government in the month of July when the Prime Minister made a solemn promise to the then Leader of the Australian Greens, Bob Brown, when refusing to release information about MRRT revenue assumptions and estimates like commodity price, production, volume and other assumptions. She made a promise, less than five months ago, to publish monthly updates on revenue collections from the MRRT. Why are you not in a position to do so today?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:17): Through you, Mr President, I will say this to Senator Cormann about the figures—and I will go back and check this because I do not have a comprehensive brief on the July position: my recollection, and it is only a recollection, is that we were anticipating quarterly instalments on the MRRT. If that is the case, you would not anticipate the first set of instalments to be paid until October. But, as I said, I will check that because I do not have a comprehensive brief on this issue. But I remind you again that we update our budget figures at each budget update and the mid-year review, and that is more than can be said for any costing that you have ever been involved in.

**Senator Cormann:** Mr President, I seek leave to table a copy of the Prime Minister's letter to then Senator Brown on 18 March 2012, in which she made the promise that...
she would publish monthly updates on
revenue collections from the MRRT.

Senator Chris Evans: Mr President, I
am just having a look at the letter, but I am
happy to take that motion at the end of
question time so that we can have a look at
the letter first.

Senator CORMANN (Western Australia)
(14:18): Mr President, I ask a further
supplementary question. If the government
cannot even stick to a promise the Prime
Minister made to her alliance partner, the
Greens, how can anyone else in Australia
trust any of the Prime Minister's promises?

Senator WONG (South Australia—
Minister for Finance and Deregulation)
(14:18): Coming from a man who knows he
has to find at least $70 billion of cuts to
services that Australians need, and we can
see in the Victorian Liberal government and
in the Newman government in Queensland
precisely the approach that Senator Cormann
will want to take—cutting frontline services,
cutting jobs, cutting education—just what
Liberals always do when they are confronted
with a budget black hole, and that is what
they have.

We know that, for all of the chest-beating
by those on the other side, that economic
team has never come up with a costing that
added up. Not once. They go to catering
companies and accounting firms who are
found to have acted unprofessionally. Not
once have their costings added up. And the
consequence is: they will have to do far
worse than what Premier Baillieu and
Premier Newman are already inflicting on
their populations.

Electricity Pricing

Senator MILNE (Tasmania—Leader of
the Australian Greens) (14:19): My question
is to the Minister representing the Minister
for Resources and Energy, Senator Evans.
Does the government agree with the
coalition energy spokesperson, Mr Ian
Macfarlane, but not its leader, Mr Abbott,
that some state governments have been
profiting from gold-plating electricity
distribution systems, unnecessarily driving
up electricity bills for ordinary Australians?
If so, given COAG's slow and poor
performance, and conflict of interest on
electricity market reform to date, what
confidence can the community have that
anything other than talk will be done about
it?

Senator CHRIS EVANS (Western
Australia—Minister for Tertiary Education,
Skills, Science and Research and Leader of
the Government in the Senate) (14:20): I
thank Senator Milne for her question. There
is a great deal of community concern about
the increases in household electricity prices
that we have seen over the last three years. I
understand that in many areas prices have
increased by more than 40 per cent, and that
is obviously concerning to people faced with
those costs, particularly people on fixed
incomes, pensioners and other low-income
earners. In my own state of Western
Australia there has been a huge debate about
this. People are very concerned
by those
rising electricity prices.

On 7 August, the Prime Minister sought to
bring attention to some of the issues that
exist in the industry and to concern that
things such as potential overinvestment in
network infrastructure or the pricing around
electricity by state governments may have
seen consumers paying more than they
needed to.

In terms of the carbon price, the federal
government made sure that the household
assistance was more than adequate to cover
any increases driven by the carbon price. But
the ongoing increases in electricity prices are
concerning. The Prime Minister, in asking
states to bring possible remedies to the next
COAG meeting, is trying to seriously address what is a major concern for families and households in Australia. While the implication in the senator's question was rather negative, I think that is not a bad starting point to try to focus on what we can do better to try to keep electricity prices down while maintaining a sustainable system. And, hopefully, COAG will make a step in that direction. (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:22): Mr President, I ask a supplementary question. Given the Prime Minister's concern about the higher than necessary electricity bills because of the incentive to sell more electricity instead of helping energy efficiency, when can the community expect the implementation of a national energy savings initiative, which the government committed to investigate as part of the clean energy future agreement? When can we expect that?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:23): I think the senator is right to point to the need to target energy savings approaches as part of dealing with these issues. It is part of why we have implemented a carbon price as part of our encouragement of alternative energy sources. I think people accept that household usage, patterns of usage and behaviour are an important part of energy saving. My own partner is training us all to turn off the power source—something I am not very good at yet, but it is part of that practical response to the problem.

In terms of the specifics of the national energy savings initiative, I do not have a brief on that with me but I am happy to take that on notice for Senator Milne and get her an answer as soon as I can as to the status of and progress on the national energy savings initiative.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:24): Mr President, I ask a further supplementary question. Finally, why did Minister Ferguson claim that the NEM objective is universally supported, when the evidence is to the contrary? Minister, can you tell me which of the ongoing inquiries address the question of whether the national electricity objective should be amended to incorporate sustainability and climate change? So what is the evidence for the statement and which review actually addresses the objectives of the NEM?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:24): While I am sure Minister Ferguson acted for exactly the right motives and was driven by sound public policy, I have not actually been briefed as to why—

Senator Brandis interjecting—

Senator CHRIS EVANS: No, it does not hurt me at all. I am not sure exactly why the remarks in relation to the NEM were made, nor the particular review focus that the senator is seeking. As with the first supplementary, I will try to get the senator an answer on notice that deals with those issues.

Electricity Pricing

Senator BIRMINGHAM (South Australia) (14:25): My question is to the Minister representing the Prime Minister, Senator Evans. I refer the minister to the same speech as Senator Milne referred him to—the one to the Energy Policy Institute of Australia given by the Prime Minister last week—and I ask the minister: when did the Prime Minister first become aware of the mounting pressures being faced by so many
Australian households and businesses as a result of increasing electricity prices?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:26): Can I say to the good senator that the Prime Minister has been aware for some time, as we all have, about the growing community concern about the increasing costs of electricity in Australia. It has been a concern that has been raised with this government for some time and has been part of the community debate. The senator would be aware, though, that the state governments are responsible for electricity prices in this country.

Senator Brandis: What about the carbon price?

Senator CHRIS EVANS: Senator, if that is wrong, I stand to be corrected. But the last time I checked the state governments were responsible for the setting and control of the electricity systems in their states.

Senator Brandis: Won't the carbon price have an impact on electricity prices?

Senator CHRIS EVANS: The carbon price will have an impact on electricity prices—something that we have made clear for a very long time. It is also the case that the family assistance package, shaped by this government, that has been paid to families across Australia, was designed to assist them in meeting some of those costs. It has been quite clear from all the regulatory assessments that have been done that the increased cost as a result of the carbon price will be more than compensated for by the family assistance packages.

No-one is maintaining that the Treasury estimates are inaccurate. They have broadly come in line with the estimates we made before the introduction of the carbon price and the family assistance package is covering, if you like, the costs that are being passed on. What was clear from recent reporting is that the major driver of cost increases in electricity is not the carbon price—

Senator Brandis interjecting—

Senator CHRIS EVANS: Senator, that is a question of fact. You may be in denial but it is a question of fact.

Senator BIRMINGHAM (South Australia) (14:28): Mr President, I ask a supplementary question. I thank the minister for his answer. As the minister indicated, given that the Prime Minister and the Labor government have apparently had concerns about rising electricity prices for some length of time, why has the Prime Minister chosen to voice these concerns just six weeks after the implementation of her 10 per cent carbon tax on Australia's electricity prices?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:29): I gather the senator's question seeks to criticise the government and the Prime Minister for responding to community concerns. I do not know where he has been. He certainly has not been in Western Australia, where the Barnett government are getting hammered about the increases in electricity prices. I think you will find the Premier would accept that assertion. It is the case that we have been aware for some time of the growing community concern. It is why when we introduced a price on carbon we made sure that there was assistance that more than covered the cost of the increase, because we knew that people were finding it tough to deal with those costs. The Prime Minister is articulating the concern abroad in the community and we know that that is not driven by the carbon price; it is driven by other elements and addressing those is an
important national public policy issue. *(Time expired)*

Senator BIRMINGHAM (South Australia) (14:30): I have a further supplementary question, Mr President. If the Prime Minister and the Labor government are serious about the impact of mounting electricity prices on so many Australian households and businesses, why won't the government do the one thing entirely within its power to reduce electricity prices by an average of 10 per cent? Why will the government not simply axe its carbon tax?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:30): The approach adopted by the opposition is fundamentally dishonest in that it seeks to pretend that the major driver of electricity price increases in this country is driven by the carbon price. They know that is false and no-one else asserts it. They also know that the family assistance measures introduced by this government have provided funding that is greater than the costs incurred by the increase in electricity prices driven by the carbon price. These are family assistance measures that the coalition seek to reverse. They seek to reverse the assistance we provided to meet the cost of paying—

An opposition senator: We'll repeal the carbon tax.

Senator CHRIS EVANS: You never will, Senator, you never will. We know you will not reverse the price on carbon. We know you will not do that. We are interested in protecting Australian families from excessive cost increases and that is what we are about.

London Olympic Games

Senator THISTLETHWAITE (New South Wales) (14:31): My question is to the Minister for Sport, Senator Lundy. With the London summer Olympic Games now officially ended, can the minister advise the Senate of Australia's performance at the games and our athletes' achievements?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:32): I believe all Australians are incredibly proud of how our athletes performed at the London summer Olympics over the last two weeks. Our team hit the benchmark that was anticipated, of 35 medals, and while there may have been a few more silver than expected, each and every one of those tells a remarkable story. In fact, each and every Olympian's performance tells a remarkable story of both hard work, often over a lifetime, and each and every one of those performances has earned our respect and our acknowledgement. Somewhere around Australia those performances will inspire a young Australian to perhaps take up that sport for the first time, perhaps to try a little harder in their chosen endeavour, and so that wonderful circle of inspiration by our elite athletes, sustaining a system of high participation rates in sport across the country, continues.

The breadth and depth of Australian sporting talent has been there on show for everyone to see, but it is true we cannot be complacent. As sports assess their high performance programs, they do so knowing the rest of the world has been pretty busy in improving their own with more countries on the podium than ever before and countries including the host, Great Britain, having success that is unprecedented. I particularly acknowledge the Chef de Mission Nick Green and our flag bearers at the opening ceremony, Lauren Jackson, and at the closing ceremony, Malcolm Page, and take this opportunity to congratulate each and every person, Olympians and support staff...
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and their families for such a fine effort in representing Australia so well in London 2012.

Senator THISTLETHWAITE (New South Wales) (14:34): Mr President, I ask a supplementary question. Can the minister update the Senate on the role that Australian businesses and experts played in making London the successful games that it was?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:34): I thank Senator Thistlethwaite for this question, because Australians had a wonderful role to play in the success of the London games. I begin by congratulating the London Organising Committee of the Olympic Games for delivering an exceptional experience. As Australians we can be proud that since Sydney, in 2000, Australia's expertise in the organisation and delivery of major sporting events has continued to strengthen. In London there is an impressive list of 46 Australian businesses who played key roles in delivering the games.

While I was in London I made the effort to meet with as many of these businesses as possible and, with the support of the Australian High Commission and our High Commissioner John Dauth, I was fortunate enough to have the opportunity to launch Austrade's Australia Unlimited new app, Track Record, which presents these 46 businesses in a very accessible and useful way. (Time expired)

Senator THISTLETHWAITE (New South Wales) (14:35): Mr President, I ask a further supplementary question. Can the minister inform the Senate on any Australian involvement in the creation of the London Olympic cauldron and has the minister yet rowed down the Thames?

The PRESIDENT: You need respond to that part that applies to your portfolio.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:35): It is a testament to Aussie innovation that the creator of the magnificent Olympic flame and cauldron was thanks to South Australian company FCT Flames run by Con Manias. I also met Mr Manias whilst at the Austrade function I mentioned. For those of you who did not see it—I do not know how you would have missed it—the flame was made up of 204 smaller flames, each representing a nation taking part. It was totally different to any other cauldron that we have ever seen at the Olympic Games. It was a challenging structure to create and was widely acknowledged as being both elegant and beautiful, as well as being symbolically meaningful of the coming together of the 204 countries that participated. There were several others, of course. I met with Howard Croker from Croker Oars and Martin Schlegel from Advanced Polymer Technology, who made the blue hockey turf. I am yet to row the course at Eton Dorney and I will do that when I go back for the Paralympics.

Carbon Pricing

Senator SMITH (Western Australia) (14:36): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Is the government considering any changes to the operation of the carbon tax that would increase the effective price paid by liable entities from 2015, compared with the prices they would currently expect to be paying after 2015?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:37): I assume that the good senator by
that question is referencing various newspaper reports rather than—

Senator Birmingham interjecting—

Senator WONG: Actually, I think it was the Financial Review, but I am happy to say 'the Australian', if you want, Senator Birmingham!

The PRESIDENT: Order! Ignore the interjections, Senator Wong. Just continue on the answer.

Senator WONG: It is a very broad question, but certainly in relation to the floor price the government have made clear that we have undertaken extensive consultations. We have certainly received a number of submissions regarding the operation of the floor price. Earlier this year the government released a discussion paper on possible options for implementing the floor price, and no decision has been taken on this issue because we are still consulting with interested parties.

Of course, if the senator is concerned about high prices, we know that the highest carbon price that could be imposed on the Australian economy is that which would be imposed should Tony Abbott ever be in a position to implement his policies. We know what that would mean: a $1,300 a year tax on every Australian.

Opposition senators interjecting—

Senator Brandis interjecting—

Senator WONG: How sooky sooky la-la again, George! You don't want—

The PRESIDENT: Order! Senator Wong, resume your seat.

Senator Brandis: Mr President, I rise on a point of order. On the issue of direct relevance, it was, as the minister said, a broad question. But even the breadth of that question did not extend beyond asking whether the government was considering a particular measure. Where the senator is going now has no bearing on the question of what the government is considering.

The PRESIDENT: I do draw the minister's attention to the question. The minister has 52 seconds remaining.

Senator WONG: It was a broad question. I can tell the senator that the government is not considering imposing a $1,300 per year impost on Australian families, unlike his party. I can tell the senator that the government is not considering taking back the tax cuts that we have put in place to assist with the carbon price. All of those things of course are being not only considered but committed to by the Leader of the Opposition and those opposite.

Senator SMITH (Western Australia) (14:40): Mr President, I ask a supplementary question. Does the government stand by its budget projections that under current rules the carbon price will be trading at $29 in 2015-16 and will generate $6.7 billion for the government?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:40): The government undertook very extensive modelling which underpinned the budget projections. That modelling was, of course, very extensive Treasury modelling which was based on estimates of long-term developments and international carbon markets as well as the assumption, consistent with government policy, that we would link with markets from 2015-16. The fact is that we put out there the government's package, including the very extensive modelling, and that has formed the basis not only of the budget but of the policy costings. The government always updates its costings in the usual way, which is something those opposite do not do. The government updates
its costings in the usual way in the budget and in budget updates, and that is the approach the government will be taking.

Senator Smith (Western Australia) (14:41): Mr President, I ask a further supplementary question. Is it not the case that the carbon tax looks increasingly likely to plummet to its floor price when the fixed price is removed in 2015, and that the government is currently looking for ways to protect its revenue base from a major collapse? Why won't the government be upfront and honest with the Australian people about the major flaws in its carbon tax model?

Senator Wong: Taking a lecture on being upfront about their policy from those opposite, who will not even let me deal with their policy at all in question time, is really a little rich. The question is in fact a hypothetical. The government has laid out its policy, we have provided the Treasury modelling and we have been clear and upfront about the international linking that we are assuming in the budget and in the policy. We were upfront about that. Of course, the senator may not know that the party that opposes linking, thereby driving up the carbon price, is his party.

It is the sort of Barnaby Joyce approach—

Senator Abetz interjecting—

Senator Wong: The Senator Joyce approach. 'Senator Joyce to me'—that's right! I will be very respectful, thank you, Senator Abetz! It is Senator Joyce's approach that the Liberal Party are adopting, which is that they do not want to acknowledge there is a global economy that they do not even want to link when it comes to carbon, which will impose a great cost on Australians.

James Price Point

Senator Siewert (Western Australia—Australian Greens Whip) (14:42): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. I refer to the environmental impact assessment process—

Honourable senators interjecting—

The President: Wait a minute, Senator Siewert. You are entitled to be heard in silence.

Senator Siewert: Thank you. I refer to the Browse Basin LNG processing plant planned for James Price Point in the Kimberley and ask: are you aware that Woodside, the proponent for the development, has significantly underestimated the number of whales in the area? Given that the community science monitoring program has so far identified 1,698 whales within eight kilometres of the shore in five weeks, compared to Woodside's assessment of 1,000 whales for the entire migration season, how are you addressing this gross underestimation in your current assessment process?

Opposition senators interjecting—

The President: Order! On my left; Senator Siewert is entitled to be heard in silence.

Senator Siewert: Have you or will you commission an independent scientific monitoring program to help you assess this project in light of the mounting evidence that the EIA document is insufficient in its assessment process?

Senator Conroy (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:44): I thank Senator Siewert for her questions. We are working with the Western Australian government on a strategic assessment of this proposal. The
state assessment process continues, and
finalisation of the state report must precede
finalisation of the strategic assessment
documents. The strategic assessment process
requires all potential environmental, heritage
and Indigenous impacts to be fully assessed.
I am aware there are a range of views in
relation to this proposal. The government
will not be in a position to make a decision
on the plan to develop the precinct until all
matters required by the terms of the strategic
assessment have been appropriately
investigated.

The Western Australian Environmental
Protection Authority has finalised its draft
recommendation report, with draft approval
conditions, and completed a two-week public
appeals period. I am advised the Western
Australian Office of the Appeals Convenor is
considering appeals received before
providing a report to the Western Australian
Minister for Environment for final decision.
The government will not be in a position to
make a decision on this proposal until the
Western Australian government has finalised
its strategic assessment documents to meet
the terms of the strategic assessment
agreement.

As to whales, in Australian waters they
are protected under national environmental
law. Humpback whales migrate annually
along the Kimberley’s Dampier Peninsula
coast, including past James Price Point, the
site of the Western Australian government’s
proposed Browse LNG precinct. Under the
terms of reference for the joint federal-state
strategic assessment for the Browse LNG
precinct, potential impacts to protected
matters such as humpback whales must be
appropriately investigated. The government
will not be in a position to make a decision
on this proposal until all matters required by
the terms of the strategic assessment—

Senator SIEWERT (Western Australia—
Australian Greens Whip) (14:46): Mr
President, I am not asking what the decision
is; I am asking how they are going to make
the decision and whether they will seek
independent scientific advice as they cannot
rely on the Woodside assessment process.
So, further to that, I have a supplementary
question. The Woodside environmental
assessment process listed many dolphins as
unidentified and did not distinguish between
the normal spinner dolphins and the now
identified miniature spinner dolphins. Is the
government aware of recent reports—

Senator CONROY (Victoria—Minister
for Broadband, Communications and the
Digital Economy, Deputy Leader of the
Government in the Senate and Minister
Assisting the Prime Minister on Digital
Productivity) (14:47): The government has
received an application under sections 9 and
10 of the Aboriginal and Torres Strait
Islander Heritage Protection Act to protect
an area near James Price Point. The act
requires that a report be commissioned in
response to the section 10 application. The
Department of Sustainability, Environment,
Water, Population and Communities is
currently consulting interested parties on
Minister Burke’s behalf as part of the section
9 process. As the applications are the subject
of a legal decision-making process, it would
be inappropriate to comment further.

Minister Burke has advised that Woodside
has resumed geotechnical investigations,
including near-shore drilling, after a break
over the wet season. Minister Burke has
received advice from the Department of
Sustainability, Environment, Water, Population
and Communities that these activities are
unlikely to have a significant impact upon listed matters. Minister Burke
has advised that departmental compliance
officers inspected the onshore and near-shore
activities on 6 and 7 June and that no matters of concern—(Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:48): Mr President, it was nice the minister was answering a question I did not even ask, so I will try again with a further supplementary question. How is the government going to undertake to make the decision? Is the government aware that Woodside have told marine researchers not to tell anybody about the fact that they had photographed the miniature spinner dolphins? What action will the minister take to address this particular issue around the miniature spinner dolphins?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:49): I thank Senator Siewert for her additional question. I am happy to seek further information from Minister Burke on that specific issue; I will take that on notice for you.

National Food Plan

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:49): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. I refer the minister to the National Food Plan green paper released on 17 July. Given the importance of ensuring that Australians have access to a secure and safe food supply, why do 18 out of the total of just 22 policy options recommend the establishment of further reviews, committees, forums, evaluations or strategies? Why doesn't the government have a policy to increase the productivity of Australians for food supply? Is the government simply out of ideas about how to support Australian farmers?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:50): I thank Senator Williams for that dorothy. The Australian government is actively working to deliver the nation's first ever National Food Plan—a commitment we made at the last election. Australia's first National Food Plan is an opportunity to get the right policies in place for a strong, resilient and collaborative food industry that responds to our needs now and into the future. Senator Williams is correct to identify that the green paper, which is about bringing forward those ideas, bringing forward the issues, is the right vehicle to do that. I congratulate him on identifying that process.

A growing world population and increasing numbers of middle-class consumers in Asia mean that there are significant opportunities for the Australian food industry in the future. The National Food Plan will ensure that the government's policy settings are right for Australia over the short term, the medium term and the long term. What the government announced over the break was the consultation vehicle, the green paper, which will lead to a white paper, which will provide the policy settings that will support industry.

On 17 July I released the National Food Plan green paper, which outlines how current policies address food issues as well as discusses any potential changes the government might consider to policies, programs and governance arrangements. The green paper includes a range of policy options and I would hope that the National Party will in fact provide some input into the green paper on some of those options. These options include issues that cover food security: whether the government should regularly report on our food security and supply chains, issues around market access
and how we can assist Australian producers to enter overseas markets. *(Time expired)*

**Senator WILLIAMS** (New South Wales—Nationals Whip in the Senate) (14:52): Mr President, I have a supplementary question. If the government is to be believed on its promise to increase Australia's food producing capacity, why won't it give consideration to the construction of dams that can help increase the security of farmers' water supplies? Why does a National Food Plan mention the word 'dams' precisely once and only with regard to aquaculture?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:52): I thank Senator Williams for his question. The policy options within the green paper, as I was saying, include supply chain relationship, research and development, how we boost Australia's agricultural productivity through rural R&D investment. It also includes—and Senator Williams may not have got to this within the green paper—infrastructure: what infrastructure power our industry needs to ensure that we have a sustainable industry into the future. So rather than settle on one specific policy outcome, as the National Party seemed to be stuck on, we need a coordinated infrastructure policy that deals not only with issues around water, land use, rail and transport, freight—all of those together—but also with how we can pursue those including issues around land use and the way we can ensure that Australia's land is used sustainably. *(Time expired)*

**Senator WILLIAMS** (New South Wales—Nationals Whip in the Senate) (14:53): I have a further supplementary question, Mr President. Can the minister explain why the National Food Plan does not mention the live export industry given that it is worth $1 billion to Australia's economy and given the industry's difficulties in handling new tariffs and regulations that are being imposed by the Indonesian government? Is the government simply trying to hide from its gross mismanagement of this sector?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:54): I thank Senator Williams for his second supplementary question. Again, the policy options which are outlined in the green paper do include issues around supply chain relationships: how we foster stronger relationships for the benefit of suppliers, supermarkets and consumers; how we ensure that the product gets to market; how we ensure that we have market access; how we can assist producers—

**Senator Williams:** I rise on a point of order, Mr President, in relation to direct relevance. The second supplementary question is directly in relation to live exports—why weren't live exports mentioned in the plan?

**The PRESIDENT:** Order! There is no point of order. I am listening to the minister's answer carefully. The minister has 36 seconds remaining to answer the question.

**Senator LUDWIG:** Thank you. Of course extensive stakeholder consultation is underway on the green paper so one would expect that under the headings of those policy options which included market access and issues around supply chain relationship, those who want to provide comment about how we improve and foster relations with overseas countries can be available to be included within the consultation for the green paper. It touches on foreign investment as well, and I am sure that Senator Williams has a lot to say about foreign investment,
unlike his colleagues from the Liberal Party.  
(Time expired)

**National Broadband Network**

Senator CAMERON (New South Wales) (14:55): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister advised that the Senate on recent developments with the National broadband network?

_Opposition senators interjecting—_

**The PRESIDENT:** Order! Senator Cameron is entitled to be heard in silence.

Senator CAMERON: Is the NBN on track to deliver its commitments and its rollout plans?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:56): I thank the senator for his questions and ongoing interest in the NBN. Last week I released NBN Co's 2012-15 corporate plan. Important progress has been made by the government and NBN since the publication of the 2010 corporate plan. Since then legislation has been passed, contracts have been signed, firm agreements have been put in place and there is greater regulatory certainty. With this greater certainty the capital cost of the NBN is $37.4 billion, a modest increase of 3.9 per cent.

_Opposition senators interjecting—_

**The PRESIDENT:** Order! I remind those on my left that shouting across the chamber is disorderly. The minister is entitled to be heard in silence.

Senator CONROY: Economics 101, natural monopoly—look it up, George! In February the member for Wentworth said that he would hold the government to account on its promise of construction being underway or completed for 758,000 premises by the end of this year. The corporate plan confirms that the government is on track to meet this target that Mr Turnbull is going to hold us to. Fibre will have been commenced or completed in 758,000 premises by the end of 2012.

_Opposition senators interjecting—_

Senator Brandis interjecting—

**The PRESIDENT:** Order! Continue, Minister.

Senator CONROY: The plan demonstrates that the government is delivering on its commitment. Its rollout is on target, prices are coming down and you get a return to the taxpayer.  
(Time expired)

Senator CAMERON (New South Wales) (14:59): Mr President, I ask a supplementary question. Can the minister advise the Senate if he has any evidence that there is demand for the NBN? Can the minister also advise if there is any evidence of demand for the speeds being provided by the NBN? And can the minister comment, if he likes, on Senator Stephens having the NBN satellite installed tomorrow, with a saving of $69 per month?  
(Time expired)

_Opposition senators interjecting—_

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (15:00): Demand for the NBN
is strong. In just a year, take-up in Kiama has been 38 per cent, and 35 per cent in Willunga. The member for Wentworth's commitment, in his speech last year at the Press Club, was to provide access for 24 megabits. And in May this year he said that 25 megabits were more than adequate for residential consumers. But just this week the Victorian Minister for Technology released a report from Deloitte Access Economics that finds, surprisingly, a strong demand for high-speed broadband, particularly for speeds above 50 megabits.

So the report found existing demand for 350,000 services at speeds above 50 megabits. But Mr Turnbull says, 'No, you can't have that. You can only have 25 megabits.' Mr Turnbull should meet the Victorian minister and they should have a chat. (Time expired)

Senator CAMERON (New South Wales) (15:01): Mr President, I ask a further supplementary question. Can the minister outline to the Senate any evidence he has that the NBN is a sound investment for our future? Can the minister advise what the NBN means for the future of education, health service delivery and business productivity in Australia?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (15:02): The NBN, as I have already said, pays its own way. It generates a return of 7.1 per cent. But the benefits of the NBN are not just in its financial return to the government, but in its return to business and the broader community.

Over the last few months I have visited small businesses in Brunswick who are changing the way the Department of Agriculture, Fisheries and Forestry in Queensland delivers training courses for graziers. I have seen demonstrations of specialist health consultations to remote locations. I have participated in multiparty high-definition videoconferencing. The Gillard government recognises that the NBN is an investment in our future.

What Mr Abbott and Mr Turnbull plan to do is sabotage our children's education and decrease patient care in this country. That is what those opposite are backing; that is what they are supporting—a second-rate network, built dirt—(Time expired)

Senator Chris Evans: Mr President, I ask a further questions be placed on the Notice Paper.

Mining

Senator CORMANN (Western Australia) (15:03): Mr Deputy President, consistent with what was discussed during question time I seek leave to table a letter from the Prime Minister to then Senator Bob Brown in relation to the mining tax.

Leave granted.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Asylum Seekers

Senator CASH (Western Australia) (15:03): I rise to take note of answers given by Senator Evans to questions asked by Senator Abetz. I move:

That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) today relating to asylum seekers.

As Senator Abetz stated in his question to Senator Evans today during question time, on 17 November 2008 the then Minister for Immigration and Citizenship, Senator Chris Evans, said in an address to the Refugee
Council of Australia at the Parramatta Town Hall:

Labor committed to abolishing the Pacific Solution and this was one of the first things the Rudd Labor Government did on taking office. He then rather arrogantly stated in this speech, and he confirmed those words today:

It was also one of my greatest pleasures in politics. Neither humane nor fair, the Pacific Solution was also ineffective and wasteful.

Jump forward to today, 14 August 2012, and what do we, the coalition and the public of Australia, now have? After years of telling the coalition and after years of telling the people of Australia that Nauru and the Pacific Solution will not work, after years of telling the coalition and the people of Australia that Nauru and the Pacific Solution were neither humane nor fair and that the Pacific Solution was also ineffective and wasteful, yesterday former Air Chief Marshal Angus Houston—the man handpicked by the Gillard government to advise them on border protection because the Labor government had totally abrogated their responsibilities in this regard—said that the Pacific Solution will work, and has in fact advocated a return to it.

For years now, the Labor Party has been telling the coalition and telling the people of Australia that you cannot turn the boats back. Again, what did we have yesterday in the report that was handed down by Mr Houston? He has again said that there certainly are circumstances in which you can turn the boats back. For four years Australia's borders have been weak, lives have been lost at sea and Australia's reputation with its nearest neighbours has been completely, totally and utterly tarnished. Costs have blown out and people smuggling as a business has been allowed to flourish, all because those opposite—the Labor government and the Prime Minister of Australia—were too stubborn to admit that they got it wrong in August 2008 when they made the deliberate and wilful decision to roll back the proven border protection policies of the Howard government.

The last four years have seen what has been described as the greatest policy failure by any government in Australia since our inception. The Labor government inherited a solution. They were given one of the greatest gifts a government can ever be given when they take power, and that is that we had border protection policy in this country under control. But that was not good enough for those on the other side, and they set about deliberately and wilfully to dismantle the proven border protection policies of the Howard government. In fact, on 6 May this year—on that one day alone—more boats and more people arrived in Australia unlawfully than in the last five years of the Howard government. If you want further proof that the decision by the Labor government to dismantle the Pacific solution has resulted in disastrous consequences for this country, you need look no further than this statistic: under Prime Minister Gillard—under her watch alone—the number of people who have arrived in this country unlawfully has exceeded those that arrived during the entire 11 years of the Howard government.

The Labor government should apologise to the people of Australia for their abject failure when it comes to border protection. They should apologise for dismantling the Howard government's proven border protection policies, which they have now been told worked, stopped the boats and broke the people smugglers' model; they should apologise to the taxpayer for unnecessarily wasting billions of dollars, to the tune now of in excess of $4.7 billion; and they should apologise to the Australian people for offering a business model to the people smugglers who, by their criminal
actions, have caused untold suffering to those who lost their lives at sea. *(Time expired)*

Senator THISTLETHWAITE (New South Wales) (15:09): I just cannot believe that we are continuing to bicker over this issue before the Senate. Australians have had enough of this. They have had a gutful of this issue, and they simply want us to get on with it. Over the last five weeks, the Houston committee have been working on this issue. Yesterday they delivered their report to the Prime Minister, the Australian parliament and the people of Australia. There are a set of recommendations in that which, the committee makes clear, are a package. They do not want this parliament cherry-picking some elements of the package and rejecting others. They want it adopted as a package, because they see it as the only way that we can get a credible solution to this important issue and stop people drowning on the open seas.

The Labor Party—the government—has indicated it is willing to compromise. Yes, we are willing to compromise. We are willing to accept Nauru. We are willing to accept Manus Island. We are willing to accept a compromise to get a resolution to this issue. That is what we are willing to do, unlike those opposite and the Greens, who were not willing to compromise in the Senate six weeks ago when a solution was reached by the House of Representatives.

What are the Houston committee's recommendations? They recommend increasing the humanitarian intake from 13½ thousand to 20,000 and eventually, over time, to 27,000. The government has agreed to look at this and will implement this. They have highlighted bilateral cooperation as an important element of this package, something that the government has been working on with our regional neighbours, particularly Indonesia and Malaysia. They point out that the Malaysia negotiations are an important part of this package. Former Air Chief Marshal Angus Houston and the committee say:

The Panel recommends that Australia continue to **develop its vitally important cooperation with Malaysia on asylum issues**, including the management of a substantial number of refugees to be taken annually from Malaysia …

They recommend that the government continue to work on the Malaysia plan. They also recommend the reopening of Manus Island and Nauru. The government is giving that a tick: we are going to move to reopen Manus and Nauru. But, importantly, what they say also is that temporary protection visas will not work. An important element of the opposition's program will not work. They also say that tow-backs, under the current circumstances, will not work, and they clearly make the point that turn-backs cannot be done without the agreement of Indonesia. We have discussed this on numerous occasions in this place, and it has been in evidence before Senate estimates from Admiral Chris Barrie and others, who have said that it endangers the lives of Australian Defence Force personnel. It endangers the lives and the welfare of those in the Royal Australian Navy who have to undertake this dangerous tow-back policy. Is that the policy that you are advocating? Is that what you are advocating, despite the advice of the leader of the Australian Navy, who said that it would endanger personnel? The other issue is that people just disable the boats. They deliberately disable the boats to make sure that you cannot realistically turn them around.

Let us get on to the facts about this. The Australian public want the parliament to move on. Labor has accepted the recommendations of the Houston committee. We are going to implement them. We hope
that we get the support of the opposition in doing that, but what this is really about is the fact that we actually have a solution to this important issue, and those opposite cannot bring themselves to agree that we have a solution on this.

So let us look at the major issues affecting Australians. The economy in Australia is AAA rated; you cannot get any better. That is a tick for the government. The minerals resource rent tax has been up and running and is being implemented, ensuring that we are spreading the benefits of the mining boom—tick. The carbon pricing legislation has gone through and is up and running. The sky has not fallen in and what people have said is that it has not been disastrous—tick. Now we have a solution on the verge of being reached in respect of asylum seekers—tick. Now the focus shifts to you. You have to explain to the Australian public your $70 billion black hole in your election costings. The focus will now shift to you, and that is what this is about. (Time expired)

**Senator SCULLION** (Northern Territory—Deputy Leader of The Nationals) (15:14): It is rare that I rise in this place to start my remarks by offering some advice to the other side. There are some times in life when you realise you have simply got it completely wrong. We have all been through that. It is a little humiliating. But my advice to you for the future speakers is simply to do it with some dignity. This is a humiliating but, I have to say, welcome backdown, and we need to acknowledge that it has come at some cost, and that is why we need to give it a bit of dignity.

This has come at a fiscal cost—a contribution of some $4.7 billion—and there are 22,518 people who, if this policy had been adopted when the rest of the world knew it should have been instead of taking some cheap political position, would not have been forced to put their and their families' lives at risk. They came across in 386 vessels; and, sadly, those vessels were not in the finest of conditions, so over 600 lives were lost. Who would know what the real number is? Who would know the real cost?

We also have the massive profits and underpinning of international crime. We are underpinning international crime organisations that are also involved in other people smuggling and smuggling in the transport of drugs. We know that international organised crime is a bad thing and yet we—not those on this side but this nation and those on the other side—gave them a reason to operate.

We have been asked to believe that somehow this is a different Pacific Solution. Again, those on the other side: Nauru is in the same place on the map. It has the same postcode; nothing has changed. In fact, it has exactly the same phone number. Certainly Mr Abbott has asked on no fewer than 130 occasions, pleading with the Prime Minister to pick up the phone, so it is not as if we have not known exactly what you need to do.

We have had some commentary about some of the positions in terms of turning the boats around. It is interesting to note what the Prime Minister had to say on turning the boats around. This was back in 2002: 'And we think turning the boats around that are seaworthy, that can make the return journey and are in international waters fits in with that.' She seemed to be flip-flopping a bit, though. She went on in 2010, very recently:

I speak of the claim often made by opposition politicians that they will, and I quote: 'turn the boats back'. This needs to be seen for what it is. It's a shallow slogan. It's nonsense.

But then she had a bit of an epiphany. In 2011 she said:
They believe they are coming to Australia, but they end up somewhere else. It is a virtual turnaround of boats.

Sadly, we have seen flip-flopping on almost everything. On the temporary protection visas, back in 2002 she said people 'would in the first instance get a short temporary protection visa'. Again in 2002 she said, 'We want the short first-instance temporary protection visa'. In 2010 she said, 'The Rudd government is proud of its reforms in abolishing temporary protection visas—closing the so-called Pacific Solution'. I am not surprised that people are confused about their position.

We also had Senator Evans in this place. He said in 2008, 'the Pacific Solution was a cynical, costly and ultimately unsuccessful exercise introduced on the eve of a federal election by the Howard government'. I am very surprised those opposite are not standing up and simply admitting it is a humiliating but necessary backdown and treating this with the dignity that this issue deserves.

I urge all Australians, whilst those on the other side are now acknowledging the mistake that they made, to think for a moment, as we consider this issue and before we move on, of the vanity of four years. The cost of the vanity of four years was 22,518 people, $4.7 billion of taxpayers' dollars that could have been spent on other things and, particularly, well over 600 people who, very sadly, lost their lives. (Time expired)

Senator SINGH (Tasmania) (15:19): Today is not a day about proclaiming political wins. It is a day when all sides of politics have to stop the blame game, the political point-scoring and rise above all those arguments for the basis of humanity. Senator Scullion talks about dignity. Senator Cash's contribution to this previously was anything but dignified. In fact, the Hansard will record in history—

Senator Cormann: You are responsible. Don't you understand responsibility and accountability?

The DEPUTY PRESIDENT: Order on my left!

Senator SINGH: that the contribution by Senator Cash on this matter was anything but dignified; in fact, I would have to say it was probably one of the most appalling contributions she has made to this Senate. It is because she has chosen to politicise this issue when we have now heard from an independent expert panel that has come out with a report that the government has in principle accepted which breaks the political deadlock and ends the politics. Instead of that, Senator Cash has to start the politics all over again and cherry pick the parts of the Houston report which suit her best.

One thing that the expert panel made very clear is that the report should be taken as a package. The recommendations within the report should be taken as a package and should not be cherry picked. In fact, if one is to cherry pick as Senator Cash done and look at Manus Island, Nauru or PNG, they in fact are a very small part of this report—a very small part of a very broad package about how we address the issue of those seeking asylum in this country.

One very important part of the package which Senator Cash chooses to overlook because it does not suit her political point-scoring is that the Houston report looks at increasing our humanitarian intake to 20,000 and, in five years, eventually to 27,000. That is so significant that it actually makes Australia a country with one of the highest humanitarian intake per capita in the world. I am proud to be part of a government that is going to increase the number of people who are able to seek asylum in this country by
accepting the recommendation to increase our humanitarian intake to 20,000 and then to 27,000. That is what I want to see my government doing, and that is exactly what it will be doing.

We are a welcoming country. We welcome refugees to our country; we do not demonise and denigrate them. Under the Howard government, we had 11 years of demonising asylum seekers in this country and the ongoing politicisation that followed. That is why we continue to be in a political deadlock with the opposition. They continue to refuse everything that is put on the table. We have compromised. We have tried to negotiate and come to an agreement with the opposition; but, no, that does not suit their political games. Now that the expert panel has come out with a report, the opposition continue to find a way to politicise and demonise the process, the ultimate process, for those seeking asylum in this country. That is incredibly regrettable.

It is incredibly regrettable that Mr Abbott has not been able to resist that temptation, and neither has Senator Cash, here, today. In her contribution, she gave an appalling account of the issue of asylum seekers in this country. These are people in need. They are people who need very much our government's support, our parliament's support, to end the deadlock that has been at the heart of this issue. People in this place spoke very passionately and emotionally about this issue at the end of our June sittings, and it is now back with us at this time. Particularly in the last week of parliament, it was issue that we needed to address. (Time expired)

Senator SMITH (Western Australia) (15:24): I rise to take note of answers given by Senator Evans to questions asked by Senator Abetz. Labor has grown deaf and blind to the frustrations of Australians regarding our borders. Yesterday was a day that Australians have grown tired and weary waiting for. During their wait, their cynicism about the national government and the political process that underpins it has been magnified and grown heavy. Across the country, Australians are tired of the politics that has broken the protection of our borders, shamed our reputation amongst our neighbours and risked the lives of many.

Much is open slather in the sport that is Australian politics, but this episode is gross ineptitude by a Labor government at its best, or it is the most shameful exercise of political survival. The embarrassment and shame of senators opposite is well justified. The government's reluctance to properly and comprehensively address our border protection priorities has come at great cost. There have been 22,518 arrivals in 386 boats since November 2007—a hefty cost to our border protection. In five years, more people have arrived by boat than in the entire period of the Howard government.

In the hop, skip and a jump that is Labor's attempt to restore the integrity of our borders, the Houston report and more particularly the government's decision to embrace Manus and Nauru as part of a solution is a welcome but long-awaited first step. Labor's conversion to a more robust and effective position on border protection is taking too long. It is important and worthy to acknowledge the importance of this long-awaited recognition that offshore processing at Manus Island and Nauru will have a positive effect on reducing the incentive for vulnerable people to take risks. The government's failure to quickly endorse a comprehensive plan is staggering. That plan should be simple. It has been tried and tested and it has passed with flying colours. That plan is offshore processing at Manus and Nauru, it is the resurrection of temporary
protection visas and it is a will to turn back boats when it is safe to do so.

While the community has lost faith in Labor and its leaders, a group of three has successfully fulfilled the role of policy making for an inept Labor government. The Houston report gives Australians a road map for restoring their borders, rebuilding the pride of their country in the region and stopping vulnerable people from undertaking a risky path to a better life. We have a report, we have a road map, but we are still left with a government with a poor record of implementation. The question that Australians should now ask is: can Labor be trusted to implement a policy that they were reluctant to embrace in the beginning? The emphasis is important: 'reluctant to embrace in the beginning'.

In 2003, the Prime Minister was against offshore processing and the Pacific solution. She said that Labor would end the so-called Pacific solution—the processing and detaining of asylum seekers on Pacific islands—because it was costly, unsustainable and wrong as a matter of principle. As Deputy Prime Minister, her government dismantled the coalition's successful Pacific Solution policy. In 2008, her colleagues said that Labor was committed to abolishing the Pacific Solution, and this was one of the first things that the Rudd Labor government did on taking office. 'It was also one of my greatest pleasures in politics,' said Labor's Senate leader.

I believe that it is powerful reading to sometimes take note of the comments in our media, and today's Australian newspaper is an important and powerful one. Sometimes it is easy to dismiss the powerful observations that are often made by our media commentators, but two comments today stand out to me. The first comment is:

… that the dismantling of the Howard government's border protection policies and their replacement with onshore processing has been a powerful pull factor behind the sharp increase in asylum-seeker arrivals by boat in recent years. The panel recognises that in order to stem the tide of asylum-seekers, this pull factor must be urgently addressed by implementing policies, including offshore processing, that deter people from undertaking dangerous boat journeys to Australia to seek asylum.

The second comment—and I will finish on this point—is:

… the Labor Party's decade-long vacillation on asylum-seeker policy, which has been defined by backflips, policy reversals and an irrational opposition to past Coalition policies that demonstrably worked.

(Time expired)

Question agreed to.

James Price Point

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:29): I rise to take note of Senator Conroy's answers to my questions on Woodside's proposed development at James Price Point. I move:

That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Siewert today relating to a proposed development at James Price Point, Western Australia.

I note that the government obviously have not thought about how they are going to undertake their decision-making process on James Price Point. I was not asking the minister about what the decision was. Clearly they are yet to make that decision. What I want to know and what the community wants to know is how they are going to make that decision. It is very clear that the Woodside environmental impact assessment document is unsatisfactory. It is not a comprehensive assessment of the
potential impacts of this development on James Price Point.

Let us take the whales as an example. I was there myself last week and now have a fairly good understanding of the whale population in the area and also of Woodside's very gross underestimation of the number of whales using the area. They have so grossly underestimated the number of whales using that area and there is the fact that this area is a whale nursery and the home of the whales—not the Antarctic. The whales are born in this area; they are conceived in this area; they go to feed in the Antarctic and come back to give birth in this area. Woodside says that around 1,000 use the area within the eight-kilometre zone in the whole of the migration season. The community monitors, in a very scientific manner, have already, in the first five weeks of the migration period, identified 1,698 whales, including at least 99 mothers and calves, with some other sightings that are yet to be confirmed. In other words, this is a very important area.

I asked about the miniature spinner dolphins. Woodside is spending $80 million on an environmental assessment process—"It must be okay because we spent lots of money"—and, for a start, have managed to grossly underestimate the number of whales. The community-monitoring program has already highlighted the fact that they grossly underestimated it. They did not manage to find the miniature spinner dolphins. They spent $80 million but they did not manage to find them. Also, they did not manage to find the turtle-nesting sites. If they had asked the local community they could have told them where they are and the fact that they do use this area for nesting, but according to Woodside they do not. Not to mention the bilbies that they never seem to manage to find. That is just the start of the failures of the environmental impact assessment process undertaken by Woodside.

The government could not answer my question. They could not tell us how they are going to make the decision; they could not tell us whether they are going to carry out some independent monitoring. However, the minister did manage to answer a question I did not ask and, I have to say, I am quite grateful because the community do want to know what has been happening with their section 9 application. They put it in at least 12 months ago—you cannot rush these things. So I will take that answer back to the community and let them know that the minister is still undertaking that assessment.

Last week, for the James Price Point development, the Australian Institute of Marine Science carried out an assessment of the state government's own documentation and pointed out that the project will be a net cost to the taxpayers of WA and they will spend more money supporting this project than they will in collecting taxes. In fact, the impact of this particular development may lead to the loss of jobs in other places in WA.

One wonders why the WA government are so strongly focusing on James Price Point when this particular site is an economic disaster. Could it be that they have other plans for the site? Of course, they deny this, but it is highly likely. Ninety-seven per cent of the workers there will be fly-in fly-out workers. So much for the myth that this is going to generate so much local employment. It will reduce the Kimberley's reputation as a world-class tourism destination, leading to a reduction in employment in the area's other largest employment sector. It will increase demand on community services, such as health and police, and cause inflation in the Broome region for housing and things like that, as it
has in other places in Western Australia. This is a bad development. It should not go on country at James Price Point. The government should look at other places for that development and the federal government need to outline how they intend to undertake their assessment process.

Question agreed to.

PETITIONS

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

Marriage

To the Honourable president and members of the Senate in Parliament assembled,

The petition of the undersigned shows ....

that the most sacred, age old marriage institution is under threat. Australia needs Gods continued blessings. Marriage was instituted by Almighty Creator God and it would be a gross offence to Him and His followers if "marriage" is legalised between same sex couples.

Your petitioner humbly requests that the Senate ....

do everything in its power to retain the current dignified status of marriage. My wife and I and my two sons have gone to great emotional, spiritual and financial expense to enter this Godly estate and we do not wish to see its value undermined. Unions between consenting homosexual couples may need to be legalised, but another term needs to be used for this union.

by Senator Boswell (from 1citizen).

Internet Content

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

The petition of the undersigned shows:

That material banned through the 'Refused Classification' category in Australia includes child pornography, material that promotes rape, sex with animals or incest and material that instructs in how to carry out bombings and torture. We note this ban extends to books, magazines, films, television and Australian hosted websites and generally works well to prohibit access to material the vast majority of Australians would find abhorrent.

We also note that there are many overseas hosted websites that promote such material for sale, including material that has involved the trafficking and sexual abuse of women and children. We further note that the UN Human Rights Council passed resolution A/HRC/8/L.17 of 12 June 2008 calling for governments to take steps:

- combat the use of the Internet to facilitate trafficking in persons and crimes related to sexual or other forms of exploitation and to strengthen international cooperation to investigate and prosecute trafficking facilitated by the use of the Internet.

Your petitioners ask that the Senate:

Pass legislation that requires Internet Service Providers (ISPs) to block all websites that contain material classified as 'Refused Classification', regardless of where such sites are hosted.

by Senator Ronaldson (from 48 citizens).

Petitions received.

NOTICES

Presentation

Senator Moore to move:

That the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 21 August 2012, from 12.30 pm.

Senator Moore to move:

That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 August 2012, from 5 pm, to take evidence for the committee's inquiry into the Low Aromatic Fuel Bill 2012.

Senator Cameron to move:

That the Environment and Communications Legislation Committee and the Environment and Communications References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1)
during the sitting of the Senate on Thursday, 16 August 2012, from 1 pm.

**Senator Brown** to move:
That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 22 August 2012, from 9.30 am to 11 am, to take evidence for the committee's inquiry into the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012.

**Senator Heffernan** to move:
That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 August 2012, from 4.30 pm, to take evidence for the committee's inquiry into the examination of the Foreign Investment Review Board national interest test.

**Senator Cash** to move:
That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate, from 11 am, as follows:
(a) on Thursday, 16 August 2012; and
(b) on Thursday, 13 September 2012.

**Senator Siewert** to move:
That the time for the presentation of the report of the Community Affairs References Committee on its inquiry into health services and medical professionals in rural areas be extended to 22 August 2012.

**Senator Siewert** to move:
That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 21 August 2012, from 12.30 pm.

**Senator Rhiannon** to move:
That the Senate—
(a) notes that:
(i) Westpac's environmental credentials have assisted it to promote the bank's business,
(ii) Westpac was the first Australian bank to adopt the Equator Principles, agreeing not to fund projects that endanger communities or the environment, and is a signatory to the United Nations Environment Programme Finance Initiative,
(iii) the Solomon Islands is listed as having the highest percentage loss of rainforest in the Pacific,
(iv) logging in the Solomon Islands is unsustainable and has led to significant pressure on the natural environment, friction within local communities, threats to food security and breaches of human rights, including the sexual exploitation of women and children,
(v) recent investigations show Westpac has provided loans to companies in the Solomon Islands which have been involved in illegal tree-felling, hiring of illegal workers and alleged non-payment of compensation for illegal logging,
(vii) Westpac claims it has reduced lending to the forestry industry to 9 per cent of its loan book in the Solomon Islands and is taking on no new business in the Solomon Islands, yet it has recently gone guarantor for a new project to log pristine rainforest on Vella Lavella,
(viii) the Australian Greens have written to the Banksia Environmental Foundation asking it to consider withdrawing past awards to Westpac because of this involvement, and
(ix) Westpac has refused to investigate the loans it has made to those involved in illegal logging or to withdraw immediately from financing logging operations in the Solomon Islands; and
(b) calls on the Government to:
(i) approach the Banksia Environmental Foundation, which administers the Prime Minister's Environmentalist of the Year awards with Government funding, to ask the foundation to review and consider withdrawing Westpac's past awards,
(ii) initiate talks with Westpac seeking a commitment to immediately end links with forestry in the Solomon Islands and contribute to forest restoration, and
(iii) conduct an investigation into the collapse of the forestry industry due to illegal practices which will impact on the whole Solomon Islands' economy and bring hardship to local people, if Westpac does not in the short-term withdraw from financing logging operations.

**Senator Lundy** to move:

That following the 30th Olympiad the Senate congratulates our Olympians on their performances in London 2012.

**Senator Cormann** to move:

(1) That the Senate notes that:

(a) on 18 March 2012, the Prime Minister promised former Senator Bob Brown, then Leader of the Australian Greens, that the Government would publish monthly updates on revenue collections from the Minerals Resource Rent Tax (MRRT); and

(b) the MRRT legislation came into effect on 1 July 2012.

(2) That there be laid on the table by the Minister representing the Treasurer, no later than noon on the 20th day of every month, information relating to the MRRT revenue collected by the Government in the preceding calendar month, broken down by state or territory of collection and by commodity type.

(3) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President in accordance with standing order 166.

(4) This order is of continuing effect.

**Senator Ludlam** to move:

That the Senate—

(a) notes:

(i) reports of a surveillance system known as TrapWire operating in the United Kingdom, Canada and cities in the United States of America, including Washington DC, Las Vegas, New York and Los Angeles, and

(ii) TrapWire's features are reputed to include the ability to centralise and aggregate data from public surveillance cameras and share threat information across networks; and

(b) calls on the Government to confirm:

(i) whether the TrapWire system is deployed anywhere in Australia,

(ii) if Australian law enforcement and intelligence agencies have access to, or have in the past used, information provided by foreign law enforcement and intelligence agencies using the TrapWire system, and

(iii) if the Government or its law enforcement and intelligence agencies have held discussions about acquiring the TrapWire system for use by government entities here.

**Senators Wright and Ludlam** to move:

That the Senate—

(a) notes that:

(i) the week 6 August to 12 August 2012 was national Homeless Persons' Week, and

(ii) on any given night in Australia, approximately 105 000 people are experiencing homelessness;

(b) recognises that:

(i) mental illness is both a cause and consequence of homelessness, and

(ii) the Australian Council of Social Service's Community Sector Survey 2012 recently highlighted that the availability of secure and affordable housing, and care and treatment for mental illness, are the greatest areas of need for people experiencing poverty and disadvantage in Australia; and

(c) calls on the Government to consider and respond to underfunding, funding uncertainty and unmet need in the homelessness and mental health sectors.

**BUSINESS**

Leave of Absence

**Senator Kroger** (Victoria—Chief Opposition Whip in the Senate) (15:35): I move:

That leave of absence be granted to Senators Nash and Boswell today, for personal reasons.

Question agreed to.
COMMITTEES

Australia's Food Processing Sector Committee

Meeting

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:36): I move:

That the Select Committee on Australia's Food Processing Sector be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 15 August 2012, from noon.

Question agreed to.

BUSINESS

Consideration of Legislation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:36): I move:

That the following general business orders of the day be considered on Thursday, 16 August 2012 under the temporary order relating to the consideration of private senators' bills:

No. 86 Health Insurance (Dental Services) Bill 2012 [No. 2]
No. 51 Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011.

Question agreed to.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (15:37): by leave—At the request of Senator Crossin, I move:

That the time for the presentation of reports of the Legal and Constitutional Affairs Legislation Committee be extended as follows:

(a) Privacy Amendment (Enhancing Privacy Protection) Bill 2012—to 11 September 2012; and
(b) Military Court of Australia Bill 2012 and a related bill—to 9 October 2012.

Question agreed to.

National Broadband Network Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:37): by leave—At the request of Senator Cameron, I move:

That the Joint Standing Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate today, from 6.15 pm till 7.20 pm, to take evidence for the committee's inquiry into the rollout of the National Broadband Network.

Question agreed to.

Electoral Matters Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:38): by leave—At the request of Senator Brown, I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 15 August 2012, from 9.30 am.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Greens (Senator Milne) for today, proposing a reference to the Economics References Committee, postponed till 20 August 2012.
General business notice of motion no. 781 standing in the name of Senator Hanson-Young for today, proposing the introduction of the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012, postponed till 18 September 2012.

General business notice of motion no. 829 standing in the name of Senator Rhiannon for today, relating to family planning, postponed till 15 August 2012.

MOTIONS

Polio Eradication

Senator McEWEN (South Australia—Government Whip in the Senate) (15:39): At the request of Senators Moore and Boyce, I move:

That the Senate—

(a) notes:

(i) the Australian Government's commitment to provide $50 million in support of global polio eradication efforts over 4 years, and

(ii) the recent declaration by the 65th World Health Assembly that the completion of polio eradication is a programmatic emergency for global public health, indicating that if polio is not successfully eradicated very soon, the consequences will be catastrophic;

(b) recognises that in February 2012, India was removed from the list of countries where polio remains endemic, proving that eradication strategies are effective when they are fully implemented and that polio can be eradicated anywhere – there has not been a single reported case of polio in India since January 2011;

(c) notes that the Global Polio Eradication Initiative currently faces a funding shortfall of US$945 million for the full implementation of its 2012-13 Emergency Action Plan, especially targeting Afghanistan, Pakistan and Nigeria and that immunisation campaigns have had to be cancelled or scaled back in 33 countries in Africa and Asia to make up for this shortfall, leaving more children vulnerable to the disease and increasing the risk of the international spread of polio; and

(d) encourages the Australian Government to support efforts to deliver a polio-free world and to encourage other countries to do likewise at the 67th session of the United Nations General Assembly.

Question agreed to.

Workplace Relations

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:40): At the request of Senator Abetz, I move:

That the Senate—

(a) notes:

(i) advice from the Department of Finance and Deregulation released under Freedom of Information laws that the review of the Fair Work Act 2009 (the Act) should have included productivity, for example, a look at the costs incurred through bargaining, disputes, training and delays,

(ii) that the Minister for Employment and Workplace Relations (Mr Shorten) revised the terms of reference drafted by the Department of Education, Employment and Workplace Relations to:

(A) delete references to flexibility and balancing the needs of employees and employers in the opening paragraph,

(B) delete any reference to how the Act has reduced the compliance burden on business, and

(C) delete surveys of employers on their experiences in bargaining and agreement making under the Act and a survey of employees to measure their views and experiences under the Act, and

(iii) the view of departmental officers that the Minister's terms of reference were too narrow; and

(b) expresses concern that the terms of reference for the review were not broader.

The PRESIDENT: The question is that the motion be agreed to.
The Senate divided. [15:44]
(The President—Senator Hogg)

Ayes..........................32
Noes............................37
Majority....................5

AYES
Abetz, E
Bernardi, C
Boyce, SK
Bushby, DC
Colbeck, R
Edwards, S
Colbeck, R
Fierravanti-Wells, C
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
McKenzie, B
Payne, MA
Ryan, SM
Sinodinos, A
Williams, JR

NOES
Bilyk, CL
Brown, CL
Carr, KJ
Conroy, SM
Di Natale, R
Faulkner, J
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM
McLachlan, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Wright, PL

PAIRS
Boswell, RLD
Fisher, M
Nash, F

Evans, C
Feehery, D
Carr, RJ

Ministerial Conduct

Senator RYAN (Victoria) (15:48): I move:
That the Senate—
(a) notes that:
(i) Senator Bob Carr's electorate office in Bligh House, Sydney, also served as the principal place of business of R.J. Carr Pty Ltd, his former lobbying company, until 24 May 2012,
(ii) on 24 May 2012, Senator Ryan raised this issue at the 2012-13 Budget estimates hearing of the Finance and Public Administration Legislation Committee,
(iii) on 24 May 2012, the principal place of business of R.J. Carr Pty Ltd was transferred to an address in Burwood,
(iv) on 30 May 2012, Senator Bob Carr told the 2012-13 Budget estimates hearing of the Foreign Affairs, Defence and Trade Legislation Committee that the 'process of excising that reference from the record of ASIC is a matter between my business accountant and ASIC' and 'just an office detail', and
(v) clause 2.9 of the Prime Minister's 'Standards of Ministerial Ethics', dated September 2010 requires 'that Ministers divest themselves of investments and other interests in any public or private company or business'; and

(b) calls on Senator Bob Carr to table any advice he has received and relied upon regarding his compliance with the 'Standards of Ministerial Ethics' in this matter.

Mr President, I seek leave to make a short statement.

Leave granted.

Senator RYAN: Senator Carr's disclosure to the Register of Senators' Interests shows that he has retained his shareholding in RJ Carr Pty Ltd, the private company he used as a lobbying company. Prime Minister Gillard's standards of ministerial ethics say that ministers must divest themselves of an interest in any private company or business. Whether or not this is an appropriate standard is not a matter
for consideration; it is a test set for the Prime Minister. When challenged by Senator Abetz and me at Senate estimates in May, Senator Carr insisted that the issue of his retention of the shareholding was absurd and simply a bit of paperwork. I lodged a motion with the Senate and was in discussion with a member of the Greens regarding that motion when—coincidentally, the same day—Senator Carr came into the Senate and asserted that he had been advised that there was no conflict of interest in the retention of his share.

This motion simply calls for the tabling of the advice that Minister Carr has relied upon; it does not go to the substance of it. I put to those opposite, and particularly to Senator Rhiannon, who has expressed concern about the revolving door between business and lobbyists, that this Senate has a right to such advice.

The PRESIDENT: The question is that the motion moved by Senator Ryan be agreed to.

The Senate divided. [15:51]

(The President—Senator Hogg)

Ayes......................31
Noes......................38
Majority.................7

AYES

Abetz, E
Bernardi, C
Boyce, SK
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
McKenzie, B
Payne, MA
Ryan, SM
Sindoninos, A
Williams, JR

Back, CJ
Birmingham, SJ
Brands, GH
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H (teller)
Mason, B
Parry, S
Ronaldson, M
Scullion, NG
Smith, D

NOES

Bilyk, CL
Brown, CL
Carr, KJ
Conroy, SM
Di Natale, R
Faulkner, J
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlefoutwhaite, M
Urquhart, AE
Whish-Wilson, PS
Wright, PL

Bishop, TM
Cameron, DN
Collins, JMA
Crossin, P
Farrell, D
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
McEwen, A (teller)
Mline, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorp, LE
Waters, LJ
Wong, P
Xenophon, N

PAIRS

Boswell, RLD
Fisher, M
Nash, F

Evans, C
Feeney, D
Carr, RJ

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Gillard Government

The DEPUTY PRESIDENT (15:53): The President has received the following letter from Senator Fifield:

Pursuant to standing order 75, I propose that the following matter of public importance be submitted to the Senate for discussion:

The Gillard Government's pattern of broken promises, raised expectations and unfunded commitments.

Is the proposal supported?

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

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

**Senator PAYNE** (New South Wales) (15:54): I rise to speak on this matter of public importance which, by its very nature, indicates the necessity for discussion—again, the pattern of broken promises of this government, the expectations that have been raised and dashed and the commitments which have been given but remain unfunded. I am keenly aware every day in my shadow portfolio responsibility areas like housing, in particular, and homelessness that individuals who look to government for leadership in this space find that view sadly wanting, I must say, in the case of this government.

We are all aware of this government’s track record of overpromising and underdelivering. The repeated discussions we have had in this chamber in relation to company tax, for example, would be a good start—again and again put forward, with the one per cent reduction promised on about 100 occasions. It is a ridiculous proposition for a business operator in Australia to be waiting for any certainty from this government, because it simply is not delivered. The last time that this promise was made—a promise that was due to commence less than two months after the budget—it was dumped without even being introduced to the parliament properly.

We heard today from the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, about his personal white elephant, the NBN—which was of course promised in 2007 with much fanfare and with a cost, at the time, of $4.7 billion. Two years ago what were Labor saying about the NBN? They said it would be rolled out to 1.3 million households with over half a million paying customers by June 2013. That is not too far away, really, if you look at your calendar closely. But now we learn that the revised June 2013 target is 341,000 households with only 54,000 customers. What a convenient revision that is! And the price tag itself just beggars the imagination. We are looking at almost 10 times the originally promised price. That is just another example of Labor, as the government, promising the world for free and delivering very little at enormous cost. And I have not even come close to talking about the carbon tax, but I think I can rely on some of my colleagues to also address that matter here this afternoon.

I want to go to some very important issues close to my shadow ministerial responsibilities and raise the attention of the Senate in relation to those and the broken promises, the raised expectations and the lack of true commitment to funding.

Last week, as many senators would know, was Homeless Persons Week—a time when many Australians took the opportunity to reflect on the situation of homeless people in our community and the work of those in so many non-government and not-for-profit organisations who do such an extraordinary job supporting and caring for them.

Many Australians are struggling to avoid the rising costs of living that are affecting their most basic comforts. In the middle of winter, that includes very simple things such as the heating of a home and the use of electricity to turn on lights. Those of us who have been in and around our electorates during the break and talking to our constituents have all heard stories from individuals, most particularly the elderly, who are finding this an extraordinarily difficult process to live through. Many of them are facing this with great fear and great concern.

But too many Australians do not even have a home to heat, with families living in a vast range of circumstances—none of which
are desirable—and, indeed, many children forced to sleep rough. And things continue to get worse, not better. Rents and mortgage payments are rising for many, especially at the lower end of the market. And the carbon tax itself will add thousands of dollars to the construction cost of new homes, for those who dare to put their toe in the water. That is an additional pressure on housing costs, which will push more lower income families into housing stress, rental stress, mortgage stress and, for some, into homelessness as rents become less affordable and housing costs become less affordable across the board. And not only are housing costs going up; insufficient houses are actually being built.

The national housing shortage in this country is something that I see many of those opposite often wave away with a swipe of the hand as though it is not important. But, for a country that depends not only on its own population but also on migration to survive and to sustain ourselves in the business market and the employment market, to have a housing shortage which was recently reported to have increased another 14 per cent to 228,000 as at June last year is a very, very scary statistic. It adds up to one-quarter of a million houses that we need but do not have. It is a fairly stark question for the government to respond to. In other words, a material percentage of the Australian population would not have access to adequate housing even if they could afford it, and we already have too many people resorting to marginal accommodation. Increasingly, without a demonstration of some leadership in this policy area, more and more Australians will be in that position and, frankly, it does not matter where you come from. It does not matter if, like Senator McKenzie from a rural and regional area in Victoria or, like me, you are from Western Sydney or inner Melbourne, the homeless and their families are absolutely everywhere and communities are becoming more and more alert to that problem.

Homeless Persons Week 2012, though, was marked by an ironic and extraordinarily unhelpful degree of uncertainty for homelessness services across the country. Hardworking services spent a lot of their week bringing homelessness into the national consciousness, they looked after families who were struggling to provide a roof for themselves and their children, but what was the government doing? It was largely talking about itself and making threats via the Prime Minister to the premiers that she does not like who sit around the COAG table. Where does that get anyone? The National Partnership Agreement on Homelessness, which was introduced to halve homelessness and provide supportive accommodation to all rough sleepers by 2020, is due to expire on 30 June next year. I have asked about its renewal during question time in this chamber and I have asked about it in estimates.

In 2008 the then Prime Minister, Kevin Rudd, told us that homelessness was a national obscenity and promised that his 12-year plan to address homelessness would have significant results. In agreeing with the states and territories to new funding, he declared that that four-year $1.1 billion agreement was a 'down payment' on the overall plan. But as a responsible, hardworking Australian would know, putting a down payment on a house is just the beginning. You still need to pay the debt. We were attacked—many were attacked—for saying that that was a very significant target that the government had set for itself and for querying its real attainability.

The government cannot even measure its own progress now. The most recent minister in this area has stated that the government
Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (16:04): I am pleased to rise this afternoon to make a contribution to this debate on a matter of public importance. When considering the subject of ‘broken promises, raised expectations and unfunded commitments’ there is no one better qualified than those in the coalition to comment on these matters. In considering the contribution that I would make to this debate my first thought was that Labor had kept not only its most important promises but also the most central promise of all—a promise to manage the economy, to manage reform, to manage prosperity and to deal with the extraordinary challenges of recent times. That is a promise that Labor has kept and it has kept it in spades.

The government is returning the budget to surplus on time and as promised after what can only be described as some of the most momentous times in world economic history. Budget 2012-13 has cut spending by $33 billion—the greatest fiscal consolidation in the history of our economy—an extraordinary, remarkable achievement and one that means this country and this government will be heading back into surplus at a time when much of the rest of the world can only dream of such a scenario.

When one considers the promises that this government has kept, the one that we can be proudest of, the one that affects every Australian, is that promise to manage the budget and to manage it well. Economic growth is expected to be stronger than in good enough response to vulnerable mothers and their children and it is not a good enough response to people who put their faith in this government to mean what it says. They are profoundly disappointed and have every right to be. The government needs to do a much better job.

Across the nation, we see people struggling every night. The government's response is not good enough; the minister's response is not good enough. To tell us from Finland and from Berlin about international programs and what he thinks they might do in Homelessness Week 2012 in Australia is not a good enough response to the people who are currently sleeping rough. It is not a
every major advanced economy over the coming two years: solid growth and real GDP of 3¼ per cent in 2012-13 and three per cent in 2013-14. Unemployment is forecast to remain low at 5½ per cent in the next two years. We saw only a few days ago that unemployment number again deliver a very strong result for Australia and again a number that surprised many commentators. No doubt, it grievously disappointed those who make it their business to talk down this economy.

Official interest rates are lower now than at any time for our predecessors and make a mockery of the boast that those opposite used to make that interest rates would always be lower under a coalition government. Well, the Australian people can now see that that boast was an empty one, and that in fact it is Labor and our economic management that have provided the lowest official rates in memory and delivered real and tangible results for mortgage holders across the country. By mid-2014, our economy is expected to be over 16 per cent bigger than it was before the global financial crisis, again outstripping the major advanced economies.

Despite a $150 billion loss of tax receipts since the GFC over the five years to 2012-13, the budget forecasts strengthening surpluses in each of the next four years, beginning of course with a $1.5 billion surplus in 2012-13. This year, tax as a proportion of the economy is just 22.1 per cent, compared to the 23.7 per cent we inherited from our predecessors. That means that this government is taking $24 billion less than our predecessors. The tax burden on the economy has shrunk and the proportion of the public sector as a part of the whole economy has also shrunk. So, of the whole mythology that those opposite have tried to build of big government, big taxation and economic failure, none of them bear the results. None of them are able to stand up to scrutiny, and clearly this government's economic management credentials sit at the very heart of its achievement in recent times.

Over 750,000 jobs have been created since late 2007, while around 27 million jobs have been lost around the world over the same period—again, an Australian result that stands in stark contrast to what is happening in the rest of the world. Of course, this is not unknown to Australian families. They sit at home and they watch the nightly news. They see Greece, they see Italy and they see the instability of the European economy and the Euro, and they comprehend that Australia is sailing very well in very fraught waters. Australia has strong economic fundamentals: solid growth, low unemployment, record levels of mining investment and commodity prices still around historical highs.

The strength of our public finances is a key reason behind Australia receiving a triple-A credit rating, with a stable outlook from all three major rating agencies for the first time in our history. We are now one of only eight countries that currently meets this standard, so clearly Australia is measuring up by international standards as well as by those very stringent standards this government has set itself. Independent economic commentary website Economy Watch said:

Spurred by robust business and consumer confidence, Australia’s economy is expected to grow even quicker in the next five years. 2011 to 2015 should see Australia’s GDP (PPP) grow by 4.81 to 5.09 precent annually …

Likewise, Australia’s GDP (PPP) per capita is expected to experience healthy growth.

The Wall Street Journal opined:

Mr. Swan unveiled the biggest package of budget cuts in 30 years hoping to turn a deficit of A$44.4 billion in the 2011-12 fiscal year ending June 30, into a surplus of A$1.5 billion in fiscal 2012-13.
So these extraordinary accomplishments have not gone unnoticed. This means that the government has already achieved bigger saving measures than anything the Howard government ever managed.

These are extraordinary accomplishments; these are extraordinary promises kept, but there are of course others. One that springs to mind is the minerals resource rent tax. This was a very important Labor policy, one that was taken to the people and taken to the parliament. At its very heart, the minerals resource rent tax was about the principle that the mineral and resources wealth of this country belonged to every Australian in equal measure. While of course those who risk their businesses, their capital, their entrepreneurialism in exploiting those resources should be and are appropriately rewarded, it was appropriate for the people of Australia to take a seat at that negotiating table and say to those companies, 'You are experiencing superprofits as a consequence of record commodity prices—in the case of iron ore, a 600 per cent increase in the price—so it is appropriate that Australia and Australians get a bigger cut of this dramatically expanding pie'.

That message has been understood. It has been understood by the people and it has been embraced by most of the industry. While of course those who risk their businesses, their capital, their entrepreneurialism in exploiting those resources should be and are appropriately rewarded, it was appropriate for the people of Australia to take a seat at that negotiating table and say to those companies, 'You are experiencing superprofits as a consequence of record commodity prices—in the case of iron ore, a 600 per cent increase in the price—so it is appropriate that Australia and Australians get a bigger cut of this dramatically expanding pie'.

That message has been understood. It has been understood by the people and it has been embraced by most of the industry. Now we see today that that promise has not only been kept but been kept in a way where we see the support of most of the industry. The proof of that is in the most extraordinary investment pipeline in the history of the Australian resources sector. In the order of $430 billion is now in the pipeline, with something like $82 billion in this year alone, which is up from $35 billion only two years ago. Clearly, there has been spectacular investment in the sector.

Those opposite, in railing against this eminently reasonable tax, have made two contradictory points, the first being that this tax will not realise any receipts and the second being that this tax will ruin the mining industry. They have not been deterred by the fact that these two claims are mutually exclusive. It cannot on the one hand beggar the mining industry and on the other hand produce no receipts for government. But this is just one of many anomalies on many occasions and in many critical debates where the opposition walk on both sides of the street and can be found on both sides of the argument. I will raise further examples.

One of them is climate change. We see in the climate change debate the opposition pandering to those who insist that climate change is not real, that anthropogenic climate change is a fantasy, a fraud, and we see the opposition pandering to those who believe that climate change is real. The opposition hide the fact that their policy to abate carbon and their targets in that policy are the same as the targets in the government's policy. Again, we see them walking both sides of the street.

Sometimes this enters the world of high farce. Recently in the foreign investment debate we saw coalition senators, including Bill Heffernan and Fiona Nash, pushing for further strengthening of foreign investment rules only a week after the opposition had purported to land a policy on this very subject. I have said in this place before that we on this side are, within reason, sympathetic to the enormous challenge that Liberal Party senators have in herding the cats that are the National Party. We know they are policy eccentrics. We know that the National Party's understanding of the importance of foreign investment in this economy is little understood, but last week we had the Nationals calling for sweeping changes to a policy that was barely a week old. Deputy President, it is one thing to
tolerate the eccentricities and strange utterances of the National Party when they are talking about our policies, but it seems they are now bagging yours as well.

Of course, when we talk about unfunded commitments we come to the most spectacular part of the hypocrisy of the opposition. When talking about unfunded commitments I must confess I am in the presence of experts, because this coalition intends to face the people at the next election with a $70 billion black hole. You have turned unfunded commitments into a grand new place. The coalition’s proposal to abolish the minerals resource rent tax will cost the government exchequer $11.1 billion—and while that no doubt will earn you the lasting friendship of the ‘Billionaire Liberation Front’ in Perth, it is $11.1 billion that the coalition has to find from the budget. Its plans to axe the carbon price mean there are $24 billion in commitments to refunding the big polluters for carbon permits. But wait, Deputy President, that is not all. There is the $3.2 billion of taxpayers’ money to fund the coalition’s direct action plan. As you have heard me say before, this is a plan that Ceausescu would have been proud of, a plan that comes straight from the politburo of Eastern Europe: a plan to dispense with supply and demand and introduce the big five-year plan from Chairman Abbott.

On top of these extraordinary commitments and extraordinary policy pronouncements, we see the coalition currently purporting to support $8 billion in pledged tax cuts with absolutely no idea how it is going to go about delivering that. We see it again in its policy on superannuation where on the one hand the coalition asserts that it is going to get rid of the minerals resource rent tax but on the other hand says it will keep the increases to superannuation that are funded by that plan. Then we have Tony Abbott in a brain snap, one might say, coming out with his own one per cent levy to fund his very own policies in the world of social welfare.

Again and again we see this opposition opposing a budget that has been managed second to none in the world and talking down an economy which is booming by any standard. We see the opposition itself hiding behind a fig leaf of a $70 billion black hole and a determination to be on both sides of every major argument confronting the people of Australia. For those who care to look at the detail of the political debate, can I commend the scribblings of van Onselen—not someone who could be said to be a Labor supporter, a keen enthusiast for the other side but someone in recent times has been scathing about the opposition and the political opportunities they have squandered. His recent article was entitled ‘A case of one bad government replacing another’ and in his writings he has offered free character assessments for most of the Liberal Party’s front bench. This is an opposition not ready for government, criticising an economy that is the envy of the world.

**Senator RYAN** (Victoria) (16:17): In that fantastic contribution from Senator Feeney we saw the very point of the motion moved by Senator Fifield. The modern-day Labor Party is really only expert at one thing, and that is in dissembling the English language and trying to redefine a reality that may work in the confines of this chamber for those on the opposite side and their Greens allies but does not work anywhere else in the community. We see at a state and now at a federal level a pattern of behaviour by the modern-day Labor Party that is all about raising expectations and breaching promises. They are irredeemable recidivists in this regard. It is the most potent aspect of what we might call the modern Labor disease.
I note that Senator Feeney did use the phrase, when he was talking about this government's record, that it kept its 'most important promises'. I do not think any Australian could legitimately not think that was a comedy performance, because it was this government and this Prime Minister who, days before the last poll, stared down the barrel of a camera and said: 'There will be no carbon tax under the government that I lead.' It is fair to say that politicians do not always have the best reputation in the community for keeping their promises. But can I tell you there is something particularly important about a promise not to do something, and that is why this government is going to be held accountable by the Australian people. It is why this side of this chamber and this side of the parliament will not let up on holding to account the Prime Minister and everyone who voted for that particular policy in the Labor Party.

A promise not to do something is very easy to keep. It is not about suddenly finding there is not enough money to build three schools and you can only build two. It is not about finding that it takes longer to build a freeway so it is not going to be built in four years, it might be built in six. It is not even about telling a fib before an election about thinking you can build a new freeway or a new transport system and knowing that it cannot be done.

The reason this promise to not introduce a carbon tax is so lethal to our political system is it impacts on the level of trust politicians more generally are held in. It is because this government and this Prime Minister had to do nothing to keep it. It is a promise that required no activity for the government to keep its word. It is a promise that required the Prime Minister to do nothing in order to keep it. The Australian people know that a promise not to do something, that requires nothing to be done for that word to be kept, is a simple promise to keep. But, no, this Prime Minister, along with the Greens allies and the Independent allies in the lower house, decided that their interests and in particular this Prime Minister's interest in staying in the Lodge—those very private interests of the Labor Party—were more important than keeping faith with the Australian people. That promise to not do something, that promise that required no activity, no action, no measure of effort to keep, other than to stay seated and keep one's mouth shut—that promise will hang around the neck of the Labor Party and hang around the neck of this Prime Minister because the people, quite rightly, do not forgive them.

I note Senator Feeney also talked about this government's economic policies. He talked about so-called record cuts in spending. He also mentioned Europe, and what we are learning from Europe now is that so-called cuts against projected growth in spending, while spending in absolute terms increases, are not budget cuts whatsoever. This idea that we are going to cut budget growth from four per cent a year to two per cent a year in absolute terms but all of a sudden that means we are cutting substantially from levels of government expenditure is not a cut to the budget. A cut the budget is spending less next year than this year. It is a very simple equation that every household and every small business makes. But, no, to the modern-day Labor Party dissembling the truth, if I thought the budget was growing at a certain percentage and it grows at a lesser percentage I am going to call that a cut in spending.

Similarly, as has been pointed out often in this chamber, a government that counts revenue measures and tax increases as spending cuts—or 'saves' in the modern parlance used by this government and the Minister for Finance and Deregulation—has no credibility whatsoever, because spending
continues to increase. When this government came to office, the Commonwealth budget was in the order of $265 billion to $270 billion per annum. It is now $370 billion just because over the last four years we have seen the most extraordinary rate of increase in public expenditure in this country, often on projects that are going to show absolutely no value for those bearing the debt in future generations and repaying the debt—the school halls fiasco, the insulation in our roofs, the general splurge in consultants and the numbers of public servants. That record rate of increase that was in the top three fastest in the OECD shows that somehow to simply say that stopping the rate of growth constitutes a budget cut or constitutes a real saving to the taxpayer is nothing short of a farce.

This government can talk about its level of tax as a percentage of GDP, but what it does not want to talk about is the debt that it has run up. It does not matter if I am only taxing at 22 or 23 per cent of GDP if we are spending at 25 per cent because it is the spending that actually runs up debt. It is the spending that determines eventually how much tax Australians will pay. A budget deficit is nothing more than deferred taxation plus the interest costs. If in a financial year we spend $46 billion more than we collect in tax, as we did last year, that is just deferred taxation. It does not just sit there; at some point it is going to be paid. As we know, in this parliament in budgets today if we are not servicing the interest payments on the debt that this government has run up, there would be enough money in the Commonwealth budget today to fully fund the NDIS as recommended by the Productivity Commission. We are spending $8 billion a year on interest payments for debt that was run up in four short years of this government.

The performance of this government when it comes to the budget is nothing short of extraordinary. They came to office asserting in 2008 that the economy was too hot, that the 'inflation genie was out of the bottle'. We never saw the inflation genie again—we will probably see it again soon the way this government is going. The following year the government preached that the world was about to end so they had to justify spending money on overpriced halls in schoolyards, taking away the ability for kids to run around at lunchtime, and putting insulation in homes and hopefully not burning too many of them down.

In the following two years it was, 'We have saved you from the global economic crisis.' Then for this last budget there was a promised surplus—that we know it is not going to appear—and even then it was based on funny-money accounting. We are spending and taxes were pulled forward and pushed back in order to confect and contrive a budget surplus.

It goes to the very core of what the modern Labor Party are about, where the promise and the spin are more important than the substance. The Labor Party do not care that over this two- or three-year period we are still going to be running budget deficits in the order of $40-plus billion when you add them all up. What they want is a financial year when by pulling forward payments to local governments you can save a couple of billion dollars and by pushing forward some tax collections you can add a couple of billion dollars more to the collection size of the ledger. All they want is to somehow claim that in one financial year before an election they think, they hope, that they may have actually collected more in revenues than they have spent.

But when you are just shuffling money around and not really cutting spending, that is not a real budget surplus. I am quite happy to stand here today and suggest to this
chamber that there is no way a real budget surplus will be delivered by this government. Labor has shown that it is incapable of delivering a budget surplus. The issue of the finances of the Commonwealth and the budget goes to the very core of what modern Labor is about. Modern Labor is about raising expectations, the great moral challenge of our time that had to be dropped in order to save a Prime Minister's skin. They will say what they have to in the days leading up to an election: 'There will be no carbon tax in a government that I lead.' Then after an election they will say: 'The people presented us with a hung parliament. To stay in office I had to concede to the wishes and the whims of an extremist party represented by one person in the House of Representatives,' because to the modern-day Labor Party the ends do justify the means. Staying in office is all-important. It does not matter what you actually do; it only matters what you say you will do.

It is a pattern of behaviour from the modern-day Labor Party. It has shown that it cannot be trusted with the budget. It has shown that it cannot be trusted with the promises and commitments that it makes before an election, even with those most basic ones where the government has to do nothing to keep its word. On the carbon tax it simply had to sit there and stay mum. It had to keep quiet and its promise not to introduce a carbon tax would have been fulfilled. History will condemn this Labor Party despite what people may say and over again in this chamber, because history shows that it cannot be trusted.

Senator MOORE (Queensland) (16:27): I think that Senator Ryan's last statement should be looked at very carefully. He said quite clearly that no matter how often you say things over and over again, it gets to some degree of truth. I am verballing you, Senator Ryan, but that was how I took your meaning.

The people on the opposite side of this chamber think that the more they can reinforce their own beliefs, the more they can restate their own feelings, the more that people in the wider community will accept that they are right. We know that the people on the other side do reinforce their own views on this issue because they keep talking about them; they keep using the same few lines.

I particularly enjoy the element of spin. I can say that over the last few months I could repeat word by word most of the arguments that we have heard this afternoon because they have been repeated word by word in terms of the one-liners about what constitutes debt and what programs in the past have not worked, and hours in this place have been spent on defining what is a promise and what is not. It does not matter how many times people on this side of the chamber and people in economic think tanks across the world—people who are not friends normally to the labour movement—consistently put on record as economic arguments that point out the process and the arguments on the policies which our government followed and have set up our country to be in an enviable position across the whole world, they still keep repeating the same spin.

This is despite the comments that are made consistently—and despite extraordinarily unhelpful comments like that of the Premier of our state, Mr Acting Deputy President Furner, which compared the Australian and the Queensland economy with that of Spain. This is not only offensive to Queenslanders but deeply offensive to the people of Spain, who are suffering greatly from an economy that is in crisis and that over a number of years has degenerated to a
position where people are not able to have an effective cost-of-living process or even able to look at their own welfare, their futures and their superannuation. Those countries, including Spain and various elements in Europe, are struggling greatly. Instead of acknowledging that and saying that together that we would be able to make a difference—even recently, where Australia was offering some support—it was ridiculed by the people on the other side of this chamber as us interfering and having the wrong view of trying to offer support. Rather than seeing how we can share knowledge and effectively look at the overwhelming issues that are impacting on the world economy, it was seen as a cheap political trick—an easy line for personal gain to make comparisons between our economy and that of Spain.

The important thing is that we acknowledge that everything that this government does is transparent. The process that this government follows in financial management, in arranging information, is exactly the same as for previous governments, and I hope that the same will continue in our country. We have a strong legacy of effective transparency of economic and government management. The Senate estimates process, which we all share in this place—sometimes to our joy, sometimes not—is the most effective mechanism of scrutiny of budget expenditure and scrutiny of policy of any government in this world, and has been acknowledged that way. As we sit in those budget estimates processes every six months and go through, line by line, the budget expenditure—actually looking at comparisons, seeing how the money has been spent, seeing where there is underspend and overspend and looking at how policy is implemented on the ground—that is the process which we all share with previous governments, current governments and into the future where we can identify on what basis modelling is done, on what basis arguments are put forward and on what basis policies are developed in this country.

But it does not matter: if it does not suit the one-liners that people in the opposition continually want to say about the economy, it is disregarded. In fact, I think that sometimes disregard is better than disrespect, because one of the things that has happened in this place over the last 12 months has been overt disrespect for the Treasury officials who work independently of any government and provide fair and free advice on which policy can be developed to governments of all flavours. But because the answers are not what the other side want, we have seen that they begin to question the professionalism and indeed the integrity of the Australian Public Service. As you know, Mr Acting Deputy President, that is something that offends me and angers me probably more than any other policy area in which we operate. The role of the Australian Public Service is a strong and noble tradition in our form of government. Public servants are there to provide service and they are there to provide information and advice. And because oppositions do not like the actions that governments take, it is not an effective argument to disrespect the Commonwealth public service and, in particular, the Treasury benches.

I know that Senator Ryan has an obsession with the BER program. I was going to talk about mental health issues in this contribution but I think I might swap and go into the BER process; but I actually advise that if you are obsessed you can get help through mental health processes which our government has funded. When we hear consistently the BER program being brought out in debates such as these as being ineffective and a waste of money, all I can say is, Mr Acting Deputy President, 'Come
and visit the schools that you and I have visited. Go and talk with the people; not just the teachers and the students at the range of schools—and I have been fortunate to visit many across Queensland, as have you—but talk to the construction companies, talk to the architects, talk to the project managers and talk to the delivery drivers, all of whom were directly affected by the BER expenditure. This was a deliberate strategy to look at how we could respond to the global financial crisis.

I know that has been dismissed this afternoon in contributions in this place as another waste; I think someone talked about an 'exaggerated' claim. Check the figures! Find out exactly the crisis which our country was facing. The strategy which our government determined—which was a risk—to invest the amount of money into our education program from the federal level had never been done before. The programs that were being operated looking at public spaces, looking at libraries, looking at centres of excellence and looking at the wonderful science and trades training centres that are now sprinkled throughout our community were a significant investment not just in schools but, as I have said, in the wider community. The jobs that were created and maintained through that process will actually benefit our community not just now but into the future. That is not an example of a promise broken, it is not an example of poor economic management and it is not an example of inability to look at support of our community. That one program, which has been effectively demonised by a combination of the opposition benches and the Australian newspaper, in itself is an example of where government can listen to community, can work with community and can come forward with an innovative way to build into the future.

On that program alone I think our government stands and should be congratulated in terms of economic process. That is not to go into any other area where we have international economic organisations using the Australian economy as a test case to show—under deep threat and problems, looking at what was going on across the world—that we were able to build a future and to build up a process for moving into an area where there will be planning around economic surpluses.

But in itself I do not think that just surplus or deficit can actually effect what must happen in economic management. The more important thing is to look at the community need, to listen to what the community wants and to work as a government responding to need. Alone, the increase in the social welfare payments to our pensioners—an increase never seen before 2009—and the way that people are now able to better survive a difficult times should be an example of where economic management responds to need and does not create undue expectation but does give the community an expectation of government listening to them, working with them and delivering not just in economic management but on effective, representative government. This debate can go on. There will not be new arguments put. Once again, it will be reinforcement of one-liners to make people feel stronger in their own position.

Senator McKENZIE (Victoria) (16:37): Senator Moore, I hope that I contribute more than passionately delivered one-liners to outline why the Gillard government's pattern of broken promises, raised expectations and unfunded commitments is being debated today in the Senate. I guess you have to start by asking a question in times like this: when does a pattern of behaviour become a predictor for future behaviour, and when do we get concerned about it? The three
behaviours listed for debate today—broken promises, raised expectations and unfunded commitments—are pretty typical, or stereotypical, of the ALP model of governance under Prime Minister Gillard and, I believe, have resulted in a significant decrease right across our nation in the faith and trust that our citizens have in the government in general. When government speaks to the public and makes commitments to the public, I believe the public has every right to expect—wars aside—that the government will keep its word and can be trusted, and I think that is a fundamental principle of our system of government.

When I go to broken promises—this is the one-liner, Senator Moore, that I will reiterate for those who have not heard it before—apparently, before the last federal election, the Prime Minister stated that there would be no carbon tax under a government she led. It is not the only breach of trust, but we will just dwell on the carbon tax for a moment. We now have the imposition of the world's biggest carbon tax. In 2011-12, the Gillard Labor government spent $100 million on carbon tax advertising without even mentioning the carbon tax. So, when we talk about muddying the waters and the conversation that the government is having with the public, that is a classic example.

Since the Labor government was elected in 2007, it has introduced and increased 20 new taxes. The Gillard Labor government's rhetoric about suppliers being able to pass on the rising carbon tax cost just is not the reality for small business owners in regional towns or primary producers right across regional Australia, particularly in the dairying heartland of our nation, which is the state of Victoria, now facing the burden of this tax. Businesses and primary producers are simply unable to pass on the increased costs arising from this tax, which is, amongst other factors, decreasing their ability to compete internationally.

In my patron seat of Bendigo, it has been revealed that Bendigo Health will suffer under the imposition of the carbon tax. Bendigo Health is a significant employer within the seat of Bendigo. Analysis performed by the coalition state government has confirmed the stretched budgets that public hospitals will face under the carbon tax—between $1,000 and $2,400 per hospital bed per year. For Bendigo Health, it was outlined in a recent newspaper report that an extra $600,000 this financial year was the cost that the carbon tax was going to put on the hospital, taking the hospital's total gas and power bill to over $3 million a year. While the hospital said the bill was the worst-case scenario forecast, without exemption or compensation available from the Commonwealth public hospitals have no choice but to accrue debt or cut services. In regional towns struggling to deliver comprehensive public health services, this will be a challenge. By 2020, the overall impact of the carbon tax on Victorian hospitals and health services will be $143 million. It is expected to cost $13.5 million in its first year, rising to more than $21 million by 2020. The carbon tax will not save the planet, but it might well compromise Bendigo health services and the service they provide to the Bendigo community. Prime Minister Gillard is making it harder to make ends meet not just for Australian families but for hospital services as well.

If we look at other patterns of behaviour which the Gillard government displays and which might be challenging the development of trust between citizen and state, let us look at the food plan and the Gillard government's commitment to agriculture. In the first five years of the Gillard government, Labor has shown a sporadic—and some would suggest
schizophrenic—interest in Australian agriculture. Last month it announced the green paper, which will turn into a white paper—who knows when or where?—for a national food plan. This is despite the government, in the 2011-12 budget, taking approximately $33 million from the Department of Agriculture, Fisheries and Forestry over the next four years and despite the rhetoric from Minister Emerson on feeding the world and Minister Ludwig on the importance of agriculture. When we look at raising expectations and broken promises, the government's approach to agriculture and the agricultural communities right across our nation beggars belief.

When we look at unfunded commitments, let us talk about the Labor government's commitment to mental health. Despite the stated commitment by the minister, projects in my home state have missed out, and they are significant projects which could make a real difference. I would just like to briefly mention Swan Hill headspace, a youth mental health centre. Swan Hill is one of the places in regional Victoria that have the state's highest incidence of self-harm amongst young people. In fact, it is seven times the state average for this group of young people in Swan Hill. They have missed out on funding, and the town is now struggling to provide adequate support services. The Labor government recently announced 15 locations around the country for new headspace centres, yet Swan Hill, with its population of over 10,000 people, was overlooked.

I guess the pattern of responsible governments that we would like to see is raising aspirations within the community—not raising expectations but raising aspirations, because raising expectations for political purposes with no intent of follow-through is negligent. There has been no greater example in recent times, I think, than the recent NDIS debacle.

The last thing we want to do is raise expectations for those most vulnerable within our community—the severely disabled—which is exactly what has happened around the NDIS conversation. The Prime Minister has failed to adequately provide for the first phase of the NDIS by only allocating $1 billion of the amount required to roll out the launch sites and has used the issue to pick a political fight with state premiers for her own political gain. If they have underfunded the first years, how can we trust that they will not underfund in the years to come? The Labor government has failed to commit to the Productivity Commission's target date for the full NDIS by 2018-19, and even that is six long years away for the most disadvantaged in our community to have their expectations raised and then dashed.

The NBN is another example of raising expectations. As a regional Australian, those expectations have been raised and raised. If only I could take Minister Conroy at his word on the delivery. The NBN's pattern of behaviour would predict it is taking longer and costing more to roll out than the Gillard Labor government claims. We heard that it will be finished by 2012, yet every deadline, every household target and every iteration of customer numbers has been blown out or missed and rolled forward. It was promised that by June 2013—next year—the NBN would be available to 1.3 million households and would have 566,000 paying customers. However, NBN Co. has admitted that its fibre will by June 2013 reach only 341,000 households, missing it by a little under a million and reaching one-quarter of the target, and will have only 54,000 customers, one-tenth of the target.
Costs have blown out, and people are sick of it as expectations are raised. Particularly out there in regional Victoria there are a lot of grumpy potential customers for Senator Conroy. They want cheaper, faster and more affordable broadband to drive the economic and social development of the regions, particularly in those towns of fewer than 1,000 people. I will not be able to go through the list of broken promises that I have before me, but I think Senator Payne mentioned the ALP’s strategy of changing the language and definitions. It is all about smoke and mirrors to hide the fact that Australians can no longer continue to support the government when they cannot trust anything it says.

**Senator FAULKNER** (New South Wales) (16:47): Another sitting day, another ludicrous matter of public importance, another waste of time and another own goal from the opposition. The opposition, of course, have dredged the bottom of the barrel, and what have they pulled out? More over-the-top rhetoric, more bombast, more hyperbole, more exaggeration. But, if the Liberal Party want to talk about broken promises, I say good because, after the Howard government broke promise after promise after promise, the Liberals in fact achieved an infamous addition to the Australian political dictionary: the non-core promise. And didn't the Liberals chalk up a few of them.

Let's start with the one that everyone knows about: the GST. 'Never ever; it's dead,' said Mr Howard. Said Mr Howard, 'It was killed by the voters in the last election.' That was non-core to the core. Following in Mr Howard's footsteps you had Mr Abbott, who promised in February 2010:

> We will fund our promises without new taxes and without increased taxes.

But less than a month later he announced the paid maternity leave policy of the opposition would be funded by a new tax on business. At least Mr Howard kept his tax promise for a full term. Mr Abbott could not even keep his promise for a full month.

And speaking of non-core promises, there was Mr Howard's claim that 'there would be no $100,000 university fees under this government'. By 2007 there were 104 domestic full-fee university degrees that were more than $100,000. Even worse, Mr Howard and Mr Downer grievously misled the nation about the existence of weapons of mass destruction in Iraq and led this country into a war based on a lie.

Another contribution to the Australian political dictionary eventually became the Howard government's own brand: truth overboard. Truth overboard and kids overboard went into the political lingo courtesy of Mr Howard and his ministers. We now hear in this MPI that the Liberals are appalled by raised expectations. Would it be unreasonable for the people of Australia to expect Mr Abbott to provide some vision for this country? Would it be unreasonable to expect Mr Abbott to put aside his reckless personal ambition, just for once, in the interest of the nation? Should we expect no vision, no cooperation, no common sense? Should we just expect 'no, no, no' from Mr Abbott?

For my part I admit I would rather raise expectations and even fall short than never try anything ambitious at all, because the Australia that cares for people when they are sick, no matter their bank balance, where they live or who they know; the Australia that respects the elderly and believes retired Australians should have the opportunity to live full and fulfilling lives; the Australia that gives you equal opportunity whether you come from Sydney or the bush; the Australia that believes in second chances, that, if a job or business does not work out for you, you
should be supported through tough times and have the opportunity again; the Australia whose economy is the envy of the entire world; the Australia that cares for people with disabilities—the Australia that does this will not be built on people who are afraid of raising expectations. I am proud to live in an ambitious Australia. I would prefer that to Mr Abbott's Australia—the 'no Australia' of Mr Abbott.

Finally, the MPI mentions unfunded commitments—this from a political party, the Liberal Party, of gigantic blank cheques and bulging black holes. The Liberals have the hide of a rhinoceros straight off the African savannah to raise this issue. What a gift from the opposition to be given the opportunity to compare the credibility of the opposition's economic management to that of the government. You do not have to go back very far to reveal the opposition's hopeless record of costing blow-outs and budget breakdowns. They were exposed for it in the 2010 election campaign and they have even bettered it with their $70 billion black hole now. It was a black hole so big that it threatened to suck in the entire Department of Climate Change and Energy Efficiency and about 20,000 Commonwealth public servants. Of course we know that action taken by this government during the GFC meant that this country emerged from the GFC with strong growth, low unemployment and solid public finances. So while you have Mr Robb and Mr Hockey out the back with an abacus and a candle trying to figure out what the hell is happening to the budget of this country, this government is forging ahead with the same steady hand that guided us through the worst global economic conditions since the Great Depression.

**The ACTING DEPUTY PRESIDENT (Senator Furner):** Order! The time for the discussion has expired.

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**DOCUMENTS**

**Tabling**

**The ACTING DEPUTY PRESIDENT**

(16:51): Pursuant to standing orders, I present documents listed on today's Order of Business at item 15 which were presented to the President, the Deputy President and temporary chairs of committees after the Senate adjourned on 28 June 2012. In accordance with the terms of the standing orders, the publication of the documents was authorised.

**Documents presented out of sitting**

(a) **Committee reports**


2. Education, Employment and Workplace Relations References Committee—Report, together with the Hansard record of proceedings and documents presented to the committee—The shortage of engineering and related employment skills (received 12 July 2012)


Final, together with the Hansard record of proceedings and documents presented to the committee (received 2 August 2012)

4. Community Affairs Legislation Committee—Report—Administration of Indigenous Business Australia in relation to certain evidence given to the Senate Community Affairs Committee (received 3 August 2012)

(b) **Government responses to parliamentary committee reports**

1. Rural Affairs and Transport References Committee—Report—Animal welfare standards in Australia's live export markets and the Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and Live Animal Export Restriction and
Prohibition Bill 2011 [No. 2] (received 10 July 2012)

2. Economics References Committee—Report—Investing for good: The development of a capital market for the not-for-profit sector in Australia (received 19 July 2012)


4. Joint Committee of Public Accounts and Audit—426th report—Ninth biannual hearing with the Commissioner of Taxation (received 24 July 2012)

5. Finance and Public Administration References Committee—Report—The Government’s administration of the Pharmaceutical Benefits Scheme (received 26 July 2012)

6. Rural and Regional Affairs and Transport References Committee—Report—Australia’s biosecurity and quarantine arrangements (received 27 July 2012)

7. Foreign Affairs, Defence and Trade References Committee—Report—Torres Strait: Bridge and Border (presented to President, on 9 August 2012, 11.55 am).


9. Legal and Constitutional Affairs References Committee—Report—Donor conception practices in Australia (received 9 August 2012)

(c) Government documents


3. Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2012 (received 19 July 2012)


(d) Return to order

Law and Justice—Murray Darling Basin Draft Plan—Legal advice—Statement (motion of Senator Hanson-Young agreed to 19 June 2012) (received 18 July 2012)

Statements of compliance with Senate orders

Indexed lists of departmental and agency files (continuing order of the Senate of 30 May 1996, as amended on 3 December 1998):

Lists of contracts (continuing order of the Senate of 20 June 2001, as amended on 27 September 2001 and 18 June, 26 June and 4 December 2003):

Lists of departmental and agency appointments and vacancies (continuing order of the Senate of 24 June 2008, as amended):

Lists of departmental and agency grants (continuing order of the Senate of 24 June 2008):

The ACTING DEPUTY PRESIDENT: In accordance with the usual practice and with the concurrence of the Senate I ask that the government responses be incorporated in Hansard.

The responses read as follows—
AUSTRALIAN GOVERNMENT RESPONSE
SENATE RURAL AFFAIRS AND
TRANSPORT REFERENCES COMMITTEE
Inquiry:
Animal welfare standards in Australia's live export markets
Live Animal Export (Slaughter) Prohibition Bill 2011 (No. 2)
Live Animal Export Restriction and Prohibition Bill 2011 (No 2)
July 2012

Government Response to Senate Inquiry – Animal welfare standards in Australia's live export markets and Live Animal Export Bills

The Australian Government has worked closely with the livestock industry, state and territory governments, and animal welfare groups to develop a robust framework to ensure animal welfare outcomes in the livestock export trade. This consultation, as well as extensive engagement with trading partners, has led to significant supply chain reform through the development of a new regulatory framework. The goal is to ensure that by the end of 2012, all Australian livestock exported for slaughter will be treated at or above internationally accepted animal welfare standards.

On 21 October 2011, the Australian Government announced it was extending the supply chain assurance framework developed for Indonesia to cover all markets for Australian feeder and slaughter livestock exports.

The new framework requires exporters to demonstrate they have a supply chain assurance system that delivers:
- internationally agreed welfare requirements (World Organisation for Animal Health (OIE))
- control over the movement of animals through the supply chain to point of slaughter
- tracking/accountability of animals throughout the supply chain
- independent auditing and reporting to government.

The Government's approach was informed by the recommendations of the Independent Review of Australia's Livestock Export Trade (the Farmer Review) and the Industry-Government Working Group reports on Live Cattle Exports and on Live Sheep and Goat Exports. These reports recommended adapting and implementing a supply chain assurance framework for all markets for the export of Australian livestock, as well as addressing a number of domestic welfare issues. The implementation of these recommendations will require continued consultation with stakeholders. The Government is committed to facilitating the implementation of these changes. It will make $5 million available to support exporters to deliver improved supply chains. This funding will be available on a 3:1 investment ratio. The guidelines for this program are available at http://daff.gov.au/about/current-grants. A further allocation of $10 million from the Official Development Assistance (ODA) contingency reserve will be made available to eligible countries that import Australian livestock in order to improve animal welfare outcomes.

The Government will encourage the use of stunning in livestock export supply chains through the following measures:
- pursuing, where possible, bilateral agreements with our trading partners that include stunning
- promoting the use of stunning, including through work instructions, improved processes and stunning training through regional OIE forums
- supporting industry efforts to develop and implement voluntary codes of conduct that raise standards above OIE and that include stunning
- raising the inclusion of stunning in the OIE guidelines through the formal OIE process and funding animal welfare improvements in export markets with support from Australian industry.

Domestically, the Government has also committed to:
- as a priority, enhance the system of exporters contracting Australian Quarantine and Inspection Service (AQIS) accredited veterinarians (AAV), including training processes
- review the Australian Standards for the Export of Livestock (ASEL) by 28 February 2013
- work with states and territories to articulate respective roles, encourage them to incorporate
welfare standards in legislation, and seek their agreement to implement unique individual animal identification of all cattle, sheep and goats as soon as practical

- encourage industry to implement a through-chain quality management system
- have the Australian Maritime Safety Authority review shipping standards and carriage of livestock within the next 6 months.

A final report on the effectiveness of the reforms will be provided to Parliament in 2014.

The Government decision on livestock export reform largely addresses the recommendations of the Senate Rural Affairs and Transport References Committee on animal welfare standards in Australia's live export markets. The following is the Government's detailed response to each recommendation.

Government Response

Recommendation 1

2.53 The committee recommends that the Live Animal Export (Slaughter) Prohibition Bill 2011 [No.2] and the Live Animal Export Restriction and Prohibition Bill 2011 [No.2] not be passed. The Government agrees with the recommendation. The Government is committed to supporting the continuation of the livestock export trade and will, therefore, not be supporting the passage of the bill.

Recommendation 2

4.70 The committee recommends that Meat and Livestock Australia and LiveCorp ensure that performance standards, in accordance with Article 7.5.2.1.g of the World Organisation for Animal Health (OIE) Code, are developed and implemented for the Mark IV restraint box as a matter of priority. The Government agrees in principle with the recommendation, but notes it is targeted specifically at industry to develop and implement. The requirements of the new livestock export trade regulatory framework will ensure industry meets OIE standards for animal welfare but are not prescriptive in their approach.

Recommendation 3

4.71 The committee recommends that the Chief Veterinary Officer oversees the regular assessment of the performance standards for the Mark IV restraint box, the effectiveness of their implementation and the associated impact on animal welfare outcomes. The Government disagrees with the recommendation. The requirements of the new livestock export trade regulatory framework will ensure industry meets OIE standards for animal welfare but are not prescriptive in their approach. The Government acknowledges that assessment of performance standards and the effectiveness of their implementation may be a useful recommendation for industry to consider.

The Government also acknowledges that the Chief Veterinary Officer may be called upon to review aspects of supply chains, including Mark IV boxes, as needed.

Recommendation 4

4.76 The committee recommends that the Australian Government, in consultation with the Australian live export industry and key peak animal welfare groups, clarifies the range of information relating to compliance with the supply chain assurance system that will be made public, the form in which this information will be published and the frequency with which it will be published. The Government agrees with the recommendation.

On 26 August 2011, the Industry Government Working Groups (IGWG) on Live Cattle Exports and on Live Sheep and Goat Exports reported to the Minister for Agriculture, Fisheries and Forestry in relation to the development and implementation of a new livestock export supply chain regulatory framework for live cattle/buffalo and sheep/goat markets. These reports (at http://liveexports.gov.au/news#reports) recommended that the independent audit reports be published, taking into account commercial sensitivities. The Department of Agriculture, Fisheries and Forestry (DAFF) has defined a list of audit information considered necessary to adequately meet the Government's publication objective. This information has been provided to stakeholders and is available on the DAFF website.

Recommendation 5

4.79 The committee recommends that the Australian Government continues to work with
the Australian livestock industry toward the implementation of a mandatory national permanent livestock traceability system. The Government agrees with the recommendation. The Government expects to continue to work closely with industry through the Primary Industries Standing Committee in the development of a mandatory national traceability system for livestock.

**Recommendation 6**

6.17 The committee recommends that the Australian live export industry undertake a review of the responsibilities of peak bodies that act and speak on behalf of the industry with a view to clarifying the lines of authority and communication within industry. The Government agrees in principle with the recommendation. The Government supports the clarification of lines of authority and communication within peak industry bodies.

**Recommendation 7**

6.31 The committee recommends that the Australian Government establishes an ongoing dialogue with the governments of each of our live export trading partners and ensures that agreements reached as a result of this dialogue are clearly communicated to Australian Government officials and Australian industry representatives. The Government agrees in principle with the recommendation. A key element of the announced reforms is that Australian exporters have the responsibility to put in place the new arrangements. It is the exporter's responsibility to work with industry in importing countries to develop supply chains that meet the new standards. The Government recognises the importance of engaging the governments of our trading partners to seek their support for the reforms. An active program of engagement is underway with the governments of our trading partners. This has included representations by relevant ministers and senior government officials, including visits, discussions and correspondence. The Government will continue to engage with our trading partners as the new reforms are implemented. To ensure effective implementation of the new arrangements, the Government will continue to work closely with the livestock export industry and state and territory governments through the Industry–Government Implementation Group on livestock export reforms and the Standing Council on Primary Industries.

**Recommendation 8**

6.45 The committee recommends that the Australian Government, in consultation with the live export industry and other ancillary businesses develops a package of further assistance or reallocates existing packages of assistance to address those identifiable and otherwise irrevocable financial costs incurred as a result of the temporary suspension of live cattle exports to Indonesia.

Noted. The Government has already provided a range of assistance measures to support affected pastoralists and businesses; and considers that these measures were sufficient.

The Government made available:
- an Income Recovery Subsidy on 27 June 2011, comprising 13 weeks of income support (applications closed 5 September 2011)
- a Business Assistance Package on 30 June 2011, comprising a Business Assistance Payment of $5000 (applications closed 30 September 2011)
- a Business Hardship Payment of up to $20000 (applications closed 30 September 2011)
- grants of $5500 for the obtaining of financial advice (applications closed 31 December 2011)
- a Subsidised Interest Rate Scheme providing a subsidy of up to $36 000 on business loans of $300 000 over two years (applications closed 10 February 2012).

Existing government assistance programs available to support those affected by the suspension included:
- Rural Financial Counselling Services available to primary producers and small rural businesses suffering financial difficulties
- On 1 July 2011, a rural financial counsellor was located in the Northern Territory for six months to assist producers and businesses to apply for assistance and support their planning and decision-making processes.
- support to Indigenous business owners, depending on individual business needs, to access
wage subsidies and training for Indigenous employees; mentoring support; assistance to identify new and emerging markets; re-phase business and risk plans; and access mainstream support.

- the government extended priority assistance through Job Services Australia to employees who had been made redundant from eligible companies affected by the temporary suspension of live cattle exports to Indonesia.

**Recommendation 9**

6.47 The committee recommends that the Australian Government establishes a dialogue with financial institutions with regard to the financial difficulties faced by producers and businesses involved in the live export industry as a result of the temporary suspension of live cattle exports to Indonesia. The committee recommends that the Australian Government seeks to encourage financial institutions to adopt a supportive approach to the repayment of loans and the imposition of interest penalties in the event of default on such payments. Noted. The Government agrees that dialogue with financial institutions is important and has already undertaken a number of actions in this regard. In July 2011, the Department of Agriculture, Fisheries and Forestry commissioned Hydros Consulting to report on the financial impact of the cattle export restrictions on producers and service businesses in northern Australia. On 10 August 2011, the Minister for Agriculture, Fisheries and Forestry hosted an initial teleconference with key financial institutions on the development of the Subsidised Interest Rate Scheme, with follow-up discussions held by the Department of Agriculture, Fisheries and Forestry. In developing the framework of the Subsidised Interest Rate, the department also consulted the Western Australian, Queensland and Northern Territory governments. The Agricultural Finance Forum, comprising members from the financial services sector, agri-political organisations and government, meets on a six monthly basis for the purpose of improving communication between the rural sector, government and financial institutions on major public policy issues.

**Australian Greens – Dissenting Report**

**Recommendation 1**

1.25 The Greens recommend that the Live Animal Export (Slaughter) Prohibition Bill 2011 [No.2] be passed.

The Government disagrees with the recommendation. Imposing a mandatory requirement of pre-slaughter stunning for Australian livestock in overseas markets would be, prima facie, inconsistent with Australia's obligations under the World Trade Organization (WTO) and would also be unacceptable to a number of key trading partners.

The Australian Government's current approach under a new regulatory framework for livestock exports for feeder and slaughter purposes is to require exporters to ensure that animals are handled and slaughtered in accordance with international World Organisation for Animal Health (OIE) animal welfare requirements. The OIE does not mandate stunning of animals prior to slaughter. OIE standards cover the whole slaughter process and if followed substantially reduce welfare compromise in livestock, particularly before and during non-stun slaughter.

Included in the livestock export reforms announced by the Government on 21 October 2011, the use of stunning will be encouraged in all livestock export trade for feeder and slaughter purposes through the following measures:

- pursuing, where possible, bilateral agreements with our trading partners that include stunning

- promoting the use of stunning including through work instructions, improved processes
and stunning training through regional OIE forums  
- supporting industry efforts to develop and implement voluntary codes of conduct that raise standards above the OIE and that include stunning  
- raising the inclusion of stunning in the OIE guidelines through the formal OIE process  
- funding animal welfare improvements in trading partners with support from Australian industry.

The majority of animals in Australia are stunned prior to slaughter. Where this does not occur, for religious reasons, there is a strict quality management system ensuring that animals do not suffer unnecessarily.

Support of state and territory governments would be required for the Australian Government to pass legislation to require mandatory stunning for domestic slaughter.

The issue of domestic slaughter is often discussed with the state and territory governments at the Primary Industries Standing Committee and the Standing Council on Primary Industries.

Senator Xenophon – Dissenting Report  
Recommendation 1  
1.16 That the Government, industry and the RSPCA work together as a matter of urgency to ensure supply chain security in all of Australia's live export markets.

The Government agrees with the recommendation in principle.

On 21 October 2011, the Government announced livestock export trade reforms that were informed by the recommendations of the Independent Review of Australia's Livestock Export Trade (Farmer Review) as well as input from the Industry Government Working Groups (IGWG) on Live Cattle Exports and on Live Sheep and Goat Exports.

Industry and state and territory governments are key stakeholders in the implementation of these reforms. A new industry government implementation group has been established to provide information and advice on the implementation of these reforms, specifically the new regulatory framework and the comprehensive review of Australian standards for the export of livestock.

Animal welfare groups are key stakeholders that have provided advice and information throughout the development of the new regulatory framework. The Government expects to continue this close relationship through the implementation of the livestock export trade reforms.

Recommendation 2  
1.17 That the Government, industry and the RSPCA work together to ensure pre-slaughter stunning is required for all animals in the domestic and live export markets as a matter of urgency.

The Government disagrees with the recommendation.

The Australian Government's current approach under a new regulatory framework for livestock exports for feeder and slaughter purposes is to require exporters to ensure that animals are handled and slaughtered in accordance with international World Organisation for Animal Health (OIE) animal welfare requirements. The OIE does not mandate stunning of animals prior to slaughter. OIE standards cover the whole slaughter process and if followed substantially reduce welfare compromise in livestock, particularly before and during non-stun slaughter.

Included in the livestock export reforms announced by the Government on 21 October 2011, the use of stunning will be encouraged in all livestock export trade for feeder and slaughter purposes through the following measures:

- pursuing, where possible, bilateral agreements with our trading partners that include stunning
- promoting the use of stunning including through work instructions and improved processes and stunning training through regional OIE forums
- supporting industry efforts to develop and implement voluntary codes of conduct that raise standards above the OIE and that include stunning
- raising the inclusion of stunning in the OIE guidelines through the formal OIE process
funding animal welfare improvements in trading partners with support from Australian industry.

The majority of animals in Australia are stunned prior to slaughter and where this does not occur, for religious reasons, there is a strict quality management system ensuring that animals do not suffer unnecessarily.

**Recommendation 3**

1.18 That the Government and industry consult with producers in relation to significantly overhauling and improving the current compensation packages.

Noted. The Government has already provided a range of assistance measures to support affected pastoralists and businesses; and considers that these measures were sufficient.

The Government made available: – an Income Recovery Subsidy on 27 June 2011, comprising 13 weeks of income support (applications closed 5 September 2011) – a Business Assistance Package on 30 June 2011, comprising a Business Assistance Payment of $5000 (applications closed 30 September 2011) – a Business Hardship Payment of up to $20 000 (applications closed 30 September 2011) – grants of $5500 for the obtaining of financial advice (applications closed 30 December 2011) – a Business Hardship Payment of up to $20 000 (applications closed 30 September 2011) – a Business Hardship Payment of up to $20 000 (applications closed 30 September 2011) – grants of $5500 for the obtaining of financial advice (applications closed 31 December 2011) – a Subsidised Interest Rate Scheme providing a subsidy of up to $36 000 on business loans of $300 000 over two years (applications closed 10 February 2012).

Existing government assistance programs available to support those affected by the suspension included:

- Rural Financial Counselling Services available to primary producers and small rural businesses suffering financial difficulties On 1 July 2011, a rural financial counsellor was located in the Northern Territory for six months to assist producers and businesses to apply for assistance and support their planning and decision-making processes. – support to Indigenous business owners, depending on individual business needs, to access wage subsidies and training for Indigenous employees; mentoring support; assistance to identify new and emerging markets; re-phase business and risk plans; and access mainstream support – the government extended priority assistance through Job Services Australia to employees who had been made redundant from eligible companies affected by the temporary suspension of live cattle exports to Indonesia.

**Recommendation 4**

1.19 That the Live Animal Export Restriction and Prohibition Bill 2011 [No. 2] be passed, subject to a reasonable extension of the live export phase out period, following consultation with industry and the RSPCA.

The Government disagrees with the recommendation.

The Government is committed to supporting the continuation of the livestock export trade while ensuring the welfare of Australian animals.

**Recommendation 5**

1.20 Further to Recommendation 4, that the Government commission an independent and comprehensive study into how the industry can be restructured to support processing of all animals within Australia.

The Government disagrees with the recommendation.

The Government is committed to supporting the continuation of the livestock export trade while ensuring the welfare of Australian animals.

**Government Response**

**Senate Economics References Committee**

**Report—Investing for good: the development of a capital market for the not-for-profit sector in Australia**

**June 2012**

**INTRODUCTION**

The Australian Government welcomes the report of the Senate Economics References Committee (Committee), Investing for good: the development of a capital market for the not-for-profit sector in Australia (Investing for good) and acknowledges the important work undertaken by the Committee.

The work of the Committee builds upon the 2010 Productivity Commission report, Contribution of the not-for-profit sector and assists in identifying how a capital market for the social economy sector can be developed in Australia. The Government has implemented a
series of significant reforms in response to that report. In the 2011–12 Commonwealth Budget the Government announced a number of measures to drive major reforms in the not-for-profit sector and to deliver better regulation, reduce red tape and improve transparency and accountability for the sector. At the centre of these reforms is the commitment to establish a new regulator for the sector, the Australian Charities and Not-for-Profit Commission (ACNC). An implementation taskforce for the ACNC was established on 1 July 2011.

The Productivity Commission also identified inadequate access to debt capital as a potential barrier to growth for some social enterprises and not-for-profit organisations. The Committee has further examined this issue, within the context of national and international trends in social impact investing, and makes a number of constructive recommendations in relation to: establishing a social finance taskforce; intermediaries and capacity building; education of financial and corporate stakeholders; promoting social investment products; strengthening social enterprise; and developing a measurement framework.

Through the submissions and evidence received by the Committee, it is clear that there is growing interest and expertise in social investment concepts and practice across the public, private and community sectors in Australia. As acknowledged by the Committee, there are a number of initiatives being progressed across sectors that are helping to build the market and will serve as a valuable guide for future practice.

The Government notes the Committee's findings that Government can facilitate the development of the market through a number of means, such as providing a supportive environment; taking a longer term view of its development; convening and encouraging collaboration across sectors; and designing and implementing innovative policies to challenge both social economy organisations and investors to take up new financing options.

The Committee acknowledged the important 'first mover' role that the Australian Government has played through its investments in, for example, the Social Enterprise Development and Investment Funds and the National Rental Affordability Scheme. The Australian Government welcomes the Committee's comments that these initiatives are having a catalysing impact on investors and social economy organisations and will continue to encourage the type of collaborative, longer term approach that is needed to build the social investment market.

Investing for good provides a valuable resource to help individuals and organisations across sectors to work towards the development of a capital market for social economy organisations in Australia over the medium to longer term. The Government has accepted in principle five of the 15 recommendations, notes eight recommendations and does not support two recommendations. The Government thanks the Committee, and all the contributors to the Inquiry, for their efforts and will draw on the Committee's work in its future deliberations.

**GOVERNMENT RESPONSE BY RECOMMENDATION CATEGORY**

**Establishing a social finance taskforce**

**Recommendation 2.1:**

That Committee recommends that the government establish a Social Finance Taskforce to assess mechanisms and options in the progress and development of a robust capital market for social economy organisations in Australia. The Taskforce should initially report to government by July 2012.

**Government response**

The Government supports this recommendation in principle.

The Government agrees in principle that a new or existing body should assess mechanisms and options to progress the development of a capital market for social economy organisations in Australia. The Government notes that harnessing the interests, skills and experience of parties from across the public, private and community sectors, could have a role in galvanising the nascent social investment sector in Australia. The Government acknowledges the Committee's suggestion that the Taskforce should have a high-level advisory role and focus on strategic policy, awareness
raising and encouraging collaboration across sectors.

The Government notes that it is not feasible for such a body to report to Government by July 2012.

Recommendation 4.3:
The Committee recommends that the proposed Social Finance Taskforce consider the potential for philanthropic trusts and foundations to invest a percentage of their corpus in social investments options, particularly with regard to:

- whether a requirement for philanthropic foundations to invest a percentage of their corpus in mission or program related investments is appropriate in the Australian context;
- how to develop appropriate social investment vehicles for philanthropic intermediaries; and
- any other mechanisms by which the corpus of philanthropic funds could be better utilised to invest in the social economy.

Government response
The Government supports this recommendation in principle and recognises the valuable role that philanthropic trusts and foundations can play in the development of a capital market for social economy organisations. While the body referred to in Recommendation 2.1 could potentially examine the asset management of trusts and foundation, the Government notes that it has recently reviewed, and amended, its guidelines on private and public ancillary funds. As part of this review the Government formed the view that it should not be a requirement for philanthropic foundations to invest a percentage of their corpus in mission or program related investments as part of their mandatory distribution requirements.

Recommendation 4.4:
The Committee recommends that the proposed Social Finance Taskforce consider the potential for superannuation funds and other institutional investors to invest in emerging social impact investment products, with particular regard to ascertaining:

- what clarification, if any, is necessary regarding the fiduciary duties of superannuation funds and their ability to engage with social impact investment opportunities;
- how social impact investment classes can be used as a portfolio diversification tool by superannuation funds;
- whether incentives may be required in order to attract institutional investment to the sector;
- how social investment funds can be developed to attract institutional investment; and
- what possible mechanisms are available to lower the transaction costs for institutional investors seeking to engage with social investment opportunities.

Government response
The Government notes this recommendation

The Government considers that there is opportunity to further explore the potential for superannuation funds and other institutional investors to invest in emerging social impact investment products. As noted by the Committee, there have been some first movers in the superannuation industry which are making social impact investments within the existing fiduciary and investment rules. This includes the cornerstone investment of Christian Super in one of the funds established by the Social Enterprise Development and Investment Funds Manager, Foresters Community Finance.

The Government notes that superannuation trustees have fiduciary and statutory obligations to manage their fund's assets prudently and in the best interests of their members. The Government supported the recommendation in the Super System Review Panel's final report, Review into the governance, efficiency, structure and operation of Australia's superannuation system, that investment decisions should remain the responsibility of trustees. Trustees are able to choose from a spectrum of investment options, including emerging social impact investment products.

From 1 July 2013, MySuper, a simple, low cost superannuation product will replace existing
default products. Trustees of MySuper products will be required to develop a single diversified investment strategy, in keeping with a primary duty to act in the best financial interests of their members as measured by net investment returns and level of risk over the longer term.

The Government supports the intention to clarify and communicate the existing regulatory and policy environment for institutional investors. The body referred to in Recommendation 2.1 may have a role in this work.

**Recommendation 5.2:**

The Committee recommends that the proposed Social Finance Taskforce consider possible options to develop Community Development Financial Institutions in Australia, taking into account:

- the findings of the forthcoming study commissioned by the Department of Families, Housing, Community Services and Indigenous Affairs into the current regulatory and legislative environment for Community Development Financial Institutions in Australia;
- whether tax incentives should be established to encourage investment in CDFIs in Australia; and
- any other initiatives that may benefit the development of CDFIs investing in social economy organisations.

**Government response**

The Government notes this recommendation and acknowledges that Community Development Finance Institutions (CDFIs) can play an important intermediary role in providing credit, financial services and capacity building for individuals and communities.

The report defines CDFIs in broad terms to include the full range of financial intermediary organisations with a social impact focus. As the Committee points out, CDFIs are well developed in other countries, in particular, the United States where there are over 1,000 in operation.

The current CDFI pilot being undertaken by FaHCSIA is focused on providing access to finance for individuals excluded from mainstream banking services. The pilot also provides financial literacy training to these individuals. This pilot is currently being evaluated and the results are expected in August 2012. The Government will consider this recommendation further once this evaluation is completed.

**Education of financial and corporate stakeholders**

**Recommendation 4.5:**

The Committee recommends that professional organisations such as the Australian Institute of Company Directors and investment advisory services develop materials and professional development workshops to inform the corporate sector of investment opportunities in the social economy.

**Recommendation 5.1:**

The Committee recommends that philanthropic and financial advisory services promote and encourage opportunities for social investment and engagement with the sector.

**Recommendation 6.1:**

The Committee recommends that programs and workshops relating to social impact investment be developed by investment organisations to encourage investors to engage in social investment projects and opportunities.

**Government response**

The Government notes recommendations 4.5, 5.1 and 6.1 and supports the intention of these recommendations to encourage activities across the corporate and financial services sectors to raise awareness of social investment opportunities.

**Promoting social investment products**

**Recommendation 4.1:**

The Committee recommends that the Australian Taxation Office, in consultation with the Australian Charities and Not-for-Profits Commission and other relevant stakeholders, issue explanatory material for Private Ancillary Fund trustees informing them of:
• the ability of these funds to treat any discount to the market returns on social investments as benefit for the purpose of the minimum distribution requirements; and

• the necessity of including a clause regarding social investment classes in their investment strategy documents in order to invest in social investment products.

Government response
The Government supports this recommendation in principle
The Government supports this recommendation in principle and agrees that explanatory material that assists Private Ancillary Fund trustees with their decision making with regard to social investment opportunities will be a useful addition to current advice.

The Australian Taxation Office will retain responsibility for issuing guidance material where the matter relates specifically to tax. From its commencement on 1 October 2012, the ACNC will be responsible for issuing explanatory material relating to the registration and regulation of charities, as provided for under its enabling legislation. These materials will include information about investments by charities and are likely to refer to social investments.

Recommendation 4.2:
The Committee recommends that the Commissioner of Taxation, Treasury and the ONFPS work to create benchmarks and standards for financial returns on social investment classes such as debt products and social bonds, in order to help trustees and fund managers make informed investment decisions in this area.

Government response
The Government does not support this recommendation. It is premature to set benchmarks for financial returns on social investments and it is not clear whether benchmarks will provide an appropriate and useful guide. Further, benchmarks are not set by Government for other financial investments and, consistent with the Committee's advice that Government should assist the market rather than intervene to control it, it is preferable that new or existing market mechanisms (such as rating agencies and analysis on particular asset classes) should be encouraged to fulfil this role.

Recommendation 6.2:
The Committee recommends that the Departments of Treasury and Finance and Deregulation examine ways to create incentives to invest in a social bond market in Australia including the feasibility of tax exempt income returns, a government top up on coupons through cash or tax credits and the use of government guarantees.

Government response
The Government does not support this recommendation. The Government does not support this recommendation. While the Committee notes the success that the GoodStart Consortium and the Chris O'Brien Lifehouse at Royal Prince Alfred hospital had utilising social bonds, it also notes that the uptake of social bonds in Australia has typically been limited to investors with a direct or personal connection with a specific social venture.

Before considering tax concessions, more needs to be done to understand the use of social bonds and the circumstances in which they could be a viable option for encouraging social investment.

Recommendation 6.3:
The Committee recommends that the Office for the Not-for-Profit Sector identify policy areas where social impact bonds could be applied, including intractable problems in Indigenous communities. The plausibility of creating social impact bonds in partnership with state governments should also be examined.

The Office for the Not-for-Profit Sector should work with relevant government departments and agencies and social organisations to implement a social impact bond trial.

Government response
The Government notes this recommendation.

The Government notes the emphasis given to social impact bonds during the Inquiry and is
closely monitoring the social impact bond pilots in New South Wales. These pilots provide an opportunity to test the factors likely to be associated with successful social impact bonds in Australia, including the willingness and ability of service providers and investors to participate. Given social impact bonds are complex instruments; further consideration is being given to some of the potential challenges associated with their implementation. The Government also recognises that social impact bonds are only one type of social investment tool amongst a range of new and emerging products.

**Strengthening social enterprise**

**Recommendation 8.1:**

The Office for the Not-for-Profit Sector identify relevant current and future government programs, such as Enterprise Connect and the New Enterprise Incentive Scheme, that could be extended to offer specialised support for social enterprises. The programs should be extended to include support for cooperatives, employee share ownership plans and employee buyouts.

**Government response**

The Government notes this recommendation. There are a range of programs available to provide advice and support to organisations and the Government supports efforts to meet the specific needs of social enterprises, where possible, within existing and future programs.

**Recommendation 8.2:**

The Department of Finance and Deregulation, Treasury and Office for the Not-for-Profit Sector should jointly conduct a review of the competitive tendering and contracting framework and examine the costs and benefits of:

- social tendering to identify a social purpose business rather than a competitive tendering process; and
- including a community/social benefit criterion in the call for and assessment of competitive tenders.

**Government response**

The Government notes this recommendation. The Government will consider this recommendation further. The Commonwealth Procurement Guidelines, which reflect our international trade obligations on government procurement, include a number of exemptions from mandatory procurement processes, including:

- the procurement of property or services from a business that primarily exists to provide the services of persons with a disability; and
- the procurement of property or services from a Small or Medium Enterprise with at least 50 percent Indigenous ownership.

While the Government needs to further consider the impact of contracting social purpose businesses outside of a competitive tender process, it notes that social value, community or social benefit criteria might be more appropriately considered as part of the framework for grant programs.

Within the non-discriminatory approach of the Commonwealth procurement framework, the Government will explore the feasibility of including social value in the consideration of value for money.

**Developing a measurement framework**

**Recommendation 7.1:**

The Committee recommends that the Department of the Prime Minister and Cabinet identify policy areas where results based funding is already utilised and use any relevant programs as an evidence base towards the development of a robust measurement framework for social economy organisations in Australia.

**Government response**

The Government supports this recommendation in principle. The Government notes however that while result-based funding may
provide some initial evidence for the development of a measurement framework, given the differences in program and contracting requirements across Government, these may have limited utility.

The Government notes that a range of approaches and tools have developed internationally for measuring and managing impact and that Recommendation 7.2 proposes the development of a measurement guide based on the evaluation framework recommended by the Productivity Commission. The Government agrees that this framework provides a useful starting point for future work in this area.

**Recommendation 7.2:**
The Committee recommends the Office for the Not-for-Profit Sector in the Department of the Prime Minister and Cabinet prepare a guide for social economy organisations to assist in evaluation of their performance. The guide should be based on the evaluation framework recommended by the Productivity Commission using inputs, outputs, outcomes and impacts and include Australian case studies and emerging international measurement tools.

The guide should provide social economy organisations with a number of measurement techniques as options to measure their outcomes and impacts. The committee recommends that the guide be adopted by the Council of Australian Governments and distributed to all government departments and agencies.

**Government response**
The Government supports this recommendation in principle, and as noted above, supports using the Productivity Commission's framework as a starting point for the development of a practice guide for social economy organisations. The Government considers that the proposed guide should be developed in collaboration with social economy and social investment organisations and include a range of measurement techniques that recognises the diversity and challenges inherent in the scale and work of the social economy. The development of a guide will be considered within the context of the Office for the Not-for-Profit Sector's future work priorities.

**Government Response to the Senate Economics References Committee Report: The asset insurance arrangements of Australian state governments**

**July 2012**

**Introduction**

Following the extensive flooding that occurred in Queensland over the 2010-11 summer, on 3 March 2011, the Senate referred for inquiry issues relating to the insurance of state government assets to the Senate Economics References Committee.

The referral was based on a Notice of Motion from independent Senator Nick Xenophon. The notice directed the committee to examine:

- the provisions of the Tax Laws Amendment (Temporary Flood and Cyclone Reconstruction Levy) Bill 2011 and the Income Tax Rates Amendment (Temporary Flood and Cyclone Reconstruction Levy) Bill 2011,
- current insurance and reinsurance arrangements of the states and territories of their assets and infrastructure, and
- the appropriateness of fiscal arrangements for natural disaster reconstruction efforts.

The Commonwealth has considered the four recommendations made in the report and provides the following responses.

**Recommendation 1:**
The committee recommends that the Commonwealth Government consult with state and territory governments to ensure that the states' and territories' captive insurance and reinsurance arrangements are reported transparently and on a comparable basis.

Commonwealth position: The Commonwealth supports this recommendation.

The Natural Disaster Relief and Recovery Arrangements (NDRRA) Determination was amended on 21 March 2011 to require state and territory (State) governments to commission an
independent assessment of the adequacy of their insurance and reinsurance arrangements.

The Department of Finance and Deregulation (Finance) is currently reviewing the independent assessments and will publish its findings once the review is complete.

In line with the amendments to the NDRRA, each State is also required to produce and publish its independent assessment at intervals no greater than three years apart; and following any significant change in its insurance arrangements (including any reduction in the policy limit), or a major insurable disaster occurring in that State.

The independent assessments submitted by each State will be made publicly available on respective State websites.

The Commonwealth will continue to consult with State governments and monitor compliance under the NDRRA Determination.

**Recommendation 2:**

The committee recommends that the Commonwealth Grants Commission ensure that as part of the current redesign of its data request state and territory governments are required to include their past insurance and reinsurance receipts for natural disaster insurance premiums. These data must be taken into account by the Commission in determining the states' GST share.

Commonwealth position: The Commonwealth notes this recommendation.

The Commonwealth Grants Commission (the Commission) is an independent statutory body which recommends how the revenues raised from the Goods and Services Tax (GST) should be distributed to the states to achieve horizontal fiscal equalisation (HFE).

The Commission advises that, as part of its data request for its 2012 Update of GST Revenue Sharing Relativities, it has sought States' premium payments and insurance receipts for the last four financial years. All States that have private insurance provided this information to the Commission. The information will be used by the Commission to estimate States' net expenses on natural disaster relief and recovery, which will then be used to calculate the recommended GST distribution for 2012-13.

**Recommendation 3:**

The committee recommends that a particular focus of the Natural Disaster Insurance Review into the adequacy of current insurance arrangements should be on whether the international insurance market offers reinsurance for the states' and territories' road networks.

Commonwealth position: The Commonwealth is unable to support this recommendation. The final report of the Natural Disaster Insurance Review was provided to the Government on 30 September 2011 in accordance with its Terms of Reference, and was publicly released on 14 November 2011.

Given this timing, the Natural Disaster Insurance Review did not consider Recommendation 3 of the Senate Economics References Committee report on The asset insurance arrangements of Australian state governments.

It is anticipated that the adequacy of reinsurance arrangements for State road networks will be amongst the issues considered as part of the review of State insurance arrangement referred to in the response to recommendation 4 below.

**Recommendation 4:**

The committee recommends that the Commonwealth Treasury clarify what is meant by the term 'cost-effective' as it relates to the 2011 NDRRA Determination and the scrutiny of the states' and territories' insurance arrangements.

Commonwealth position: The Commonwealth notes this recommendation.

The Commonwealth has been providing information to the States to assist their understanding of how the Commonwealth will review the States' independent assessments of their insurance arrangements.

The NDRRA Determination was amended on 21 March 2011, to incorporate a new process which requires the States to have an independent assessment undertaken of their insurance arrangements in relation to natural disaster recovery and reconstruction costs and submit those assessments to the Commonwealth.
Finance is undertaking a review of the appropriateness of States' insurance arrangements and will publish as well as report the outcomes to the Commonwealth Minister for Emergency Management.

Clause 4.6.4 of the NDRRA Determination sets out that each review will be guided by principles that include that a State has a responsibility to put in place insurance arrangements which are cost effective for both the State and the Commonwealth.

In looking at whether arrangements are appropriate, including whether they are cost effective, the Finance review will consider the risk management practices evident in each of the States, as well as their financial exposure related to restoration or replacement of certain essential public assets that are at risk of being damaged as a direct result of a natural disaster. In this regard, the following issues will be taken into account:

- States' risk management practices,
- details of essential public assets and details of historical losses on these assets arising from natural disasters,
- the risk profile of the State, based on type and frequency of disasters that the State is exposed to,
- history of NDRRA eligible disasters, and support received from the Commonwealth under the NDRRA Determination,
- details of relevant insurance policies, or information on approaches that the State has made to the market for uninsured assets, and
- other policies for managing financial risks relating to natural disasters.

This guidance was provided to the States to assist in undertaking their independent assessments. As these independent assessments by States and reviews by the Commonwealth are a new requirement, the approaches to evaluating cost-effectiveness (and broader measures of appropriateness) are necessarily being determined as work progresses and knowledge is gained.

Australian Government response to the Joint Parliamentary Committee of Public Accounts and Audits report:

Report 426 - Ninth Biannual Hearing with the Commissioner of Taxation - Recommendations 2 and 3

Recommendation 2

The Committee recommends that Australian Taxation Office notifications to the Government, either directly or through Treasury, on tax policy and legislative problems be made public within 12 months of submission, along with the Government's response.

Government response:

The Commissioner of Taxation (Commissioner) has a statutory independence in his administration of the taxation laws which means that the Government cannot direct the Commissioner to administer the laws in a particular way. If the Australian Taxation Office (ATO) forms a view that the existing law may compromise revenue collections or have unintended consequences then it will be a matter for the Government to decide whether or not to amend the laws and, if so, then for Parliament to approve the necessary legislative amendments.

If the Government chooses not to amend the tax laws, then the Commissioner must decide on how he responds in administering the existing law. This may mean that the ATO needs to change its administrative practices and to amend its published view about how the law applies. However, this is a matter for the Commissioner.

In this context, it is worth noting that the Government also receives representations from a range of different entities (including individuals, businesses and representative groups) and that the Government takes into account these differing views before deciding whether to amend the tax laws and, if so, how to design the amendments.

There is a significant risk that publishing ATO notifications to the Government about potential legislative problems could lead to uncertainty and confusion in the taxpaying community about how the ATO will administer the existing laws. Dialogue between the ATO, Treasury and the Government may canvass a range of issues which could colour the interpretation of the existing law.
and existing ATO published views. For example, the ATO provides various forms of public advice to taxpayers about the Commissioner's views on, and his interpretation of, the tax laws, such as public rulings, private rulings, administratively binding advice and interpretative decisions. Different types of advice provide various levels of protection against primary liabilities, penalties and interest to taxpayers who rely on that advice. It is unclear how a taxpayer would reconcile any published notifications with existing ATO views. Accordingly, the Government disagrees with this recommendation.

Recommendation 3
The Committee recommends the Inspector-General of Taxation's reviews be made public within a reasonable time.

Government response:
Section 11 of the Inspector-General of Taxation Act 2003, obliges the Minister to ensure the public release of the Inspector-General's reports within 25 sittings days of each House of Parliament after receiving it. Specifically, section 11 states:

(1) The Minister must cause a copy of each report under section 10 to be tabled in each House of the Parliament, or to be otherwise made publicly available:

(a) before the general publication deadline; or

(b) if the Inspector-General recommends that the tabling or public release of the report be delayed for a specified period—before the extended publication deadline.

(2) For the purposes of subsection (1):

(a) the general publication deadline is the end of 25 sitting days of each House of the Parliament, calculated starting from the day after the day on which the Minister receives the report; and

(b) the extended publication deadline is the end of 25 sitting days of each House of the Parliament, calculated starting from the day after the day on which the period referred to in paragraph (1)(b) ends.

Note: If, because of differences in the days on which the two Houses sit, the 25 sitting day period for the two Houses ends on different days, the relevant deadline is the end of the later of those days.

That said, the Government notes this recommendation. about the Committee's preference for publicly releasing the Inspector-General's reports within a reasonable time.

RESPONSE TO THE RECOMMENDATIONS OF THE FINANCE and PUBLIC ADMINISTRATION REFERENCES COMMITTEE REPORT ON THE GOVERNMENT'S ADMINISTRATION OF THE PHARMACEUTICAL BENEFITS SCHEME

Recommendation 1
The committee recommends that the Government withdraw the statement made on 25 February 2011 regarding the deferral of the listing of new medicines and the new rules applying to listings from that point forward.

Response
The Government does not support the recommendation.

On 30 September 2011, the Government announced a decision to provide subsidised access to 48 medicines from 1 December 2011, including the listing of medicines that remained deferred as a result of the statement made on 25 February 2011, subject to Listing arrangements being met.

In the same statement, the Government announced its commitment to work with industry and consumer groups to improve the certainty around the Pharmaceutical Benefits Scheme (PBS) listing process, while working to ensure the PBS remains sustainable. As part of this commitment, the Government undertook to not defer any drugs that cost under £10 million a year for a period of 12 months while the Government works with all parties to achieve longer term PBS sustainability.

The Government will continue to consider all new PBS drug listings in a timely manner and how these listings compare with other health spending priorities such as training new doctors...
and nurses, opening new hospital beds and investing in new preventative health programs.

**Recommendation 2**

The committee recommends that the Government retract the statement that PBAC listing recommendations will not be proceeded with until savings are found to offset the costs of listing those medicines under the PBS.

**Response**

The Government does not support the recommendation.

The Government is committed to supporting a strong economy and continues to apply responsible fiscal scrutiny to all new expenditure, including those relating to PBS listings. It has always been the Government's role to consider where finite resources would best be directed and to weigh expenditure decisions against competing pressures in the budget.

The Government is committed to a sustainable PBS that provides Australians with access to essential medicines. The Government has added around 700 new medicines or brands of medicines to the PBS, the Life Saving Drugs Program and the National Immunisation Program over the last four years, at a cost of around $4.5 billion. This underlines the priority which the Government places on making medicines available to Australian residents.

The Government will continue to consider all new PBS drug listings in a timely manner and how these listings compare with other health spending priorities such as training new doctors and nurses, opening new hospital beds and investing in new preventative health programs.

The Government announced on 30 September 2011 an agreement with the Consumers Health Forum, Generic Medicines Industry Association and Medicines Australia to improve the certainty around the PBS listing process, while working to ensure the PBS remains sustainable.

As part of this agreement, all parties have committed to work together on possible future savings following the expiry of the Memorandum of Understanding between the Government and Industry.

This builds on the Government's strong track record of working productively with industry and consumer groups to deliver a sustainable PBS that provides Australians with access to affordable medicines.

**Recommendation 3**

The committee recommends that the Government should explicitly state that it rejects any imputation that the listing of new medicines requires savings to be made elsewhere in the health portfolio.

**Response**

Please refer to the response to Recommendation 2.

**Recommendation 4**

The Government should restate its commitment to making an explicit decision regarding the listing of new medicines on the PBS within the terms and intent of the Memorandum of Understanding signed with Medicines Australia on 6 May 2010 and re-signed on 28 September 2010.

**Response**

The Government does not support the recommendation.

The Government considers it is unnecessary to restate its commitment as it has always met, and continues to meet, its obligations outlined in the Memorandum of Understanding (MoU) with Medicines Australia.

**Recommendation 5**

That the Government reinstate the '£10 million rule' so that medicines that have a financial impact of less than £10 million in each year over the forward estimates can be listed on the PBS Schedule by the minister without waiting for Cabinet approval.

**Response**

The Government does not support the recommendation.

While PBS listings with a financial impact are considered by the Cabinet, it does not approve PBS listings. Responsibility for listings, taking into account all information, including advice from the Cabinet, remains with the Minister for
Health, in accordance with the legislative requirements of the National Health Act 1953 (as amended).

It is appropriate for the Government to apply responsible fiscal scrutiny to proposed new PBS listings, as it does for all new expenditure. It has always been the Government’s role to consider where finite resources would be best directed in the health portfolio and to weigh competing pressure on the budget across the health and other areas of government responsibility.

The Government announced an agreement with industry and consumer groups to improve the certainty around the PBS listing process, while working to ensure the PBS remains sustainable. As part of this agreement, the Government undertook to not defer any drugs that cost under $10 million a year for a period of 12 months, while the Government works with all parties to achieve longer term PBS sustainability.

As part of this agreement all parties agreed to work together on possible future savings following the expiry of the Memorandum of Understanding between the Government and Industry.

This builds on the Government’s strong track record of working productively with industry and consumer groups to deliver a sustainable PBS that provides Australians with access to affordable medicines.

Australian Government response to report: Australia’s biosecurity and quarantine arrangements

The Senate Rural and Regional Affairs and Transport References Committee - June 2012

Senate Inquiry into Australia’s biosecurity and quarantine arrangements

Terms of Reference

On 23 June 2010, the Senate referred the following matter to the Senate Standing Committee on Rural and Regional Affairs and Transport (the committee) for inquiry and report by 22 November 2010:

(a) the adequacy of [Australia’s] current biosecurity and quarantine arrangements, including resourcing
(b) projected demand and resourcing requirements
(c) progress toward achievement of reform of Australian Quarantine and Inspection Service (AQIS) export fees and charges
(d) progress in implementation of the ’Beale Review’ recommendations and their place in meeting projected biosecurity demand and resourcing
(e) any related matters.

The inquiry was subsequently re-adopted by the committee in the 43rd Parliament.

On 22 November 2010, the Senate granted an extension of time for reporting until 28 April 2011. The reporting date was further extended to 21 March 2012 and 4 April 2012.
Australia's Biosecurity System

In 2010-11, the Australian Government facilitated the movement of more than 14 million passengers and 152 million mail articles, cleared more than 2 million containers and facilitated the export of more than $36 billion worth of agriculture, fisheries and forestry products.

Changing global demands, growing passenger and trade volumes, increasing imports from a growing number of countries, population expansion and climate change mean that biosecurity risk is growing. There is also an increasing demand from trading partners for greater levels of assurance in relation to Australia's exports.

The 2012-13 Budget sees the Gillard Government's investment in biosecurity reach more than $1.6 billion1 since the 2009-10 Budget. This highlights the Government's commitment to continue building a sustainable biosecurity system to minimise threats to Australia's primary production sectors, human health, and the environment; with flow on effects to the wider Australian economy through faster movement across the border, protection of Australia's unique natural assets and a more effective system which facilitates international trade and underpins Australia's strong reputation as a reliable exporter of high-quality food and fibre.

Biosecurity reform

The Australian Government is implementing reforms to Australia's biosecurity system to continue to deliver a modern system that is responsive and targeted, in a changing global trading environment.

The reforms being undertaken position us to meet demand and to ensure the biosecurity system is effective and sustainable into the future. The reform program is consistent with the themes outlined in the Beale review2, informed by previous reviews and stakeholder needs; and underpinned by five key principles:

- implementing a risk-based approach to biosecurity management
- managing biosecurity risk across the continuum – offshore, at the border and onshore
- strengthening partnerships with stakeholders
- being intelligence-led and evidence-based
- supported by modern legislation, technology, funding and business systems.

The benefits of biosecurity reform will be realised by primary producers, the environment and trading partners – with positive flow through effects to the economy more generally.

The Minister for Agriculture, Fisheries and Forestry, Senator the Hon. Joe Ludwig recently released a report that highlights the progress this Government has made since the Beale review in strengthening our biosecurity system and the challenges and opportunities ahead. The report – Reform of Australia's biosecurity system – An update since the publication of One Biosecurity: a working partnership – is available online at www.daff.gov.au/biosecurityreform.

Australian Government response to the Senate committee reports

On 12 December 2011, the Rural and Regional Affairs and Transport References Committee tabled its interim report on the Senate Inquiry into Australia's biosecurity and quarantine arrangements, titled “Biosecurity and quarantine arrangements; Interim report: the management of the removal of the fee rebate for AQIS export certification functions.” The report addressed issues regarding point (c) of the terms of reference for the inquiry.

The remainder of the committee's terms of reference were addressed in the current report, titled “Australia's biosecurity and quarantine arrangements” tabled on 10 April 2012.

The responses to the committee's recommendations are provided in the order they are presented in the current report.

Department of Agriculture, Fisheries and Forestry (DAFF) Biosecurity identity

Areas of the department previously referred to as the Australian Quarantine and Inspection Service (AQIS) and Biosecurity Australia (BA) are now known as DAFF Biosecurity. In this response, AQIS and BA will either be referred to as “DAFF Biosecurity” or “the department”.

CHAMBER
Response to the Senate committee recommendations from the current report: Australia's biosecurity and quarantine arrangements

Recommendation 1

3.43 The committee recommends that, as part of the process of developing the new Biosecurity Bill, the Government review the Import Risk Analysis (IRA) appeals process, the role of the Eminent Scientists Group (ESG) and the publication of scientific (and other) materials used by the ESG in making determinations.

The Government does not support this recommendation.

The Eminent Scientist Group (ESG) is not a decision making body and does not make determinations.

The independent review of Australia's quarantine and biosecurity arrangements One biosecurity: a working partnership (the Beale review) recommended that the group should be expanded to include an economist (recommendation 34). The Government has implemented this recommendation.

Recommendation 2

4.32 The committee recommends that the Government give higher priority to funding and implementation of the Beale Review reforms.

The Government does not support this recommendation.

The Government notes that the only significant non-Government biosecurity policy announcement since the Beale review is the Coalition's 2010 pledge to establish an underfunded “special agency”, known as a Biosecurity Flying Squad which would undertake tasks currently undertaken by the department.

By contrast, the Gillard Government's 2012-13 Budget provides a further $524.2 million investment in Australia's biosecurity system including a $379.9 million (over seven years) state-of-the-art post entry quarantine facility near Melbourne. This investment will build a sustainable biosecurity system.

On 7 March 2012, the Gillard Government released the publication Reform of Australia's biosecurity system – An update since the publication of One Biosecurity: a working partnership.

The report outlines initial moves towards a risk return model, which have resulted in productivity improvements including:

- faster vessel clearance (estimated at up to $19 million per annum savings by the shipping industry);
- paperless processing of air cargo resulting in an estimated 25.6 working years or in excess of $1.8 million in saved industry labour costs; and
- targeted, rather than mandatory, external container inspections which have reduced truck waiting time at sea ports by an estimated 13.3 years per annum which saves approximately 349,000 litres of fuel and 932 tonnes of carbon emissions.

These improvements – all consistent with Beale recommendations – were described by the opposition spokesperson as “Quarantine cuts”. The Government welcomes the Committee's stated commitment to the implementation of Beale recommendations.

Recommendation 3

4.34 The committee recommends that the Senate refer the exposure draft (and the consultation regulation impact statement) in relation to the new Biosecurity Bill to the Senate Rural and Regional Affairs and Transport Legislation Committee for inquiry and report.

The Government notes this recommendation.

The Government notes the Senate's interest in the exposure draft biosecurity legislation being referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report.

Response to the Senate committee recommendations from the interim report: Reform of export fees and charges

Recommendation 1

3.9 The committee recommends that DAFF develop and maintain a comprehensive database (which includes current email addresses) and provides the means of contacting all relevant stakeholders.
The Government notes this recommendation.

The Establishment Register (ER) maintained by the department includes comprehensive information on all registered establishments of prescribed goods (animal and plant export products regulated under the Export Control Act 1982), including in most cases email addresses. The Export Documentation System (EXDOC) includes email contacts for most exporters. The department has also recently contacted exporters, to update their email addresses and maintains a central database of industry contacts.

Recommendation 2
3.11 The committee recommends that DAFF review its current consultation model, with a view to developing a more flexible, more inclusive model that can be used into the future.

The Government agrees with this recommendation.

The Gillard Government is committed to implementing efficient service delivery in partnership with export certification users. As the Ministerial Task Force processes draw to a conclusion, the Australian Government has established an arrangement with each export sector to continue to drive efficiency. Consideration of stakeholder engagement is an ongoing business practice. Work has commenced on a framework and associated strategy to drive strategic engagement with our stakeholders. The department currently undertakes stakeholder engagement on specific issues. In addition, operational areas maintain links with the clients they are servicing through industry consultative committees. Large projects develop stakeholder engagement plans as part of the project management process.

Recommendation 3
3.24 The committee recommends that DAFF investigate and report to the committee on the feasibility of the proposal put forward by Mr Greg Darwell to reduce the costs associated with multiple certifications for small air freight consignments. The investigation should define the eligibility criteria for 'small air freight consignments' and include a cost analysis for each of the Ministerial Task Forces to ensure equitable treatment across commodity groups.

The Government does not support this option.

Fees and charges are applied in accordance with the Government's cost-recovery guidelines. These guidelines require that the cost of delivering the service is recovered. It is not appropriate to apply a “one size fits all” approach for multiple certifications for the following reasons:

- certification requirements are driven by importing countries and differ from commodity to commodity
- departmental effort is expended to review/verify/deliver information presented on each individual export permit and certificate and costs therefore differs from commodity to commodity
- as the cost of delivering certification differ from commodity to commodity, it cannot be arbitrarily aligned without introducing a degree of cross subsidisation.

Mr Darwell's proposal has been investigated by DAFF, however it would necessitate costs to be subsidised by other fee payers and does not present an equitable outcome for all person/s that require export certification and is unlikely to be supported by the broader fee payers.

Recommendation 4
3.28 The committee recommends that the 40 per cent rebate for AQIS export certification functions remain in place, and fee increases not be passed on, until negotiations with all industry sectors have been finalised and consultations with individual businesses have taken place.

The Government does not support this recommendation.

The department operated on the basis of full cost-recovery for all its export programs prior to 1 November 2001, at which time the Government implemented a temporary rebate on export certification to the value of 40 per cent of the cost of export certification service delivery. This rebate was renewed in 2005 and terminated, as planned, in 2009.
The Government provided $127.4 million, under the Export Certification Reform Package, from the end of 2009 until 30 June 2011 to enable industry to work with Government to reduce regulatory costs and to assist the industry to move onto full cost recovery, through the development and implementation of reform initiatives. Of this total, $85.3 million was used to provide rebates to exporters of 40 per cent of their export certification costs. The rebates provided under the Export Certification Reform Package concluded on 30 June 2011.

The Government agrees with the additional comments, provided by Senator Sterle, that the Minister and his department are committed to working with industries on improving service delivery and implementing efficiency. Senator Sterle has correctly noted that there is no “one size fits all” approach for multiple export certification user groups. The blanket approach of subsidising service delivery costs, against their own cost-recovery policy, is part of the problem with the Liberal/National approach. It entrenched inefficiencies in service delivery at the cost of export certification users and the Australian taxpayer.

The Government notes the inconsistency of this approach with the Coalition’s stated agreement to the new fees and charges and transitional assistance. The dairy export program is subject to full cost recovery. The grains, nuts and seeds export program will be subject to full cost recovery from 1 July 2012. The meat, fish and eggs programs are subject to transitional assistance until 2013.

The Government has been working with horticulture exporters to implement new fees and charges for this sector on 1 July 2012, and to determine the most appropriate mechanism for the application of transitional assistance.

**Recommendation 5**

3.31 The committee recommends that DAFF explore the possibility of developing a mechanism whereby stakeholders can submit suggestions or complaints confidentially or anonymously.

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1 As indicated in MAFF media releases and 2012-13 Budget announcements
3 Available at www.daff.gov.au/biosecurityreform
The Torres Strait Treaty, which entered into force in 1985, defines the territorial boundaries between Australia and Papua New Guinea; establishes a Protected Zone to acknowledge and protect the traditional way of life and livelihood of the traditional inhabitants, including traditional fishing and free movement; and sets out a comprehensive consultative framework for the management of the common area.

There are well-established mechanisms for Australian, Queensland and PNG Government agencies to work as partners with local communities in the Torres Strait. The government welcomes the committee's observation that evidence presented to the committee shows clearly that government agencies in the Torres Strait work together to ensure that their assets are used efficiently and shared as necessary.

The government shares the committee's conviction that the Torres Strait Island Regional Council and the Torres Strait Regional Authority are key institutions in the overall governance structure of the Torres Strait and have a pivotal role in matters such as community policing, conservation, biosecurity, border security, economic development and Australia's relations with Papua New Guinea.

A comprehensive set of Traditional Visit Guidelines has been developed over time with the full agreement of community leaders from Australia and Papua New Guinea to protect the traditional way of life of the traditional inhabitants of the region. These guidelines are updated as required at Traditional Inhabitants' Meetings. The guidelines have been widely distributed in the Treaty region and will continue to be distributed by Treaty liaison officers in their regular visits to Treaty villages.

The government welcomes the committee's acknowledgement of the significant contribution by health care professionals in the Torres Strait and the committee's support for the initiatives of the Australian and PNG Governments to establish new, or improve existing, health facilities in the Western Province of Papua New Guinea.

The government recognises that responsive and effective action by all stakeholders to make the Torres Strait Treaty work at all levels, including through addressing the concerns of traditional inhabitants and countering any misunderstandings about the Treaty's provisions, will be critical to maintaining support for the Treaty and ensuring its long term sustainability.

The attached response to the committee's recommendations reflects the government's commitment to protecting the traditional way of life and livelihood of the traditional inhabitants of the region.

Australian Government Response to The Torres Strait: Bridge and Border

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<td>Recommendation 1</td>
<td>Agreed.</td>
<td>The Australian Government continues to work with Papua New Guinea to improve health services in the Western Province, with a particular focus on tuberculosis services. AusAID is providing $8 million over four years (2011-12 to 2014-15) to support the South Fly District TB Management Program. Key elements of Australia's support include the recruitment of a Tuberculosis Medical Officer and Tuberculosis Program Coordinator to provide tuberculosis services to Daru Hospital and outreach to the villages in the South Fly Region. Australian support also</td>
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Recommendation 2
The committee recommends that the Australian Government give serious consideration to measures that would further facilitate the proposal for greater cross-border involvement by Australian health professionals in both the provision of services and capacity building on the PNG side of the border.

Agreed.

The Australian Government has agreed a Facilitated Cross-Border Movements initiative with the PNG Government. The relevant Australian agencies have prepared the necessary guidelines and procedures to operationalise the initiative. The first facilitated cross-border movement took place in October 2011. Movements have since continued as required including for
Recommendation

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<td>Recommendation 3</td>
<td>Noted</td>
<td>The committee recommends that the Australian Government use the Papua New Guinea-Australia Partnership for Development to detail the assistance it is providing to PNG to improve the delivery of health services in the southern part of Western Province and to ensure that projects undertaken in this region are appropriately monitored and evaluated during implementation and after completion.</td>
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The initiative has made capacity-building and liaison activities easier to deliver, and enabled the transfer of PNG tuberculosis patients to the care of Western Province health services through joint Queensland Health-PNG clinics on Saibai and Boigu in the Torres Strait.

Recommendation 3

The committee recommends that the Australian Government use the Papua New Guinea-Australia Partnership for Development to detail the assistance it is providing to PNG to improve the delivery of health services in the southern part of Western Province and to ensure that projects undertaken in this region are appropriately monitored and evaluated during implementation and after completion.

The Australian Government will continue to use the Papua New Guinea-Australia Partnership for Development to guide its commitments on improved health service delivery in Papua New Guinea, including in the southern part of Western Province.

The Partnership for Development is a framework for cooperation between the governments of Papua New Guinea and Australia which aims to accelerate progress towards the Millennium Development Goals and other PNG development priorities. The Partnership establishes agreed priority areas for development, commits minimum levels of funding from both governments to support priority outcomes and focuses development efforts on service delivery.

Australia's specific commitments to improve the delivery of health services in Papua New Guinea are detailed in the Health Schedule to the Partnership for Development. The Health Schedule also includes resource indicators which track health spending on specific commitments by both governments.

The Health Schedule was revised in 2011 to reflect the recommendation of the Development Cooperation Treaty Review to increase the focus on service delivery in the aid program. The revised health schedule agreed with the PNG Government, and the related Australia-Papua New Guinea Health Delivery Strategy 2011 – 2015, details Australia's commitment throughout Papua New Guinea and priority provinces, including Western Province.
The Australian Government is committed to strengthening the impact of all its programs and therefore performance is measured at strategy, program and activity levels. This monitoring includes processes such as annual performance reporting of programs, quality reporting of activities and evaluation reports of activities. The Australian Government monitors and evaluates all projects it undertakes in the southern part of the Western Province. AusAID and the Torres Strait Cross Border Health Issues Committee (HIC) will continue to work together to ensure any activities to improve health services in the Western Province are appropriately reflected in agreements and appropriately monitored and evaluated.

**Recommendation 4**

The committee recommends that to improve accountability and transparency of Australia's development aid spending, AusAID's Office of Development Effectiveness (ODE) conduct an analysis of Australia's funding in relation to Western Province in the Torres Strait region.

This analysis must provide an accurate and quantifiable account of the effectiveness of Australian aid provided to Western Province in the Torres Strait region. Special consideration must be given to the outcomes of Australian Government initiatives in the region, including both technical achievements and outputs and changes in attitudes and behaviour.

**Recommendation 5**

The committee recommends that the analysis mentioned in the previous recommendation also look closely at the extent and effectiveness of AusAID's cooperation with Queensland Health and Queensland Health.
Recommendation | Position | Comment
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consider ways to ensure that their work in the Torres Strait region is seamless across the border and that their operations and funding complement each other. | strategic importance of the region. The Torres Strait Cross Border Health Issues Committee (HIC) provides a forum for Australian Government agencies to work closely with Queensland Health to ensure that respective projects and processes complement each other. The HIC is a forum for the governments of Australia, Papua New Guinea and Queensland to discuss health issues affecting the Australia-Papua New Guinea border Treaty villages. It is chaired by the Australian Department of Health and Ageing and includes representatives from various Australian Government agencies, Queensland Department of Health, Queensland Department of Premier and Cabinet, PNG Government and Western Province Administration. It facilitates increased cooperation and communication between these agencies and departments. These cooperative arrangements were evident in the close collaboration that took place between Australian agencies and Queensland Health to address issues in the Torres Strait region during the 2010 cholera outbreak in the Western Province of Papua New Guinea. Evaluations conducted through the aid activities quality reporting process include consultation with all relevant agencies and stakeholders. This includes consultation with Queensland Health, where appropriate. In September 2011, the Government of PNG, Commonwealth agencies and Queensland Health agreed to a staged transfer of PNG tuberculosis patients. This process has been successful, with only 15 PNG tuberculosis patients remaining under the care of Queensland Health as of April 2012. The remaining patients will be transferred in June 2012. On 23 April 2012, the Government of PNG, Commonwealth agencies and Queensland Health developed an agreed process for communication and
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<td><strong>Recommendation 6</strong>&lt;br&gt;The committee recommends that the Australian Government review its funding to Queensland Health to ensure that such funding is commensurate with the actual costs incurred by Queensland Health in providing health care to PNG nationals.</td>
<td>Not supported.</td>
<td>The Australian Government is continuing discussions with Queensland Health to better understand the level of services currently provided to Papua New Guinea nationals and identify ways to address increasing demands on the Queensland health system. The Government considers it is more appropriate to work with PNG governments to build health services particularly in the Western Province of Papua New Guinea to ensure a better public health approach and improve access by PNG nationals to health services in their own country.</td>
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<td><strong>Recommendation 7</strong>&lt;br&gt;The committee recommends the Australian Government offer assistance to help the Queensland Government fund the implementation of the new data collection systems for PNG nationals accessing health services in the Torres Strait; and provide funding, if required, for a review of the effectiveness of this system.</td>
<td>Noted.</td>
<td>The Australian Government will continue to work with Queensland Health on data collection needs using current, well-established systems.</td>
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<td><strong>Recommendation 8</strong>&lt;br&gt;The committee recommends that the Department of Immigration and Citizenship ensure that its statistics on PNG nationals visiting Australia, including those in Australia receiving medical treatment, are complete and complement those collected by Queensland Health.</td>
<td>Agreed.</td>
<td>The Department of Immigration and Citizenship (DIAC) will continue to ensure its statistics on PNG nationals visiting Australia are complete. Furthermore, DIAC and Queensland Health have agreed on a process to ensure that these statistics complement those collected by Queensland Health. The variation in the numbers reported is primarily due to different reporting parameters. The statistics reported by Queensland Health refer to the number of times PNG nationals are treated at the Primary Health Centre, whereas the statistics reported by DIAC represent PNG nationals who identify on arrival that their sole purpose for travel is to seek medical treatment. DIAC's statistics do not include...</td>
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Recommendation 9
The committee recommends that relevant Australian government agencies combine their efforts to ascertain whether, or the extent to which, PNG nationals are coming to Australia to access social services, whether they are misinformed about their entitlements and, if so, the source of this misinformation and how best to correct it.

Noted. This recommendation relates primarily to evidence the committee heard during its visit to the Torres Strait about PNG women choosing to give birth in Australia due to a belief that they would be eligible for the baby bonus and an improved chance of obtaining Australian citizenship.

Relevant Commonwealth agencies can find no indication of significant numbers of PNG nationals giving birth in the Torres Strait in order to access social services such as the baby bonus, or to improve their chances of obtaining Australian citizenship. In 2010, there were 11 births registered in the Torres Strait by PNG women.

To be eligible for the Baby Bonus, the claimant must meet residence requirements. To meet residence requirements the claimant must have legal residence status (such as an appropriate Visa) and be residing in Australia on an ongoing basis. That is, Australia must be their home. Anyone giving birth in clinics in the Torres Strait is required to provide proof of residency before such information is entered into the clinic’s birth records.
A child born in Australia on or after 20 August 1986 becomes an Australian citizen by birth only if at least one parent was an Australian citizen or a permanent resident at the time of the child’s birth.

The Treaty provides for the designation of Treaty liaison officers by Australia and Papua New Guinea who consult on a day-to-day basis with each other and with officials and traditional inhabitants in the region.

A range of federal, state and local government agencies are involved in the management of the free movement provisions of the Treaty but much of the day to day management rests with community leaders who have established a comprehensive set of *Traditional Visits Guidelines* for traditional inhabitants, consistent with the provisions of the Treaty. These leaders work with the Australian and PNG Treaty Liaison officers, based respectively at Thursday Island and Daru, who consult regularly on the implementation of the Treaty at the local level.

Traditional activities are clearly defined, both in the Treaty and in the Guidelines. In addition, the Guidelines register clearly that “Traditional visits do not include activities that are not traditional, for instance visits to the medical clinic.”

The Australian Government’s Treaty Liaison Officer conducts regular Treaty Awareness Visits with his PNG counterpart to Treaty villages where contemporary issues are raised. During these visits, these officers will continue to address any misinformation on entitlements.

**Recommendation 10**

The committee recommends that the Queensland Government consider, as part of its overall review of policing in Indigenous communities, increasing Community Police Officer powers in order to enable them to respond more effectively to incidents in Torres Strait island.

The Queensland Government responded directly to the committee on this recommendation in November 2011.
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<td>Recommendation 11</td>
<td>Noted.</td>
<td>The AFP confers with the Queensland Government through the Queensland Police on law enforcement issues. Broader issues are pursued under a wide range of existing mechanisms between Queensland Police and relevant Commonwealth agencies with border functions, including Customs and Border Protection, Department of Foreign Affairs and Trade (DFAT), Department of Immigration and Citizenship (DIAC), as well as between these agencies and their PNG equivalents. Further detailed information on AFP interaction with relevant Queensland, Australian and PNG Government agencies on law and order issues is provided under the response to Recommendation 22.</td>
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<td>Recommendation 12</td>
<td>Noted.</td>
<td>The Working on Country program is part of an overall Australian Government commitment of $245.5 million until June 2013 to create up to 660 ongoing Indigenous ranger positions across the nation. This will provide long-term employment for Indigenous land and sea managers. Forty-two ranger positions have been approved for the Torres Strait, with groups to be established on all inhabited islands. Twenty-one rangers are currently employed, with the remainder to commence as soon as possible. The ranger groups are responsible for identifying and implementing the sustainable management of dugong and turtle within their community-based management plans. Other activities on both sea and land include researching and surveying significant coastal and marine habitats, seed collection and plant propagation, fire management and the maintenance of cultural sites. For Torres Strait Islanders, the land and sea are intrinsic...</td>
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to identity and the work of the rangers is in many ways about maintaining country, identity and culture. The activities of ranger groups are negotiated annually between the Torres Strait Regional Authority (TSRA), the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) and the traditional owners from the land or sea country where work is undertaken.

The Australian Government works closely with Papua New Guinea's Department of the Environment and Conservation (DEC), including co-chairing (through DSEWPaC) the Environmental Management Committee under the Torres Strait Treaty. DEC has demonstrated a strong commitment to work with PNG Treaty communities in the Western Province to develop community-based management plans for the sustainable management of marine turtle and dugong, along the lines of those plans developed by Australian Torres Strait communities with TSRA. Australian agencies will lend further appropriate expertise and advice on this work as it is requested, particularly through the Environmental Management Committee mechanism.

**Recommendation 13**
The committee recommends that AusAID, in conjunction with local communities in the Torres Strait, consider ways that would enable much greater engagement by PNG villagers in the work of community rangers in the Torres Strait as a means of educating and training them in conservation and biosecurity and in managing their environment.

The Australian Government agrees that increased engagement between PNG villagers in the work of community rangers in the Torres Strait is an important means of educating and training villagers in conservation and biosecurity and in managing their environment.

Community rangers in the Torres Strait already have considerable engagement with villagers in the Torres Strait. The TSRA facilitates this engagement. Community rangers engage with villagers both directly and through the inclusion of community villages in formal processes such as Treaty Cycle meetings.

Approximately four times a year TSRA staff engage with the PNG Western Province villages of Sigabaduru, Mabaduan and the

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<td>Recommendation 13</td>
<td>Noted.</td>
<td>The Australian Government agrees that increased engagement between PNG villagers in the work of community rangers in the Torres Strait is an important means of educating and training villagers in conservation and biosecurity and in managing their environment.</td>
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<td>In particular, the committee recommends that the Australian Government support the TSRA’s efforts to engage coastal</td>
<td>Noted.</td>
<td>Approximately four times a year TSRA staff engage with the PNG Western Province villages of Sigabaduru, Mabaduan and the</td>
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<td>communities in Western Province in turtle and dugong conservation.</td>
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<td>Australian communities of Boigu, Saibai and Dauan. Activities include awareness raising and communications on research and other activities that promote sustainability. TSRA is committed to working with Treaty villagers on implementation of the turtle and dugong community-based plans. TSRA has developed Community Based Turtle and Dugong Management Plans in all Australian Treaty communities. All the Plans have been officially endorsed by the appropriate traditional elders and clan based representatives of each community with the exception of the Kaiwalagal region (Inner Western Island Group), who are yet to update and endorse their Plan. TSRA are finalising the development of a regional catch monitoring database to store voluntary dugong and turtle catch data and create a tool for community education and community-based decision making in regard to significant pressure areas, implementation of traditional hunting closures and other culturally acceptable management tools. The analysed data, along with the Management Plans, will be used to assist PNG to adopt similar management arrangements for sustainable hunting practices in their Torres Strait communities. TSRA and other Australian government agencies are continuing to work with Western Province Treaty villages, PNG officials and other stakeholders to progress the development of community-based management plans for the sustainable use of critical marine resources, including turtle and dugong, in Western Province Treaty villages. This was a commitment given through Australia’s bilateral engagement in the Environmental Management Committee (EMC), a consultative body for detailed consideration of Torres Strait environmental issues.</td>
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<td>The committee recommends further that the Australian Government fund a number of scholarships for PNG post-graduate students whose research would be linked to the community management plans now in operation in the Torres Strait and the work currently being done by TSRA.</td>
<td>Agreed.</td>
<td>The engagement of rangers with communities is only part of the way Australia engages with PNG communities. TSRA regularly interacts directly with Western Province community members and the Australian Government's Treaty Liaison</td>
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Office conducts regular Treaty Awareness Visits with his PNG counterpart where contemporary issues are raised, including relevant environmental issues.

DSEWPaC has also worked closely with the Sea Turtle Foundation to increase community awareness of sustainable management of turtle and dugong in Western Province communities. This is through the provision of educational material, training of teachers and working with fishers themselves.

Australian Government Scholarships to Papua New Guinea are awarded in areas of study that have been identified by the PNG Government as priority training for national development. Reflecting best practice, these priorities are determined by a Joint Steering Committee (JSC) with majority PNG Government representation as well as representatives from civil society, donors and academia. The Joint Steering Committee informs the scholarships selection panel, which it oversees, of these national priorities on an annual basis and the selection panel awards scholarships accordingly.

AusAID is represented on the Joint Standing Committee and will recommend post-graduate scholarships be awarded to students whose research would be linked to the community management plans now in operation in the Torres Strait and the work of community rangers. However, the final decision rests with the JSC and will reflect Papua New Guinea's national development priorities.

Recommendation 14
The committee recommends that the Australian Government ensure that there is adequate funding available for:
regular assessment of stocks of protected or vulnerable marine species in the Torres Strait; and
research into the nature and size of the catch by traditional inhabitants and the

The Australian Government recognises the importance of access to current and accurate data and research relating to the management of fisheries in the Torres Strait. Several research projects are currently being funded by the Protected Zone Joint Authority (PZJA) as well as DSEWPaC. Research in the Torres Strait is also funded.
Recommendation | Position | Comment
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illegal or unauthorised harvest of marine turtles, dugong and bêche-de-mer in the Torres Strait. | by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the Fisheries Research and Development Corporation (FRDC). The Torres Strait Scientific Advisory Committee (TSSAC) coordinates this research and also advises research bodies on strategic directions, priorities and potential funding opportunities for Torres Strait fisheries research. The PZJA agencies which comprise the Department of Agriculture, Fisheries and Forestry (DAFF), the Australian Fisheries Management Authority (AFMA), TSRA and Fisheries Queensland collectively fund research work in the Torres Strait to around $1.2 million per annum and researchers are actively encouraged to engage with local communities wherever possible. | TSSAC, a subcommittee of the PZJA, is the advisory body for identifying strategic directions, priorities and potential funding opportunities for Torres Strait fisheries research. TSSAC does not directly commission research but is responsible for ensuring research in the Torres Strait is conducted in a coordinated manner with other research bodies. TSSAC has developed guidelines to determine strategic research priority areas for fisheries in the Torres Strait. TSSAC has also produced a *Strategic Research Plan for Torres Strait Fisheries 2009* to describe how it will use research opportunities to improve management of the fisheries resources of the Torres Strait. This plan includes a focus on both stock assessment and catch monitoring for turtles, dugong and bêche-de-mer. Current research projects include: Recovery of the *Holothria scabra* (Sandfish) population on Warrior Reef. Sandfish is one species of bêche-de-mer and has been subject to overfishing; Development of cultural protocols for conducting research in the Torres Strait; Refined stock assessment and Total...
Important research on the size and status of bêche-de-mer stocks was undertaken in 2009 (Torres Strait Hand Collectables, 2009 survey: Sea Cucumber by Skewes et al 2010). The survey work found that the density of a key species of the bêche-de-mer fishery, *Holothuria whitmaei* (Black teatfish), had increased significantly since 2005. Density data indicates that this species has recovered to near natural (unfished) densities.

The data collected during the 2009 survey indicates that most other species are considered to be at or near virgin stock biomass. Data collected during the survey also revealed that is highly likely that some species may have had a low biomass to begin with.

The 2009 survey found that the density of *Holothuria fuscogilva* (White teatfish) appeared to be increasing and that the density of *Thelenota ananas* (Prickly redfish) appeared to be stable with the average size larger than previous years' surveys.

The relative abundance of the highest value species *Holothuria scabra* (Sandfish) was assessed by visual surveys in 2010. Survey densities were found to be at similar levels to 2004, however, numbers of juveniles showed a large increase. The Sandfish population was made up of possible seven year classes representing a significant breeding potential. The survey raised questions as to the relative impacts of burrowing of Sandfish, illegal fishing, and or low recruitment on the observed numbers of Sandfish. A further survey using different techniques was undertaken in March 2012 to coincide with environmental conditions that...
best compare to those of previous scientific surveys in the area. The results of this survey will be published in late 2012.

It is also expected that the implementation of Community Based Harvest Strategies that will instigate strategies to mitigate against localised depletion and collect fishery and fishery-independent data will assist with the further recovery of stocks in the Torres Strait bêche-de-mer fishery. In collaboration with developing the harvest strategies, a research project assessing suitable areas for ranching of bêche-de-mer and trochus is also being executed.

Other government agencies/departments operate in the Torres Strait, including DSEWPaC and its recently announced National Environmental Research Program that includes a Great Barrier Reef and Torres Strait research hub with up to $25.8 million in funding. The Torres Strait focus of the hub will be securing the resilience of environmental assets and communities in the Torres Strait. Particular attention will be paid to addressing cumulative threats, including invasive species, climate change, human exploitation, potential pollution from settlements and economic development in Papua New Guinea. Research in the Torres Strait is also funded by CSIRO and the FRDC.

Capacity for catch monitoring or assessment of marine turtle and dugong species will also be developed via Caring for our Country funding with Working on Country funding supporting the implementation of the Community Dugong and Turtle Management Plans in the Torres Strait.

Recommendation 15
The committee recommends that the Australian Government ensure that when allocating funding for research projects in the Torres Strait, relevant agencies place a high priority on projects that demonstrate a commitment to engaging local communities in the formulation and design of research projects.

One of the key investments of the National Environment Research Program (NERP) is a Great Barrier Reef, Torres Strait and Rainforest Hub with up to $25.8 million for research over the period 2010-11 to 2014-15. The priorities and design of research projects under this hub will draw extensively on...
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<td>of these projects and, where possible, to training local Indigenous people in research techniques and sustainable management.</td>
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<td>consultation with a range of stakeholders, including communities and the TSRA. The NERP Great Barrier Reef, Torres Strait and Rainforest Hub will involve researchers from a range of institutions, including the James Cook University, CSIRO, Australian Institute of Marine Science and Queensland University. A Steering Committee has been established to oversee the rollout of this research hub and a TSRA representative has been a member of that committee since its creation in June 2010. A monitoring and evaluation program has been developed for the NERP, which will include reports on the level of community consultation and engagement in the research, as well as providing details of the program’s research outputs, project deliverables and outcomes.</td>
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**Recommendation 16**

The committee recommends that: As a high priority, the Australian Government consider engaging AusAID and other Australian agencies working in PNG such as ACIAR as partners with Australian research bodies working on the Australian side of the border. This partnership, which would include local communities, would be designed to ensure that work on the PNG side complements, builds on and reinforces the conservation and biosecurity work being done on the Australian side; Noted. The Australian Government agrees that partnership between Australian agencies working in Papua New Guinea and Australian research bodies working on the Australian side of the border is a high priority. The Australian Government partners with a number of Australian research bodies on both sides of the border which conduct studies relating to Papua New Guinea. This is through initiatives such as the National Environmental Research Program. As a standard practice, Australian researchers develop partnerships with the local PNG communities and PNG officials, as appropriate, in the prosecution of their research activities.

In line with this priority, the committee recommends that wherever practical, researchers or project officers working in the Torres Strait are encouraged to establish or strengthen partnerships with counterparts in PNG so that work on both sides of the border is complementary and builds critical networks of researchers who are then well positioned to collaborate in Noted. An example is the ACIAR project, *Animal health surveillance systems for Papua New Guinea*. This project aims to facilitate more rapid reporting of incursions of exotic diseases and outbreaks of newly emerging diseases. This project is a collaborative partnership between James Cook University, Murdoch University, and a range of stakeholder organisations in Papua New
Recommendation 17

The committee recommends that the Australian Government assist Torres Strait Islanders to assume a central role in biodiversity-relevant studies, including research into management of indigenous flora and fauna, and surveying and monitoring threats to their localities, such as illegal fishing or the introduction of harmful weeds or pests.

Note. The Australian Government recognises the importance of involving Torres Strait Islanders in the sustainable management of the Torres Strait land and sea environments. The employment of Indigenous rangers through the recently established Land and Sea Management Unit will play an important part in strengthening this involvement. The involvement of Indigenous communities is also important to effectively manage biosecurity risks to the region. A strong public awareness campaign currently educates Torres Strait Islanders in the biosecurity threats of concern, encourages reporting of pests or diseases and promotes compliance associated with the movement of quarantine risk material. The Australian Government also recognises the valuable contribution that Indigenous Australian quarantine officers make in securing the integrity of the border.

Fisheries Management

As member agencies for the PZJA, the TSRA, AFMA, DAFF and Queensland Fisheries work closely together to deliver a fisheries management consultative structure that provides for Traditional Inhabitant involvement. The TSRA facilitates the participation of Traditional Inhabitant involvement through the Indigenous Fisheries Advisory Committee. TSRA coordinates the engagement of Indigenous Fisheries Advisory Committee (IFAC) members in the consultative process of the PZJA and supports capacity building for Torres Strait Islander and Aboriginal people to assist with their participation. IFAC members are involved in various PZJA advisory...
committees and working groups, and also attend the annual bi-lateral fisheries meeting between Australia and Papua New Guinea. The TSRA also coordinates the delivery of regional and local level land and sea management initiatives in the Torres Strait and supports communities in accessing additional financial and technical support and information about the sustainable management of their environments.

The TSRA is providing a regional centre-of-operations function for the Torres Strait Land and Sea Indigenous Ranger Program. The Ranger Program provides opportunities for improved community-based land and sea management through the employment of Indigenous rangers. Consultants and researchers have been engaged to assist with improving understanding about the significance, condition and management requirements of the ecosystems and the flora and fauna of the Torres Strait. Community consultation visits, meetings and field inspections are regular occurrences, facilitated by the operational on-ground support of rangers.

The TSRA is building on its success with the initial Ranger Program to expand the program to the communities that do not have a ranger presence. The priority work plan of the rangers is established through the Torres Strait Land and Sea Management Strategy and the Torres Strait and Northern Peninsular Regional Plan 2009-2029.

AFMA staff, situated on Thursday Island, provide fishers and the public with information about the rules and regulations for fisheries in the Torres Strait. Stakeholders and the public are able to contact/visit the office to discuss fisheries matters and find out about the management of fisheries in the Torres Strait. Fisheries management staff also visit communities to discuss key issues and to ensure communities are empowered with the appropriate information to assist with the management of fisheries resources.

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**Biosecurity**
AQIS, through its Northern Australia Quarantine Strategy (NAQS) program, has primary responsibility for managing the quarantine aspects of the movement of people and cargo through the Torres Strait. To achieve effective border management, NAQS employs staff on all inhabited islands of the Torres Strait Protected Zone as well as on Horn Island, Thursday Island and Bamaga. There are currently 29 AQIS staff employed in the Torres Strait and on the Northern Peninsula Area; of these twenty-six are Indigenous.

The Torres Strait islands are identified as a key risk pathway for the movement of NAQS target animal and plant pests and diseases from Papua New Guinea and other neighbouring countries. As such, this region is the focus of regular risk-based scientific surveys for the early detection of target organisms.

To enhance the ability of AQIS to manage and respond to biosecurity risk, the NAQS program is aware of the importance of educating Torres Strait Islanders in the biosecurity threats of concern, encouraging reporting of pests or diseases and promoting compliance associated with the movement of quarantine risk material.

This is currently achieved through a strong public awareness component of the program, delivered through local AQIS officers, regular local radio segments and visiting specialist scientists employed by the NAQS program. Torres Strait Islander groups such as general community members, local council employees such as Environmental Health Workers and Animal Management Officers are actively engaged by the NAQS to meet these objectives.

AQIS will explore further opportunities with the recently established Land and Sea Management ranger groups to enable them to attain a greater awareness and
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| **Recommendation 18**<br>The committee recommends that DFAT assume the leadership role in exploring ways with relevant border control agencies to make better use of modern technologies to identify travelers visiting the Torres Strait. The aim would be to implement an improved means of identification for people crossing the border in the Torres Strait that would be in keeping with the spirit of the Treaty. | Noted. | understanding of the potential impact of the introduction of harmful pests, weeds and disease.  
The Torres Strait Treaty recognises the importance of protecting the traditional way of life and livelihood of the traditional inhabitants of the region in a cross-border context. The free movement provisions permit traditional inhabitants to travel for traditional purposes in, and in the vicinity of, the Protected Zone without the visa and passport controls which normally apply to international travel. There is no legal requirement for identification documents.  
Although a visitor pass system has been established, the lack of identifiable documents poses both law enforcement and border protection issues. Commonwealth and Queensland agencies will continue to work to minimise deficiencies in the visitor pass system.  
Commonwealth agencies are receptive to considering options for an improved means of identification for people crossing the border in the Torres Strait but recognise that the introduction of a more rigorous identity system could be viewed as being a substitute for a passport and, therefore, not in keeping with the spirit of the Treaty.  
Relevantly, a voluntary system of boat identification for PNG Traditional Inhabitant vessels will begin during 2012. |
| **Recommendation 19**<br>The committee recommends that DFAT jointly with DIAC, Customs and Border Protection, the AFP and Queensland Police review the ways in which government agencies currently work with local communities as partners to promote border security. The intention would be to consult with local communities to gauge their views on how their role in border security could be improved and to use this process to strengthen the intelligence network on the ground in the Torres Strait. | Noted. | There are well-established mechanisms for government agencies to work with local communities as partners, including to promote border security.  
The Treaty provides for the designation of Treaty Liaison Officers by Australia and Papua New Guinea who consult on a day-to-day basis with each other and with officials and traditional inhabitants in the region. The Treaty also established the Joint Advisory Council (JAC), co-chaired by senior officials |
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<td>Recommendation 20</td>
<td>Noted.</td>
<td>Illegal foreign fishing is one of the eight identified threats which impact on Australia's maritime security. Customs and Border Protection has a collaborative relationship with the Australian Fisheries Management Authority (AFMA), Defence, DIAC and a number of other agencies to cooperate in the delivery of the Government policy affecting illegal foreign fishing in Australia's northern waters. Customs and Border Protection is responsible for both the offshore...</td>
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surveillance and response which is co-ordinated through Border Protection Command and the onshore processing of illegal foreign fishers and their vessels.

AFMA is responsible for the efficient and sustainable management of Commonwealth fish resources on behalf of the Australian community. In particular, AFMA undertakes prosecution action against illegal foreign fishers in consultation with the Commonwealth Department of Public Prosecutions, where appropriate.

DIAC is responsible for providing detention and removal services of illegal foreign fishers once the onshore processing is complete and they have been transferred from Customs and Border Protection to DIAC or DIAC's Detention Services Provider.

Over the past five years, the comprehensive response to illegal foreign fishing has had a positive effect which is demonstrated by the decreasing number of apprehensions and suspect sightings in Australia's northern waters. Due to the deterrence effect of Customs and Border Protection's air and sea presence in northern waters, foreign fishing vessels have retreated from, but remain just outside of, Australian waters. Surveillance shows that these vessels now make only shallow incursion into our waters.

It should be noted that the decrease in apprehensions does not equate to a decrease in the risk associated with this threat. Any reduction in offshore surveillance and response in northern waters could see a return to large scale illegal foreign fishing in our waters. Customs and Border Protection, AFMA and DIAC all maintain a dedicated presence in the Torres Strait with staff primarily based on Thursday Island. Customs and Border Protection also maintains two temporary processing facilities on Horn Island and at Weipa for the processing of illegal foreign fishers.
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<td>located in the Torres Strait area.</td>
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In addition, Commonwealth authorised fisheries officers employed by AFMA and Department of Employment, Economic Development and Innovation's Queensland Boating and Fisheries Patrol based on Thursday Island undertake duties to protect fisheries resources in the Torres Strait in line with the Torres Strait Treaty. Queensland Boating and Fisheries Patrol are contracted to provide compliance services on behalf of the Australian Government for Commonwealth fisheries matters in the Torres Strait as part of the Protected Zone Joint Authority.

The Australian Government works cooperatively with Papua New Guinea including hosting annual fisheries bilateral meetings and has encouraged Papua New Guinea in its efforts to control illegal fishing. AFMA is currently facilitating a Fisheries Officer exchange program with Papua New Guinea's National Fisheries Authority (NFA). The capacity building project, which has been funded through AusAID, will provide opportunity for PNG Fisheries Officers to visit Australia and receive training in a range of fisheries compliance topics, including investigations, evidence collection and handling, brief preparation and legislation awareness. The Australian Government gave a banana boat to the NFA Fisheries Office in Daru which was delivered in April 2010 to assist their enforcement capability in the Torres Strait region.

**Recommendation 21**

The committee recommends that the Australian Government provide the funding needed to expedite the charting of uncharted waters in the Torres Strait, with priority given to the waters between Saibai and Boigu and the area north of these islands.

The charting of uncharted waters in the Torres Strait is a priority for Navy and this work is conducted in accordance with the availability of funding and assets. Navy manages the National Hydrographic Surveying and Charting Programme (Hydroscheme) to support Australia's national maritime transport infrastructure. A number of outstanding areas in the Torres Strait, including the southern coast of Papua...
The committee recommends further that the Department of Defence provide the committee with periodic updates on the progress being made to chart the waters of the Torres Strait.

Agreed.

New Guinea between Deliverance Island and Parama Island, which includes Saibai and Boigu islands, have been identified for survey activity and chart production in the current edition of Hydroscheme.

The survey areas between Saibai and Boigu islands and north of these islands primarily consist of shallow waters and are suitable for Light Detecting and Ranging (LIDAR) operations. However, weather conditions in these areas restrict LIDAR operations to a period between September and January each year.

The Australian Hydrographic Office estimated it would cost $7.2 million to contract commercial survey areas along the southern coast of Papua New Guinea. Navy has been unable to fund this activity from within its allocation due to higher priority Defence tasking taking precedence. While some work has already been undertaken by Navy assets in the area, completion by Navy alone is anticipated to take three years. Navy would expand its hydrographic programs, including through contractor support, should increased funding become available.

The Department of Defence agrees to provide periodic updates to the committee on the progress made to chart the waters of the Torres Strait and proposes to do so annually.

The current status of survey progress in Torres Strait is shown in Figure 1 at Appendix 1.

Recommendation 22
The committee recommends that, in consultation with law enforcement and border security agencies working in the Torres Strait, the AFP review its presence in the region and consider whether it adequately meets the level of risk and community expectations.

Noted.

The AFP continually reviews its presence in the region. In doing this, the AFP confers with partner agencies at both state and federal level. The AFP is engaged with communities in the region. Such engagement allows for feedback on performance to ensure community expectations are being met.

The level of risk associated with the border...
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<td>is met through a whole-of-government approach to law enforcement. As well as intelligence sharing through a range of fora (outlined below), the Thursday Island Office (TIO) has in the past 12 months responded successfully to a number of investigation referrals from partner agencies, as well as supporting joint agency responses to border incursions, namely border controlled drug seizures.</td>
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The AFP TIO, which was established in 1998, comprises one sworn Resident Federal Agent rotated on a two to three year basis, one permanently locally engaged Special Member and an operational vessel. The AFP TIO was established in response to recommendations from the 1997 Prime Ministerial Review of Commonwealth Surveillance in Illegal or Illicit Cross Border Activity in the Torres Strait. The TIO provides an investigative and intelligence primary law enforcement presence in the Torres Strait to enforce Commonwealth law.

The Resident Agent Thursday Island (RATI) and Special Member contribute to the Combined Intelligence Group (CIG) comprising representation from AFP, Queensland Police Service (QPS) and Australian Customs and Border Protection, which examine collective intelligence assessments of criminal threats in the region and develop operational responses to those threats. The CIG also receives additional intelligence from the Cairns Regional Intelligence Meeting (CRIM), which ensures that a larger geographic focus is taken when assessing the potential criminal threat level at the border. Papua New Guinea has also established its own CIG, which includes the AFP Senior Liaison Officer (SLO) in Port Moresby, with both groups meeting annually to facilitate the bilateral exchange of intelligence. The meeting aims to coincide with the annual Trans National Crime Conference (TNCC), which includes representation from both Australian and Papua New Guinea law enforcement.
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| | agencies, to discuss transnational crime issues that affect both nations and the regional impact. |
| | TIO staff routinely participate in both DFAT meetings and council forums to engage communities on law enforcement issues, as well as visiting where possible the geographically remote communities via the TIO office vessel. |
| | TIO participates in Joint Cross Border Patrols (JCBP’s) which run three times per year and provide opportunities for law enforcement agencies from Australia and Papua New Guinea to work in a collaborative manner, progressing opportunities for intelligence collection and sharing on illegal cross border movements. These patrols have realised an increase in community contacts and improved relationships with Papua New Guinean partner agencies. The JCBP’s underpin and support the collaborative and whole-of-government approach to law enforcement in the Torres Strait. The patrols are central to the collection of intelligence by all agencies and are used by the CIG as the basis for targeting opportunities for Australian law enforcement agencies based in the Torres Strait. |
| | In 2010, the AFP SLO in Papua New Guinea obtained Law Enforcement Cooperation Program funding to provide an information technology platform to the National Criminal Intelligence Unit (NCIU) within the Royal Papua New Guinea Constabulary (RPNGC) based in Daru. This was to enhance the capacity of police in the Daru region to better communicate and pass criminal intelligence through to the PNG Transnational Crime Unit. The computer and internet connectivity proved immediately valuable with the sharing of intelligence on criminal matters. |
| | SLO at Post has visited Daru annually and provided assistance to RPNGC to attend |
Recommendation 23
The committee recommends that the Australian Government:

place a high priority on implementing practical measures that need to be taken in the short term to assist local communities in the Torres Strait better deal with and, where possible, mitigate the problems caused by higher sea levels and extreme weather events; and

review the need for an education and training program designed specifically to assist those communities in the region most at risk from the damaging effects of changes in climate. The intention would be to determine how best to assist people to remain productive members of their community in a changing environment.

Noted.

The Australian Government is aware of the problem of coastal erosion and inundation impacting housing, infrastructure and cultural sites in Torres Strait communities. While the Australian Government has been involved over a number of years in the provision of environmental health related infrastructure in the region, in cooperation with the Queensland Government, generally it is State and local governments that have lead responsibility. The Australian Government has a number of national funding programs that contribute to broader objectives such as disaster resilience, infrastructure and regional development.

With regard to climate change risks, further work is needed to understand local circumstances to enable effective site-specific responses to coastal erosion and inundation. For example, in some instances past planning decisions about the location of houses and infrastructure in low lying areas have caused inundation to become a problem during king tides. Also, the ocean behaviour in the Torres Strait is quite complex and how it may change with climate change is not well understood.

The Australian Government is helping to address key information gaps, including better projection of sea level heights, which will help inform robust land-use planning, and further assessment of erosion and inundation risks and identification of adaptation options where this work has not been done. All initiatives are being progressed in collaboration with the TSRA.

The Australian Government does not have...
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<tr>
<td>Recommendation 24</td>
<td>Noted.</td>
<td>The committee recommends that the Australian Government lend its full support to CSIRO's 'climate adaptation flagship' and ensure that adequate funding is made available to the institution to continue this initiative.</td>
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<tr>
<td>Recommendation 25</td>
<td>Noted.</td>
<td>In conjunction and closely connected with this initiative, the committee recommends that the Australian Government fund a study into socio-economic developments in the region, including in the South Fly District and their implications for water and food security and population movements in the area.</td>
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### Recommendation 26

**The committee recommends that the Australian Government assist PNG to undertake complementary studies of climate change in Western Province by providing funding for research, opening up research opportunities for PNG researchers to work alongside Australian researchers in this area and for Australian researchers to work in PNG. For example, the Australian Government should consider offering scholarships or traineeships for PNG students to participate in CSIRO's climate adaption flagship.**

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<td>Recommendation 26</td>
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<td>Investigating ways of improving the capacity of women to more effectively engage in the vegetable and floriculture industries.</td>
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<td></td>
<td>Noted.</td>
<td>The Australian Government recognises the importance of collaborative research into the impacts of climate change in Papua New Guinea and provides support for such collaboration.</td>
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<td>Under the $328.2 million International Climate Change Adaptation Initiative (2008-2013), the Australian Government has provided $20 million for the Pacific Climate Change Science Program (PCCSP) to assist decision-makers and planners in Pacific Island countries and East Timor better understand how climate and oceans have changed and how they might change in the future.</td>
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<td>Activity under this program includes collaboration between researchers from Papua New Guinea and Australia. Researchers from the PNG National Weather Service (NWS) and Australian scientists are working together to better understand Papua New Guinea's changing climate.</td>
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<td>At the end of 2011 Australian researchers joined with NWS researchers in Papua New Guinea to discuss scientific findings. During this visit a climate projection software tool and a climate database management system was installed at the NWS. These will assist in the collection and analysis of information relating to the past and future climate of Papua New Guinea.</td>
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<td>Nationals of Papua New Guinea are eligible to apply for post-graduate scholarships under the Pacific Future Climate Leaders Program (2009-2013). The $3 million Program provides adaptation-related capacity-building which includes support to the University of the South Pacific for community education programs, the development and delivery of climate change courses and scholarships.</td>
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<td><strong>Recommendation 27</strong></td>
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<td>The committee recommends that ACIAR consider including climate change and the implications for coastal villages in PNG's southern region in its research priorities for PNG (traditional fishing, the conservation of species, including the dugong and turtle, and emergence and/or spread of exotic pests).</td>
<td>Noted.</td>
<td>AN ACIAR project, <em>The early warning and drought preparedness for improving management of crop production in Papua New Guinea Project</em> (ASEM/2006/129), which concluded in late 2010, demonstrated the potential for climate forecasting in some coastal areas of Papua New Guinea. This project retrieved long-term rainfall data for Papua New Guinea, examined its relationship with El Niño Southern Oscillation (ENSO) and investigated the utility of a drought warning tool to help maintain food security (sweet potato) and farm income (coffee).</td>
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<td>ACIAR undertook formal consultations with Papua New Guinea (government, private industry and NGOs) throughout 2011 to identify research priorities for 2012—2015. During the country consultation process, the following climate change related research areas were identified as high priority: research to enhance sustainable log supply chains and the efficiency of small to medium sized value-adding wood processing enterprises; research into models for enhancing and scaling up community engagement in tree growing and sustainable forest management; and research to facilitate efficient and equitable implementation of REDD+ and lessen impacts from climate change on forests and plantations.</td>
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<td><strong>Recommendation 28</strong></td>
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<td>The committee recommends that the Australian Minister for Foreign Affairs consult with his PNG counterpart about removing immediately any possible impediment to the Environment Management Committee and the JAC considering climate change in the Torres Strait.</td>
<td>Noted.</td>
<td>There are no known impediments to consideration of climate change in the Torres Strait by either the Environment Management Committee (EMC) or the JAC. The EMC is co-chaired by PNG and Australian national departments of environment. The EMC meets annually immediately preceding and at the same venue as the JAC and an EMC Working Group meets two to three times each year to progress EMC work intersessionally. The Torres Strait Coastal Management</td>
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### Recommendation 29
The committee recommends that DAFF monitor developments with the PZJA during the coming twelve months. Further, at the end of that period, it consult with representatives from the Indigenous and non-Indigenous fishing sectors in the Torres Strait and with the Queensland Government to ascertain whether, in their view, the PZJA is making progress in remedying the problems identified in this report.

In 2008, the Protected Zone Joint Authority commenced a review of its administrative processes. In 2010, the Protected Zone Joint Authority Standing Committee agreed to the recommendations made by the review and many of these are now being put in place to streamline administration. For example, the Australian Fisheries Management Authority took over the secretariat role of the Protected Zone Joint Authority from the Department of Agriculture, Fisheries and Forestry towards the end of 2010. This is expected to streamline administration and reduce duplication. Protected Zone Joint Authority agencies will continue to review processes and look for opportunities for improvement.

The committee recommends that DAFF prepare a report for the minister for his/her consideration and for the report to be provided to the committee.

**Agreed.**

The Australian Fisheries Management Authority undertakes routine consultation (through management advisory committees) with stakeholders from all sectors and this process offers opportunities for concerns to be raised.

### Recommendation 30
The committee recommends that the Australian Government look closely at the operation of the Customs facility on Saibai with a view to increasing the opportunities for greater integration of effort across all agencies engaged in the Torres Strait.

Australian government agencies in the Torres Strait recognise the importance of close cooperation in order to be effective in carrying out their respective responsibilities. The Government notes that the Committee cited numerous situations where agencies support each other. Indeed, the Government notes the Committee's view that "evidence presented to the committee shows clearly that government agencies in the Torres Strait..."
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<td>The Committee recommends that the government establish a working group to consider the sharing arrangements for government assets in the Torres Strait with a view to identifying any areas for improvement, any real or potential points of conflict in the sharing of assets and how they could be resolved. The committee recommends that a copy of this assessment be provided to the committee for its consideration.</td>
<td>Noted.</td>
<td>Well established mechanisms enable Commonwealth and State Government agencies to work with each other and with local communities as partners in the Torres Strait. Australian Government agencies will continue to work closely with each other and with Queensland Government agencies to maximise the opportunities for greater integration of effort across all agencies engaged in the Torres Strait, including in the use of built infrastructure which is very costly in the Torres Strait.</td>
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<td><strong>Recommendation 31</strong> The committee recommends that the Royal Australian Navy remain in close consultation with all relevant agencies working in the Torres Strait in order to arrive at a decision regarding a Navy presence there that would best support Australia's whole-of-government effort in the region.</td>
<td>Noted.</td>
<td>The Resident Naval Officer Thursday Island (RNOTI) organisation, comprising three personnel and one utility vessel, was established in 1988 to provide logistic support to Navy patrol boat activities in the region. Navy assessed the requirement for RNOTI against this primary function and determined that the patrol boat visit rate did not justify the permanent positioning of Navy personnel on Thursday Island. In 2009 there were nine visits with an average duration of approximately one day, and just eight visits with an average duration of approximately four hours in 2010. RNOTI's contribution to whole-of-government efforts in the region involved the limited use of its utility vessel to support border security operations and DFAT's Torres Strait Treaty awareness program. Customs and Border Protection agreed the support provided by RNOTI could be met through other Defence resources and the withdrawal of RNOTI would not affect border security operations. DFAT is using private charter vessels to maintain the Treaty awareness program now that RNOTI has been disestablished.</td>
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<td><strong>Recommendation 32</strong> The committee recommends that agencies take note of the observations about 'consultation overload' and make real efforts to strengthen consultative work together to ensure that their assets are used efficiently and shared as necessary.</td>
<td>Supported.</td>
<td>Commonwealth, Queensland agencies and local representatives will continue their efforts to strengthen consultative</td>
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<td>efforts to dispel the notion that government officials fly in and out.</td>
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<td>mechanisms and to develop a more streamlined and integrated approach to service delivery in the Torres Strait, while avoiding consultation overload.</td>
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The committee recommends that the Australian Government, the Queensland Government, the two local councils and the TSRA form a working group with the aim of developing a more streamlined and integrated approach to service delivery in the Torres Strait.

Not supported. Following the amalgamation of Community Councils into three Local Government Councils in the Region, the Torres Strait and Northern Peninsula Area Leaders agreed to work together to reduce duplication in service delivery and achieve coordinated planning within the Torres Strait Region. The TSRA recognised there was a need to involve all levels of government to undertake planning and coordination of their respective agency's plans.

Community consultations occurred in 2008 with community members and elected leaders, supported by teams with representatives from the TSRA, the Queensland Government's Aboriginal and Torres Strait Islander Services (ATSIS, at that time Aboriginal and Torres Strait Islander Partnerships) and Local Government.

These consultations formed the basis of the Torres Strait and Northern Peninsula Area Regional Plan 2009-2029 (the Regional Plan). In July 2009 the Regional Plan was co-signed by the TSRA Chairperson and Mayors of the Torres Shire Council (TSC), Torres Strait Island Regional Council (TSIRC) and Northern Peninsula Area Regional Council (NPARC).

The Regional Plan requires that '...the region will establish an Integrated Planning and Service Delivery Framework. This Framework will be directed by a Steering Group of elected leaders and senior representatives from the three levels of Government. The primary purpose of the Steering Group will be to ensure that Integrated Planning and Service Delivery is undertaken to achieve effective implementation of this Regional Plan.'

While this implementation statement from the Regional Plan predates the Torres Strait: Bridge and Border Report Recommendation 32, the intended outcomes are almost
The ISD actions described below are in response to the Regional Plan. A joint agency ISD Coordination Unit comprising TSRA and ATSIS staff, and a higher level ISD Project Steering Committee has been formed to drive and oversee the ISD Project and reform, including enhanced community engagement.

To achieve an integrated approach to service delivery, seven Regional Plan Working Groups (RPWG), aligned to the key regional priorities and the Council of Australian Governments *Building Blocks for Closing the Gap in disadvantage between Indigenous and non-Indigenous Australians* were established. The RPWGs comprised representatives from the three levels of Government and included most agencies and organisations involved in service delivery in the region. The RPAGs were established in late 2009 to complete Service Delivery Mapping. This involved:

- identifying all current services in the region;
- highlighting gaps and duplications of services;
- prioritising community issues that need to be addressed; and
- identifying short, medium and long-term actions and Key Performance Indicators.

Service Delivery Mapping was completed in 2011 and the RPWGs were disbanded in December of the same year. Upon completion of the Service Delivery Mapping, all government agencies and local elected leaders agreed to develop an Integrated Service Delivery Agreement that would deliver the outcomes of the Regional Plan. This whole-of-government document is currently in draft form and contains a list of action statements that government agencies can commit to, to address the identified gaps and duplications in service delivery and deliver the benefits that are identified in the Regional Plan. The ISD Agreement will commit agencies to deliver outcomes in an agreed timeframe. The aim is for the Agreement to be endorsed by high level representatives of the Queensland and Australian Governments.

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<td>identical. The ISD actions described below are in response to the Regional Plan.</td>
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<tr>
<td>Recommendation 33</td>
<td>Noted.</td>
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The committee recommends that DFAT examine the working of the consultative mechanisms with a view to developing, in collaboration with their PNG counterparts, a Governance Framework Discussion Paper has been distributed to stakeholders. Another output of the Service Delivery Mapping and 2008 Regional Plan consultations are Community Booklets for each of the 18 communities in the Torres Strait and a booklet for the Northern Peninsula Area. The purpose of the booklets is to:

- provide feedback to communities, and clearly outline the issues each community identified during the consultations in 2008 as well as what has been achieved or is in progress by 2011 (using a traffic light system);
- outline the services government agencies are currently providing to each community and the Region as a whole (a 'directory of services');
- support the development and implementation of the ISD Agreement; and provide a baseline or 'snap shot' of each community in 2011, against which progress and change can be measured. Draft booklets are being validated with communities and will be published and distributed through community workshops during 2012. They will also be provided to service delivery agencies to help them in their planning and engagement with communities.

DFAT will continue its efforts to strengthen consultative mechanisms and promote participation by PNG counterparts.
Recommendation 34
The committee recommends that the Australian Government, in consultation with the PNG Government, establish 'Torres Strait cooperation' as a standing item on the agenda for the annual bilateral ministerial meetings or forums.

Recommended. The 2008, 2009 and 2011 Papua New Guinea-Australia Ministerial Forums included the Torres Strait as an area of discussion. (There was no Forum in 2010.) Although no standing agenda exists for the Ministerial Forum, the Torres Strait will continue to be discussed as it is an important part of the bilateral relationship.

Recommendation 35
The committee recommends that DFAT explore the reasons for the different perceptions held by traditional inhabitants and State and Commonwealth authorities on the effectiveness of arrangements under the Treaty and report on its findings. This report to include suggestions on ways to reconcile these differences.

Recommended. The Australian Government recognises that strong coordination between traditional inhabitants and government authorities is critical to ensuring a consistent perception of effective Treaty implementation. The different perceptions held on the effectiveness of arrangements under the Treaty reflect the complexity of implementation.

There is a broad array of consultative mechanisms in place to foster participation and input by a range of stakeholders, including traditional inhabitants.

Australian Government agencies will continue to work to ensure that the Traditional Inhabitants Meeting is as
Recommendation 36
The committee recommends that the Australian Government recognise that the removal of derelict vehicles from the islands is a major environmental concern and one that requires close consideration. The committee believes that the Australian Government should take some responsibility for the safe disposal of vehicles purchased by Commonwealth officers for use in the Torres Strait.

The committee notes the concern expressed by the Torres Shire Council over the number of derelict vehicles on Torres Strait islands. The Australian Government agrees that the Commonwealth has a responsibility for the safe disposal of vehicles purchased by Commonwealth officers for use in the Torres Strait.

The broader issue of removal of derelict vehicles is a matter for the Torres Shire Council.

Recommendation 37
The committee recommends that the Australian Government consider additional funding for Horn Island Airport especially in the areas related to safety, security and border control.

The committee notes the importance of Horn Island Airport as the primary airport in the Torres Strait, linking communities with each other and with the mainland.

Over the last three years, the Australian Government, together with the Queensland Government and TSC has provided a total of $10.3 million in funding to Horn Island Airport for a range of safety, security and border control projects.

In addition to the Australian Government's Regional Airport Funding Program, the government's Regional Passenger Screening Program (RPSP) funded security training for up to three officers at Horn Island Airport.
The Australian Government's Regional Development Australia Far North Queensland and Torres Strait (RDA FNQ&TS) Committee Regional Roadmap, which enables relevant local governments and communities to identify priority infrastructure investment requirements, was completed in July 2011. The Roadmap identifies an initiative for 2012 around developing a Cape York and Torres Strait integrated aviation model which should consider Horn Island Airport. The Australian Government through the Department of Regional Australia is continuing to engage in discussions regarding priorities with the RDA FNQ& TS, TSRA, TSIRC and the TSC.

The Australian Government will continue to consider applications for funding under relevant programs. The Australian Government is progressing the outcomes of the Regional Roadmap discussions and the Regional Network Analysis.

1Fisheries Queensland is a service of the Queensland Department of Employment, Economic Development and Innovation
2Fisheries Queensland is a service of the Queensland Department of Employment, Economic Development and Innovation.

Appendix 1

Current Status of Survey Progress in Torres Strait
Available from the Senate Table Office

Australian Government response to the Joint Standing Committee on Treaties report:

Recommendation 1

The Committee finds that it is in Australia's interests to secure global agreement to deliver deep cuts in emissions so as to stabilise concentrations of greenhouse gases in the atmosphere at 450 parts per million or lower by 2050.

Agreed.

The Commonwealth Government is continuing to make progress towards a new global climate change agreement that will apply to all countries, to be finalised by 2015 and enter into force from 2020.
The Commonwealth Government agrees that an international outcome capable of stabilising atmospheric concentrations of greenhouse gases at 450 parts per million carbon dioxide equivalent (ppm CO₂-e) or lower is in Australia's interests.

At the 15th Conference of the Parties (COP 15) to the United Nations Framework Convention on Climate Change (UNFCCC), countries agreed in the Copenhagen Accord to a global goal to hold the increase in global temperature below two degrees Celsius (broadly consistent with stabilising atmospheric concentrations of greenhouse gases at 450 ppm CO₂-e). This was reiterated at the UNFCCC meetings in Cancun in 2010 and Durban in 2011.

The Commonwealth Government has reflected this national interest objective as one of the objects of the Clean Energy Act 2011, which is: “to support the development of an effective global response to climate change, consistent with Australia's national interest, in ensuring that average global temperatures do not increase by more than 2 degrees above pre-industrial levels.”

**Recommendation 2**

The Committee recommends that the Government be willing to adopt a policy setting to reduce Australia's emissions of greenhouse gases by 80 per cent by 2050 in seeking agreement from other developed countries to also cut emissions by 80 per cent by 2050.

**Agreed.**

As one of the top 20 emitters, and the developed country with the highest per capita emissions, Australia must play its part in global efforts to reduce emissions over the long term. It is an object of the Clean Energy Act 2011 to take action directed towards meeting Australia's long-term target of reducing Australia's net greenhouse gas emissions to 80 per cent below 2000 levels by 2050.

Central to Australia's plan to move to a clean energy future is the introduction of a carbon price that will cut pollution in the cheapest and most effective way and drive investment in clean energy sources such as solar, gas and wind. Under the carbon price, up to around 500 of the biggest polluters in Australia will be required to pay for their pollution, and every dollar raised will be used to support households and jobs, and to invest in clean energy and climate change programs.

To assist households with price impacts, there will be tax cuts and increases in pensions, allowances and benefits. A significant tax reform has been achieved by the raising of the tax free threshold, which will mean that over one million individuals will no longer need to file a tax return. The Government is committed to supporting jobs and competitiveness as Australia moves to a clean energy future and has designed a range of measures for this purpose. In particular, $8.6 billion will be provided over the first three years of the carbon price through the Jobs and Competitiveness Program. This assistance will support jobs in industries that create a lot of carbon pollution but are constrained in their capacity to pass through costs in global markets.

There will be a major expansion in support for renewable energy, including through a new $10 billion commercially oriented Clean Energy Finance Corporation that will be created to invest in renewable energy, low emissions and energy efficiency technologies.

The Biodiversity Fund will invest around $946 million over the next six years to help land managers store carbon, enhance biodiversity and build greater environmental resilience across the Australian landscape. Improvements in energy efficiency will help households save money on their bills and contribute to our efforts to cut pollution.

The Government continues to work with the international community to agree an effective global agreement in line with the goal to limit global average temperature increases below 2 degrees Celsius, including appropriate contributions from other major emitters.

**Recommendation 3**

The Committee recommends that the Government pursue the creation of an international carbon market as the primary mechanism for reducing greenhouse gas emissions.

**Agreed.**

The Government is committed to improving and expanding international carbon markets, including the development of new market
mechanisms. Australia supports transparent and environmentally rigorous international carbon markets that facilitate broad participation and maximise incentives to mitigate. Comprehensive and well-functioning market mechanisms will assist countries to commit to, and achieve, ambitious and effective greenhouse emission reduction goals by facilitating large-scale emissions abatement opportunities at least cost. Market mechanisms will also create incentives for the innovation and diffusion of low-carbon technologies and will also be an important means for mobilising long-term private sector finance to support mitigation action in developing countries. Carbon markets already exist in nations or regions with emissions trading schemes such as the European Union, New Zealand and across a number of states in the United States.

Australia is also actively supporting developing countries to build their capacity to develop and access international carbon markets. This includes significant efforts to build developing countries' capacity to participate in a future market mechanism to reduce emissions from deforestation and forest degradation in developing countries (REDD+) and $10 million to the World Bank administered Partnership for Market Readiness that aims to promote and pilot carbon market mechanisms in developing and emerging economies. Already nine countries (Chile, China, Colombia, Costa Rica, Mexico, Indonesia, Thailand, Turkey and Ukraine) have received funding to help them design and implement market-based schemes.

The Government will consider future bilateral links with credible international schemes and has commenced formal discussions with New Zealand and the European Commission on potential arrangements to link emissions trading schemes at an appropriate point in the future.

Australia and China have collaborated on practical action to reduce carbon emissions for many years and in March 2011 both countries agreed to strengthen this cooperation through sharing experiences with carbon pricing. China released its Climate Change White Paper in November 2011 in which it confirmed its commitment to establishing emission trading schemes as a key component of its actions to tackle climate change.

**Recommendation 4**

The Committee recommends that the Australian Government take the following position to COP 15 in Copenhagen, Denmark:

- that the international community reach an agreement to stabilise greenhouse gas emissions at around 450 parts per million or lower of carbon equivalent;
- that the agreement distribute responsibilities for reducing greenhouse gas emissions across nations by requiring developed nations to reduce emissions by 80 per cent by 2050, with the residual reductions distributed fairly between developing and transitional nations; and
- that the agreement establish an international carbon market as the primary mechanism for achieving the necessary reductions.

**Noted.**

The key outcome from the 2009 United Nations Climate Change Conference in Copenhagen (COP 15) was the 'Copenhagen Accord'. The Accord, which was strongly supported by both developed and developing countries, was the first time there was agreement under the United Nations to:

- hold any increase in global temperature to below 2 degrees Celsius
- specify, side by side, emissions targets for developed countries and actions to reduce emissions by developing countries
- a framework for national and international monitoring of what developed and developing countries will do
- considerable financing to support emissions reductions and adaptation in developing countries.

The Accord includes developed-country commitments to collectively provide new and additional resources approaching USD 30 billion over the period 2010 to 2012. It also establishes a long-term goal for developed countries to jointly mobilise USD 100 billion a year by 2020, from a range of funding sources, in the context of
meaningful actions to reduce emissions and transparency on implementation.

The Accord also includes a decision to establish a Technology Mechanism to drive innovation and diffusion of clean technology, and agreement to the need to immediately establish a mechanism for reducing emissions from deforestation and forest degradation in developing countries (REDD+).

Australia formally registered its support for the Accord in Copenhagen.

The text of the Accord can be found at: www.unfccc.int.

Recommendation 5

The Committee recommends that the Australian Government work through the Council of Australian Governments to establish a high quality integrated public transport system including light rail technology.

Noted.

The Commonwealth Government is currently working with states and territories to support the delivery of high quality integrated public transport. The Government has committed to providing more than $7.3 billion in funding to build a greater urban public transport rail network. This funding includes $365 million to support a light rail network for the Gold Coast and a major public transport rail initiative in every mainland state capital city. The Government is also undertaking a two phase strategic study into a high speed rail network on the east coast of Australia. The 2012-13 Budget included the announcement of the structure of the Nation Building II program. This includes a connecting people stream which will allocate funds to public transport.

In the 2011-12 Budget, the Government announced Infrastructure Australia's forward work plan to support a long term and integrated approach to infrastructure investment, including the development of a public transport strategy to improve services standards and guide investments. Infrastructure Australia is working with states and territories to identify gaps in the required infrastructure to support this strategy.

In addition, the Commonwealth Government is already supporting the establishment of high quality integrated public transport through its broader cities agenda. In 2009, the Government, through the Council of Australian Governments, agreed to a set of national criteria for capital city strategic planning which includes integrating transport and land use planning. In the National Urban Policy (NUP), announced during the 2011-12 Budget, the Government has signaled its commitment to building productive, sustainable and liveable cities. The NUP contains a number of objectives to deliver on these goals for cities, including integrated land use and infrastructure planning.

Recommendation 6

The Committee recommends that the Australian Government endeavour to move to 'full carbon accounting' to ensure that emissions resulting from forestry activities as well as biosequestration are accurately accounted for.

Agreed.

The Commonwealth Government has implemented a comprehensive international reporting system for the estimation of emissions from the land sector. Australia's national inventory incorporates the National Carbon Accounting System (NCAS) which provides accounting for greenhouse gas emissions from land based activities. Emissions are estimated through a system that combines:

- thousands of satellite images to monitor land use and land use change across Australia since 1972 that are updated annually;
- monthly maps of climate information, such as rainfall, temperature and humidity;
- maps of soil type and soil carbon;
- databases containing information on plant species, land management, and changes in land management over time; and
- ecosystem modelling – the Full Carbon Accounting Model (FullCAM).

The inventory system undergoes ongoing development to improve the accuracy of the estimates that are incorporated into Australia's international accounting and reporting obligations.

Accurate accounting of the emissions and removals of greenhouse gases from the land
requires knowledge of the dynamics of carbon (for carbon dioxide and methane emissions) and nitrogen (for nitrous oxide emissions) in the landscape. The growth and life cycles of forests and agricultural crops, climate, soils, land cover change and land management are all important components of a comprehensive emissions accounting system.

For Australia, like many countries, emissions from some activities in the land sector currently sit outside the Kyoto accounting framework. Australia is working with other countries to develop new international rules that will improve their environmental effectiveness, allow tracking of verifiable and real emissions from human activity and create incentives for countries to take action to reduce emissions from the land sector including through a broader range of forestry and biosequestration activities. Australia is working towards a post-2012 international climate change outcome that delivers broader coverage of the land sector with a view to moving towards comprehensive land-based accounting in the medium term as countries improve their ability to accurately monitor and account for emissions from the land sector.

**Recommendation 7**

The Committee recommends that the Australian Government, through both the Council of Australian Governments and ongoing work on the Carbon Pollution Reduction Scheme, and in consultation with relevant Indigenous communities, explore ways to reduce greenhouse gas emissions from savannah burning.

*Agreed.*

The Carbon Farming Initiative (CFI) is a carbon offsets scheme being established by the Australian Government to provide new economic opportunities for farmers, forest growers and landholders and help the environment by reducing carbon pollution.

The Government is working with Indigenous and other stakeholders, industry, state government officials and technical experts to develop offset methodologies for CFI abatement activities that are likely to have significant uptake. Under the CFI, landholders and land managers, including Indigenous Australians, will be able to generate carbon credits for activities that reduce emissions or increase the removal and storage of greenhouse gases on the land. These activities include improved savanna fire management, feral animal management and increasing carbon storage in soils and vegetation.

Offset projects established under the CFI will need to apply methodologies approved by the Government. Methodologies will contain the detailed rules for implementing and reporting on specific abatement activities. An independent expert committee, the Domestic Offsets Integrity Committee (DOIC), has been established to assess methodologies proposed under the CFI and provide recommendations to the Minister for Climate Change and Energy Efficiency on their approval.

A methodology for savanna burning was approved on 22 February 2012. The methodology provides guidance for projects that reduce greenhouse gas emissions through changed fire management practices across savannas in the tropical north of Australia. Land managers can reduce the carbon pollution from savanna fires by moving to an early dry season burning regime that can reduce fuel loads and create fire breaks in the landscape. This decreases the frequency and extent of fires in the long term, reducing carbon pollution. The methodology was developed by the Department of Climate Change and Energy Efficiency in consultation with Indigenous stakeholders and CSIRO scientists. It is specifically tailored to align with the aims of Indigenous landholders and land managers.

Projects that reduce emissions from savanna burning in accordance with this methodology will be eligible to generate credits under the CFI.

The Government is committed to supporting the participation of Indigenous Australians in carbon markets through the CFI. On 10 July 2011, the Prime Minister, the Hon Julia Gillard MP, announced the Clean Energy Future plan. The plan includes $22 million over five years for the ongoing Indigenous Carbon Farming Fund, which will assist Indigenous communities to benefit from the CFI. Funding will be provided for specialists to work with Indigenous communities on carbon farming projects (administered by the Department of
Sustainability, Environment, Water, Populations and Communities) and funding for research and reporting tools for CFI methodologies (administered by Department of Climate Change and Energy Efficiency) will create further opportunities for Indigenous Australians.

In 2008 the Government also committed $10 million over four years for the Indigenous Emissions Trading scheme, under the Caring for our Country initiative to provide opportunities for Indigenous participation in emerging carbon markets. This commitment primarily focused on Indigenous fire management in northern Australia that utilise traditional, mosaic style burning practices. This initiative is jointly delivered by the Department of Sustainability, Environment, Water, Population and Communities and the Department of Climate Change and Energy Efficiency.

**Recommendation 8**

The Committee recommends that promising renewable energy technologies which are not cost-competitive at the moment, including geothermal, solar thermal, large scale photovoltaic and wave energy, are further supported.

Agreed.

Renewable energy generation will play an important role in reducing Australia’s greenhouse emissions, and the Australian Government has introduced a number of initiatives that will significantly increase investment in renewable energy.

The Government set a Renewable Energy Target (RET) of 20 per cent of Australia’s electricity to come from renewable sources by 2020. The Australian Parliament passed legislation in June 2010 to implement the enhanced RET scheme. From January 2011, the RET scheme has operated in two parts – the Small-scale Renewable Energy Scheme (SRES) and the Large-scale Renewable Energy Target (LRET), providing greater certainty for households, large-scale renewable energy projects and installers of small-scale renewable energy systems.

The Government is substantially enhancing its support for innovation investment in renewable energy as a central element of its plan for a clean energy future. Initiatives which complement a carbon price and the RET scheme include:

- a new $10 billion Clean Energy Finance Corporation (CEFC) to invest in the commercialisation and deployment of renewable energy, energy efficiency and low emissions technologies, as well as manufacturing businesses that produce the required inputs. The CEFC will be independent from the Government and will play a vital role in unlocking significant new private investment in the clean energy sector through a variety of funding tools; and

- a new independent Australian Renewable Energy Agency (ARENA) has been legislated. From 1 July 2012 ARENA will streamline and coordinate the administration of $3.2 billion in existing support for research and development, demonstration and commercialisation of renewable energy and enabling technologies.

On 17 April 2012, the Government publicly released the expert review’s report on the CEFC and announced that it supported all recommendations. These recommendations formed the basis of enabling legislation, which was introduced into the Parliament on 23 May 2012. The CEFC will commence investment operations from 1 July 2013.

The CEFC will use the disciplines of a commercial organisation in its investment assessments, while operating to achieve a public policy outcome and recognising the positive externalities flowing from investments. In practice, this will involve assessing investment proposals on a case-by-case basis, applying a commercial filter and using a range of tailored financing instruments.

ARENA will bring together in one independent statutory agency within the Resources, Energy and Tourism portfolio a range of initiatives previously administered separately through a range of bodies, including the Australian Centre for Renewable Energy and the Australian Solar Institute.

Around $1.7 billion in uncommitted funding from the range of consolidated programs will be available for the ARENA Board to direct
investment in new renewable energy projects between now and 2020.

The Government has a strong record of delivering support to our renewable sector and ensuring that Australians get value for money on their investments, such as through the Round 1 Solar Flagships program. The establishment of ARENA will build on this record.

Continued strong investment in renewable energy technology research and development is fundamental for Australia's transition to cleaner base load energy sources. Government support to fill market gaps and drive down costs will help us to achieve this transition.

ARENA will have an independent decision-making Board appointed by the Government. ARENA will also have a Chief Executive Officer appointed by the Minister for Resources and Energy on the recommendation of the ARENA Board.

In October 2011 the Government announced the appointment of Ms Jillian Broadbent AO to chair an expert review panel to advise on the design of the CEFC.

**Recommendation 9**

The Committee recommends that the Australian Government establish a coordinating mechanism through the Council of Australian Governments (COAG) to ensure integration and coordination of greenhouse gas reduction actions across all States, Territories and levels of government, including local and State government planning processes.

**Agreed.**

In February 2011 COAG agreed as part of its reform of the Ministerial Council System to establish a Select Council on Climate Change (SCCC). The SCCC was formally established in January 2012 and is undertaking specific reform tasks related to tackling climate change, including coordinating energy efficiency activities, developing a national approach to assessing the complementarity of existing and future climate change measures with the carbon price mechanism, developing national adaptation priorities and work plans, providing a forum for the Commonwealth to engage with other COAG members on the implementation of the Clean Energy Future plan, and determining whether a permanent body to discuss ongoing joint issues related to climate change is required. The SCCC held its first meeting on 4 May 2012.

Further, on 13 April 2012, COAG agreed to the establishment of an interjurisdictional task force, chaired by the Secretary of the Department of Finance and Deregulation (Commonwealth) and consisting of officials from First Ministers and Treasury portfolios, to progress six priority areas for major reform to lower costs for business and improve competition and productivity. The rationalisation of carbon reduction and energy efficiency schemes was one of these priority areas.

**Recommendation 10**

The Committee recommends that the Government direct the Australian Building Codes Board (ABCB) to review the Building Code of Australia (BCA) to ensure that it better provides for energy efficiency standards suitable for varied climate zones.

**Noted.**

The Commonwealth Government does not have the authority to direct the ABCB. The ABCB is a Commonwealth, State and Territory body operating under an Intergovernmental Agreement. It is accountable to the Building Ministers' Forum, and the Council of Australian Governments (COAG). The Commonwealth Government has referred this recommendation to the ABCB for its consideration.

Since 2003, the BCA has included minimum energy efficiency standards designed to account for Australia's varied climate zones. The BCA currently provides variations for eight different climate zones in Australia. These climate zones are based on a classification scheme developed by the Bureau of Meteorology. The number of climate zones was kept to a minimum for simplicity, but are of sufficient number to distinguish between appropriate design responses in different climates. House energy rating software accredited for use under the BCA, further divides these climate zones into 69 climate regions.

The use of ventilation for passive cooling in warmer climates is encouraged. Second
generation house energy rating software (adopted in 2007) is much better able to model the effects of ventilation. However, increasing rates of air-conditioner ownership indicate growing expectations for higher levels of comfort. To account for this trend, the simulation software assumes that air-conditioning will be installed at some stage, even if it is not installed originally. This ensures the house can adequately cope with heating and cooling loads should an air-conditioner be installed at any point.

While the ABCB produces and maintains the BCA as a nationally consistent set of technical provisions, each State and Territory is ultimately responsible for the building regulations that apply within their jurisdiction. This includes how climatic variations are accounted for. Some jurisdictions have introduced variations to the BCA energy efficiency provisions to address climate zone issues. For example, through the Queensland Development Code, additional star rating concessions are given for the provision of outdoor living areas to account for climate zones in that State.

Since May 2011, the BCA has comprised volumes one and two of the National Construction Code.

Recommendation 11
The Committee recommends that the Government investigate using revegetation as an adaptation mechanism to reduce temperature and increase rainfall in applicable parts of Australia.

Noted.

The Government does not consider that the weight of scientific evidence is strong enough at this time to justify an investigation into revegetation as a means to manipulate regional climate.

Recommendation 12
The Committee recommends that the Government conduct an inquiry into adaptation strategies for climate change. This inquiry should include consideration of projected sea-level rise due to climate change and its impact upon Australian coastal communities and neighbouring countries.

Noted.

In November 2010 the Government tabled a comprehensive response to the House of Representatives' Standing Committee on Climate Change, Water, Environment and the Arts report Managing our Coastal Zone in a Changing Climate: the time to act is now (October 2009) which addressed issues of climate change adaptation strategies for Australia's coast, including consideration of projected sea level rise.

The Productivity Commission is also undertaking an inquiry into regulatory and policy barriers to effective climate change adaptation. In undertaking the inquiry, the Commission will identify any specific barriers that inhibit effective adaptation to unavoidable climate change, and high priority options for addressing those barriers. The Commission is to:

- examine the costs and benefits of the options to address those barriers where it is feasible to do so, including a 'no change' (maintaining the status quo) option
- assess the role of markets (including insurance markets) and non-market mechanisms in facilitating adaptation, and the appropriateness of government intervention.

The Commission will produce both a draft and final report, due by September 2012, and will hold public hearings. A draft report was released on 27 April 2012.

Government Response to the Senate Legal and Constitutional Affairs References Committee Report:

Donor Conception Practices in Australia
Introduction
The Australian Government welcomes the Senate Legal and Constitutional Affairs References Committee's (Senate Committee) report Donor Conception Practices in Australia released on 9 February 2011. This report into the complex and often emotive issue of donor conception is an important document that will assist the Australian Government in extending its understanding of the changing experience of many Australian families. The number of donors, donor recipients and donor conceived children
living in our community is growing and this report is an invaluable reflection on the issues they face, particularly in relation to knowing their biological history.

The report highlighted several areas of concern within the Australian community about the regulation of donor conception practices. Many of the recommendations in the report identified a desire for nationally consistent legislation regulating donor conception. The report also addressed concerns about consanguinity, importation of embryos and payments made to donors. The report also provided a comprehensive analysis of the record keeping practices of Assisted Reproductive Technology (ART) service providers. It recommended that there was a need for a nationally consistent method of maintaining and sharing information about donors, donor recipients and donor conceived individuals that will enable those concerned to access information, where appropriate, about their genetic history and relationships.

The Australian Government has reviewed the report in depth and has considered all of the recommendations in great detail. The Australian Government is grateful to those members of the Australian community that dedicated their time to assisting the Senate with their inquiry and acknowledges the valuable input of the Australian community through their submissions to the Senate Committee.

The Australian Government supports the need for the interests of donor conceived individuals to be protected but acknowledges that there is no constitutional power that would support a Commonwealth scheme to legislate comprehensively in this area. States and Territories are responsible for enacting legislation regulating donor conception practices in Australia.

For many years the Australian Government has recognised the need for improvements in the regulation of assisted reproductive technology, particularly as the number of affected individuals in Australian society increases. The Australian Government has shown leadership in this area by establishing and continuing to support the National Health and Medical Research Council (NHMRC) and the Australian Health Ethics Committee (AHEC), which in turn provides ethical guidelines on the use of ART in clinical practice and research. As early as 1996, the AHEC took a leading role, developing guidelines stating that ART service providers should obtain accreditation by a recognised body and that such accreditation should require compliance with those guidelines. The 1996 guidelines also strongly recommended that States and Territories that had not already done so should enact legislation to regulate ART. These guidelines have been consistently reviewed since that time and have resulted in the very comprehensive Ethical guidelines on the use of assisted reproductive technology in clinical practice and research 2007 (NHMRC ART Guidelines) that provide a high level of guidance to the ART industry today.

The NHMRC ART Guidelines represent a significant body of work and dedication of resources by the Australian Government to assist with the protection of the interests of donors, donor recipients and donor conceived children.

The NHMRC ART Guidelines are aligned with many of the recommendations contained in the Senate report. They provide a nationally consistent basis upon which other States and Territories may wish to develop regulation in this area. The Australian Government supports the use of the NHMRC ART Guidelines by States and Territories contemplating regulation of donor conception practices.

In addition, there has already been a national accreditation scheme developed in Australia that supports compliance with the NHMRC ART Guidelines. Although States and Territories may use an accreditation or licensing system unique to their jurisdiction to regulate the ART industry, a robust accreditation system that is independently reviewed and assessed has already been established by the Reproductive Technology Accreditation Committee (RTAC). RTAC was established in 1987 by the Fertility Society of Australia, the peak body representing doctors, scientists, nurses, researchers, consumers and counsellors involved in reproductive medicine. The RTAC accreditation scheme was developed by a combined technical committee comprising members from the Joint Accreditation System of
Australia and New Zealand (JAS-ANZ) and RTAC in accordance with international and domestic standards for bodies that operate product certification systems.

To obtain accreditation through RTAC, an ART service provider must obtain RTAC certification from an independent third party JAS-ANZ-accredited certification body, which measures the organisations compliance with the RTAC Code of Practice for Assisted Reproductive Technology Units (the RTAC Code of Practice). The certification body makes recommendations to RTAC about whether RTAC should grant a licence.

The RTAC Code of Practice requires as part of its compulsory criteria that an ART service provider must comply with the NHMRC ART Guidelines. In States and Territories that have not passed legislation requiring ART providers to obtain an RTAC licence, many ART service providers voluntarily participate in the accreditation scheme which requires them to comply with the NHMRC ART Guidelines and the RTAC Code of Practice. Where States and Territories have passed legislation, ART service providers may often also be compelled to comply with State based licensing schemes. To date, Victoria, New South Wales, South Australia and Western Australia have enacted legislation that specifically regulates donor conception practices.

States and Territories looking to regulate the ART industry have the opportunity to make use of two significant national resources. One supported by the Australian Government through the development of the NHMRC ART Guidelines and the other by the Fertility Society of Australia, through the RTAC Code of Practice and the development of a robust accreditation system. The Australian Government encourages States and Territories, who have not already done so, to implement a legislative framework that will mandate compliance with the established accreditation and regulatory scheme.

Using the RTAC accreditation process and the NHMRC ART Guidelines as the basis for legislative frameworks will ensure consistent approaches to donor conception across Australia. States and Territories also have the option of ensuring compliance with the regulatory framework through making provisions in their legislation for offences and penalties for ART service providers who do not comply with the national standards. In addition, individual Australians who are involved in ART procedures can assist in the protection of their interests and those of their donor conceived children by using the services of accredited facilities. In cases of non-compliance by accredited ART service providers, individuals are encouraged to avail themselves of the proper channels for making health related complaints, by contacting the Health Complaints Commissioner or equivalent in the relevant State or Territory.

The Australian Government notes the benefits to the continuing refinement and improvement of the NHMRC ART Guidelines, through NHMRC's policy of revising guidelines every five years. This will ensure that the national standard in Australia continues to provide a high level of protection for Australians who are conceived through the use of ART technologies. The Australian Government thanks the Senate Committee for the outstanding contribution their report provides to the development of policy on donor conception.

Government response to recommendations

Recommendation 1

The committee recommends that jurisdictions which do not already have legislation in place, namely Queensland, Tasmania, the Northern Territory, and the Australian Capital Territory, should, as a matter of priority, establish legislation to regulate donor conception in those jurisdictions.

The Australian Government supports this recommendation.

This recommendation is consistent with recommendations published by the NHMRC in the 2007 NHMRC ART Guidelines. States and Territories are responsible for the enactment of legislation in their respective jurisdictions. The Australian Government encourages those States and Territories that do not currently have legislation regulating donor conception practices to establish such legislation.

The Australian Government also supports consistency of State and Territory legislation.
Consistent legislation will ensure that donors, donor recipients and donor conceived individuals will have the same access to information regardless of which jurisdiction they are in. It will also discourage the practice of forum shopping for persons who wish to donate or who wish to use ART services. The NHMRC ART Guidelines developed by the NHMRC and the RTAC accreditation system provide a sound basis for State and Territory legislation.

**Recommendation 2**

The committee recommends that the Australian Government pursue all available policy and political options, including through the Council of Australian Governments and the Standing Committee of Attorneys-General, to ensure that nationally consistent legislation relating to donor conception is developed as a matter of priority.

The Australian Government supports this recommendation in principle.

The Australian Government does not have constitutional power to legislate comprehensively in this area to ensure that legislation is nationally consistent. The Australian Government supports consistency of regulation of donor conception practices across Australia and has been working to progress the issue with States and Territories. The issue of donor conception laws has been a stand-alone agenda item on the Standing Council of Law and Justice (formerly the Standing Committee of Attorneys-General) since April 2009.

As identified in the Senate report, in 2002 the Council of Australian Governments (COAG) agreed that RTAC-accreditation should provide the basis for a nationally consistent approach to the oversight of ART clinical practice and research in Australia. To be accredited an ART service provider must obtain an RTAC licence, which requires compliance with the RTAC Certification Scheme and the RTAC Code of Practice which were last revised in October 2010. The RTAC Code of Practice, in turn, requires compliance with the NHMRC ART Guidelines.

The NHMRC ART Guidelines and RTAC accreditation system provide a nationally consistent basis upon which States and Territories who have not done so, may wish to develop regulation in this area. The NHMRC ART Guidelines provide ethical guidance, in line with many of the issues raised by the recommendations in the Senate report, to clinical practitioners who provide ART services. The NHMRC ART Guidelines address issues such as the provision of counselling services to participants, collection and dissemination of information and consent. The RTAC Code of Practice ensures that the clinical delivery of ART services is as risk free and as of high quality as possible. The Australian Government and the Fertility Society of Australia have demonstrated leadership and have encouraged States and Territories for many years, to give legislative force to the NHMRC ART Guidelines through the RTAC accreditation system to improve consistency of donor conception regulation across jurisdictions.

**Recommendation 3**

The committee recommends that any nationally consistent legislation should include, at a minimum:

- a prohibition on donor anonymity;
- a limit on the number of families a donor is able to assist;
- rights of access by donor conceived individuals to identifying and non identifying information about their donor and siblings; and
- protection for the welfare and interests of donor conceived children.

The Australian Government supports this recommendation in principle.

The Australian Government encourages States and Territories to use the RTAC accreditation system and the NHMRC ART Guidelines as a basis for consistent donor conception regulation.

At paragraph 6.1, the NHMRC ART Guidelines require ART service providers to ensure that a 'donor has consented to the release of identifying information about himself or herself to the persons conceived using his or her gametes.'

At paragraph 6.3, the NHMRC ART Guidelines require ART service providers to consider a number of relevant factors to limit the
number of families to which gametes from one donor can be provided.

Part 6 of the NHMRC ART Guidelines recognises entitlements to information for donors, donor recipients and donor conceived individuals. The NHMRC ART Guidelines provide guidance to ART service providers about balancing this entitlement with respecting the privacy of all persons involved in ART procedures.

The NHMRC ART Guidelines are designed to protect the welfare and interests of donor conceived children in a variety of situations and are a suitable basis for the development of nationally consistent legislation by States and Territories.

**Recommendation 4**

In the context of the development of nationally consistent legislation relating to donor conception, the committee recommends that the Australian Government and state and territory governments give consideration to how private donor conception arrangements can best be regulated to ensure the rights of donors, recipients, and donor conceived individuals are appropriately protected.

The Australian Government supports this recommendation in principle.

The Australian Government does not have constitutional power to regulate private arrangements. The Australian Government encourages States and Territories to consider the regulation of private arrangements in the context of reviewing their legislative framework involving donor regulation. The Australian Government also encourages individuals considering becoming a donor or a donor recipient to protect their interests and the interests of their donor conceived children by engaging the services of an ART service provider who holds an RTAC licence.

**Recommendation 5**

The committee recommends that the Australian Government, through the Standing Committee of Attorneys General, do everything possible to ensure the establishment, as a matter of priority, of a national register of donors, and that such a national register should also include information about donor conceived individuals.

The Australian Government does not have constitutional power to comprehensively legislate to create a national register, absent a referral of power from the States. Some States and Territories have already established donor registers in their jurisdictions and the Australian Government encourages States and Territories that have not yet done so to also establish registers. The Australian Government has worked with States and Territories through the Standing Council of Law and Justice (formerly the Standing Committee of Attorneys-General) since 2009 to facilitate national consistency between States and Territories and provide certainty for donors and donor conceived individuals and their families, but ultimately this is a matter for the States and Territories.

**Recommendation 6**

The committee recommends that a national register established by the Australian Government and State and Territory governments should have a particular focus on:

- security arrangements;
- privacy protections; and
- a clear articulation of the role of the body administering the register.

See Response to Recommendation 5.

The Australian Government supports the principle of the recommendation that registers established by State and Territory governments should have a focus on security arrangements, privacy protections and a clear articulation of the role of the body administering the register.

**Recommendation 7**

While the committee strongly recommends the establishment of a national donor conception register, if this is not achieved, the committee recommends that each state and territory should put in place their own centralised register.

The Australian Government supports this recommendation in principle but notes that this is a matter for States and Territories.
Recommendation 8

The committee recommends that, in the establishment of state and territory central registers, consistency in approach to the granting of access to information held on those registers should be a matter of priority.

The Australian Government supports this recommendation in principle but notes that this is a matter for States and Territories.

Recommendation 9

The committee recommends that a central register, either in the form of a single national register or a separate register in each state and territory, should operate according to the following principles regarding access to information:

- donor conceived individuals should be able to access identifying information about their donor, once the donor conceived person reaches 18 years of age, or such younger age as agreed by all states and territories;
- donors should be able to access identifying information about individuals conceived as a result of their donation only with the consent of the donor conceived person;
- donor conceived individuals should be able to access identifying information about their siblings only with the consent of those siblings; and
- donors, donor conceived individuals, and recipient parents, as well as close relatives of donors or donor conceived individuals, should be able to access non-identifying information about the donor or donor conceived person, as applicable (provided that where a donor conceived individual seeks information, the person is at least 16 years of age, or such younger age as agreed by all states and territories).

The Australian Government supports this recommendation in principle but notes that this is a matter for States and Territories.

The NHMRC ART Guidelines are broadly consistent with this recommendation. The NHMRC ART Guidelines provide at:

- paragraph 6.10 that gamete recipients may access details of past medical history, family history and any genetic test results that are relevant to the future health of the person born (or any subsequent offspring of that person) and the recipient of the donation;
- details of the physical characteristics of the gamete donor; and
- the number and sex of persons conceived using the gametes donated by the same gamete donor.
- paragraph 6.11 that ART service providers must supply identifying information on request to donor conceived individuals over the age of 18 years,
- paragraph 6.12 that donors can access only non-identifying information about their offspring, and
- paragraph 6.13 that identifying information about siblings can be provided only with the consent of those siblings.

The Australian Government encourages States and Territories to pass legislation mandating ART service providers to hold a valid RTAC licence, which will ensure that the principles regarding access to information contained in this recommendation and reflected in the NHMRC ART Guidelines are given legislative force.

Recommendation 10

The committee recommends that, if after further consideration by the states and territories of the issue of retrospectivity, registers will not be retrospective, a national voluntary register or separate register in each state and territory should be established to allow donors who previously donated anonymously to agree to have their information recorded and disclosed to any individuals conceived as a result of their donation.

The Australian Government supports this recommendation in principle but notes that this is a matter for States and Territories.

Recommendation 11

The committee recommends that donors in private arrangements be encouraged to have their information recorded and disclosed to any individuals conceived as a result of their donation on a national voluntary register or separate
register if such registers are established in each state and territory.

The Australian Government supports this recommendation in principle but notes that this is a matter for States and Territories.

Recommendation 12

The committee recommends that any voluntary registers incorporate a DNA databank, to enable donors and donor conceived individuals to have their details placed on the register for possible matching, in circumstances where records relating to their identities have been destroyed.

The Australian Government supports this recommendation in principle but notes that this is a matter for States and Territories.

Recommendation 13

The committee recommends that the states and territories jointly fund a campaign to widely publicise the establishment of either a national voluntary register or separate voluntary registers in each state and territory.

The Australian Government supports this recommendation in principle but notes that this is a matter for States and Territories.

Recommendation 14

The committee recommends that the Australian Government review, within a period of two years after this report, the current regulatory framework for overseeing compliance by clinics and medical practitioners with the National Health and Medical Research Council Guidelines on the use of assisted reproductive technology in clinical practice and research, with a focus on:

- whether the regulatory framework is adequate to ensure compliance with the guidelines;
- whether sanctions applied to clinics for failure to comply with their obligations under the guidelines are sufficient; and
- whether a more comprehensive regulatory framework is required.

The Australian Government does not support this recommendation.

The NHMRC has a legislated role to develop ethical guidance but it does not oversee compliance of the NHMRC ART Guidelines by ART clinics. Some States and Territories have used the NHMRC ART Guidelines in different ways in their own legislative regimes to provide best practice models and standards by which clinic accreditation can be assessed.

The RTAC accreditation scheme provides a basis for a nationally consistent approach to the oversight of ART clinical practice in Australia. To obtain an RTAC licence, an ART provider must comply with the RTAC Certification scheme and the RTAC Code of Practice which in turn requires compliance with the NHMRC ART Guidelines.

To obtain RTAC Certification, ART service providers must apply to a JAS-ANZ accredited independent certification body who will measure compliance with the RTAC Code of Practice. The independent certification body will make recommendations to RTAC about issuing an RTAC licence to the ART service provider.

ART service providers are audited annually by a JAS-ANZ independent certification body for their compliance with the RTAC Code of Practice. Criteria considered critical under the RTAC Code of Practice, which includes compliance with the NHMRC ART Guidelines, are reviewed during this annual visit. In addition every three years further criteria considered to be part of good practice for ART service providers is also audited.

If the independent certification body discovers non-compliance with the RTAC Code of Practice by an ART service provider they may withdraw or suspend RTAC certification. RTAC has responsibility for the issuing, suspending and withdrawal of RTAC licences and may order additional audits of an ART service provider if an exceptional circumstance has arisen.

The Australian Government encourages States and Territories to enact legislation that mandate participation by ART service providers in the RTAC accreditation system. The removal of an RTAC licence will have a significant impact on ART service providers who are unable to continue to provide ART services without such a licence. It is not the role of the NHMRC or the Australian Government to monitor compliance with the RTAC Code of Practice and the Australian Government does not have constitutional power to legislate for a
comprehensive scheme to penalise non-compliance by ART service providers. The Australian Government encourages the Australian public to use ART service providers who participate in the RTAC accreditation; consistent with this, Medicare benefits are only paid to RTAC accredited providers. It is a matter for States and Territories whether additional penalties for non-compliance other than the withdrawal of an RTAC licence are warranted.

In 2007 the Australian Government reviewed the regulation of reproductive tissues in the ART sector as part of the proposed Class 1 Framework for regulating solid organs and reproductive tissues (now the Biologicals Regulatory Framework). This review recognised that the ART sector already has an effective, cross-jurisdictional system of regulatory oversight in place through the RTAC accreditation process'. At the Australian Health Ministers' Conference (AHMC) meeting on 22 July 2008, Health Ministers agreed that un-manipulated reproductive tissues should not be regulated by the Commonwealth through the Therapeutic Goods Administration under its proposed Class 1 Framework for human cellular and tissue therapies 'because the Assisted Reproductive Technology Sector is already coherently and consistently managed'.

In view of the established compliance scheme and the review conducted in 2007, the Australian Government considers that a review of the current regulatory framework by the Australian Government is not warranted at this time. However, it is open to State and Territory Governments to provide a legislative framework that would ensure compliance with the NHMRC ART Guidelines, make provision for legal sanctions for ART service providers that failed to comply and offer greater certainty to individuals involved in ART procedures.

**Recommendation 15**

If, following the review as set out in Recommendation 14, it is considered that the current regulatory framework for clinics and medical practitioners undertaking assisted reproductive technology procedures is not sufficient, the committee recommends that the Australian Government, through the Council of Australian Governments and the Standing Committee of Attorneys General, work with the state and territory governments to develop a more comprehensive regulatory framework.

See response to Recommendation 14.

**Recommendation 16**

Regardless of the outcome of the review described in Recommendations 14 and 15, the committee recommends that the Australian Government, in consultation with the Fertility Society of Australia, create a review mechanism (for example, an Ombudsman-type mechanism or health complaint commission), that can be accessed by donor conceived individuals and parties undergoing assisted reproductive technology procedures, to investigate and address complaints against clinics, including when they fail to comply with their obligations under the National Health and Medical Research Council Guidelines or relevant legislation and regulation.

The Australian Government does not support this recommendation.

The Australian Government notes that States and Territories are responsible for regulating donor conception practices in their jurisdictions. They are therefore responsible for conferring complaint handling responsibilities on their own Ombudsman-type mechanisms to investigate complaints against clinics and their compliance with the NHMRC ART Guidelines and relevant legislation and regulation.

Every ART service provider that is accredited under the RTAC accreditation scheme must appoint a medical director who is responsible for the clinical management of the organisation. The medical director is required to be a recognised specialist gynaecologist or physician. The Medical Board of Australia, supported by Boards in each State and Territory, is responsible for investigating and handling complaints against medical practitioners, with other health practitioners similarly regulated by their respective boards.

Where individuals believe their personal information has been disclosed or handled in breach of the Privacy Act 1988 (Cth) or the National Privacy Principles 1988 contained in Schedule 3 to that Act, they may lodge a
complaint with the Federal Privacy Commissioner.

**Recommendation 17**

The committee recommends that, except in circumstances where the parties have a particular ethnic background and it is difficult to obtain gametes or embryos from a person with the same ethnic background (or in any other similar circumstances), the importation of gametes and embryos from overseas donors should be banned in Australia.

The Australian Government does not support this recommendation.

The NHMRC ART Guidelines do not currently support the proposed ban on the importation of gametes from overseas. See Recommendation 19.

In regards to the importation of an embryo from overseas, section 20 of the Prohibition of Human Cloning for Reproduction Act 2002 makes it an offence to import, export or treat a woman with a prohibited embryo. Subsection 20(4)(b) defines a "prohibited embryo" as including "a human embryo created outside the body of a woman, unless the intention of the person who created the embryo was to attempt to achieve pregnancy in a particular woman".

Thus, if an embryo were to be created overseas without prior determination that a specific woman would receive the embryo, importation of, or treatment of a woman with such an embryo would be prohibited under this Act. However, the importation and subsequent treatment of a woman with an embryo created overseas for that particular woman would be permitted under this Act (provided the embryo was not otherwise a prohibited embryo).

**Recommendation 18**

If a ban on the importation of gametes and embryos from overseas is not possible, the committee recommends that any gametes and embryos imported into Australia from overseas donors undergo the same requirements and procedures for use in donor conception as gametes and embryos donated in Australia, including screening and counselling requirements.

The Australian Government supports this recommendation.

Paragraph 6.2 of the NHMRC ART Guidelines are consistent with this recommendation and currently state that 'treatment in Australia using either gametes donated overseas or embryos created from gametes donated overseas must not take place unless all the relevant conditions of these guidelines and any relevant legislation have been fulfilled.'

**Recommendation 19**

The committee recommends that the Australian Government undertake a review of the National Health and Medical Research Council Guidelines to specifically address the rights of access to information of donor conceived individuals conceived with the use of gametes and embryos imported from overseas.

The Australian Government supports this recommendation.

Paragraphs 6.1, 6.10, 6.11, 6.12 and 6.13 of the NHMRC ART Guidelines acknowledge the right to information of all those involved in ART procedures. The NHMRC ART Guidelines provide that clinics "must not use donated gametes in reproductive procedures unless the donor has consented to the release of identifying information about himself or herself to the persons conceived using his or her gametes.' Paragraph 7.1 identifies a similar right for donor conceived persons to knowledge about genetic parents and the existence of any genetically related siblings.

Paragraph 6.2 of the NHMRC ART Guidelines states that 'treatment in Australia using either gametes donated overseas or embryos created from gametes donated overseas must not take place unless all the relevant conditions of these guidelines and any relevant legislation have been fulfilled.'

The timing of the review of the NHMRC ART Guidelines is somewhat contingent on the government response to the outcomes of the Heerey Review of the Prohibition of Human Cloning for Reproduction Act 2002 (Cth) and the Research Involving Human Embryos Act 2002 (Cth) which is required under legislation. The review was submitted to COAG and was tabled in
both Houses of Parliament on 7 July 2011. The Government response is expected in due course.

**Recommendation 20**

The committee recommends that the Australian Government and state and territory governments work together, including through the Council of Australian Governments and other appropriate national forums, to agree to a nationally consistent and permanent long-term solution to the management of records relating to donor conception, to ensure that records which identify donors, donor recipients, and donor conceived offspring, are appropriately preserved.

The Australian Government supports this recommendation in principle but notes that this is a matter for States and Territories.

The management of health records is governed by State and Territory legislation.

**Recommendation 21**

Until such time as Recommendation 20 is implemented, the committee recommends that a temporary moratorium be placed on the destruction of all records held by government agencies, doctors, clinics, and assisted reproductive technology providers that identify donor conception treatment procedures undertaken by donors and donor recipients.

The Australian Government supports this recommendation in principle but notes that the regulation of health services and health records including data collection and mandatory record keeping requirements is a matter for States and Territories.

**Recommendation 22**

The committee recommends that the prohibition on payments for donations of sperm, oocytes or embryos in Australia should be maintained.

The Australian Government supports this recommendation.

Under the NHMRC ART Guidelines, commercial trading in human gametes and/or the use of direct or indirect inducements must not be undertaken. Paragraph 6.5 of the NHMRC ART Guidelines states that 'gamete donation must be altruistic'.

Under subsections 21(1) and (2) of the Prohibition of Human Cloning for Reproduction Act 2002 (Cth):

1. A person commits an offence if the person intentionally gives or offers valuable consideration to another person for the supply of a human egg, human sperm or a human embryo.

2. A person commits an offence if the person intentionally receives, or offers to receive, valuable consideration from another person for the supply of a human egg, human sperm or a human embryo.

The Australian Government is serious in its efforts to prevent the commercial exploitation of human gametes and embryos. An offence against this provision of Commonwealth legislation is punishable by imprisonment up to 15 years.

**Recommendation 23**

The committee recommends that donors should continue to be able to be reimbursed for 'reasonable expenses' incurred in relation to their donation.

The Australian Government supports this recommendation.

'Reasonable expenses' are specifically excluded from the definition of 'valuable consideration' under subsection 21(3) of the Prohibition of Human Cloning for Reproduction Act 2002 (Cth):

reasonable expenses:

(a) in relation to the supply of a human egg or human sperm— includes, but is not limited to, expenses relating to the collection, storage or transport of the egg or sperm; and

(b) in relation to the supply of a human embryo:

(i) does not include any expenses incurred by a person before the time when the embryo became an excess ART embryo; and

(ii) includes, but is not limited to, expenses relating to the storage or transport of the embryo.

valuable consideration, in relation to the supply of a human egg, human sperm or a human embryo by a person, includes any inducement, discount or priority in the provision of a service to the person, but does not include the payment of
reasonable expenses incurred by the person in connection with the supply.

In addition, paragraph 17.21.2 of the NHMRC ART Guidelines addresses the issue of ‘reimbursement of reasonable out-of-pocket expenses for the donation of gametes, gonadal tissue or cells for research purposes’.

Although paragraph 6.5 of the NHMRC ART Guidelines make reference to paragraph 17.21.2, it is not explicitly stated that reimbursement for reasonable out-of-pocket expenses in relation to the donation of gametes or embryos for ART procedures is ethically acceptable.

Paragraph 6.5 of the NHMRC ART Guidelines provides that ‘commercial trading in human gametes and/or the use of direct or indirect inducements must not be undertaken’. The advice in the NHMRC ART Guidelines with respect to the reimbursement for reasonable out-of-pocket expenses in relation to the donation of gametes or embryos for ART procedures could be clarified in the next review of the NHMRC ART Guidelines. The Australian Government thanks the Senate for their input into the review of this recommendation. This is supported by recommendation 6 of the Report of the Independent Review of the Prohibition of Human Cloning for Reproduction Act 2002 and Research Involving Human Embryos Act 2002 (June 2011).

Recommendation 24

The committee recommends that the Australian Government, in consultation with state and territory governments and the Fertility Society of Australia, develop more detailed guidelines on what constitutes ‘reasonable expenses’ for which donors can be reimbursed.

The Australian Government notes this recommendation.

The AHEC has issued general advice on the operation of the National Statement on Ethical Conduct in Human Research 2007 and payments to participants in clinical drug trials (see http://www.nhmrc.gov.au/_files_nhmrc/file/health_ethics/hreces/reference/using_the_national_statement.pdf). This advice relates to research situations only and would have limited applicability to the range of activities discussed in the NHMRC ART Guidelines. This advice could be used as a base from which to develop further guidance for donors.

The Prohibition of Human Cloning for Reproduction Act 2002 (Cth) defines 'reasonable expenses' at subsection 21(3):

(a) in relation to the supply of a human egg or human sperm—includes, but is not limited to, expenses relating to the collection, storage or transport of the egg or sperm; and

(b) in relation to the supply of a human embryo:

(i) does not include any expenses incurred by a person before the time when the embryo became an excess ART embryo; and

(ii) includes, but is not limited to, expenses relating to the storage or transport of the embryo.

The NHMRC has provided some guidance to several ART clinics at their request about the level of reimbursement that would be appropriate as ‘reasonable expenses’ and what would be considered valuable consideration. It strongly recommends that clinics obtain their own legal advice. The NHMRC notes that ‘reasonable expenses’ for some parties may act as an inducement for other parties. The NHMRC considers that a 'one size fits all' approach may not be appropriate. The advice in the NHMRC ART Guidelines with respect to the reimbursement for reasonable out-of-pocket expenses in relation to the donation of gametes or embryos for ART procedures could be clarified in the next review of the NHMRC ART Guidelines (see Response to Recommendation 23).

Recommendation 25

In relation to counselling, the committee recommends that:

- counselling should be mandatory for donors and donor recipients prior to undergoing a donor conception procedure;
- donors and donor recipients should be able to elect to receive counselling on the donor conception process and its consequences from a counsellor independent of the fertility clinic in which they are undertaking treatment;
- parents of donor conceived individuals should have access to counselling following the birth.
of their child, to equip them to be able to tell their child about their conception and to support their child in dealing with any self-identity issues that may arise; and

- donor conceived individuals should have access to counselling as they mature and, in particular, when making contact for the first time with their donor or half-siblings. Such counselling should be voluntary, except where the donor conceived person is aged under 18 and is making contact

- for the first time with their donor or half-siblings, in which case counselling should be mandatory.

The Australian Government supports this recommendation in principle.

The NHMRC ART Guidelines define the nature of the counselling services which should be provided to participants in a donor conception program and the requirement for professionals with appropriate training skills and accreditation necessary for the counselling role. The Australian Government encourages States and Territories to legislate to require ART service providers to maintain an RTAC licence which in turn will require ART service providers to comply with the NHMRC Guidelines on counselling of persons involved in ART procedures.

**Recommendation 26**

The committee recommends that State and Territory governments, in consultation with the Fertility Society of Australia, should give consideration to funding the provision of counselling for donors, donor recipients and donor conceived individuals following the birth of donor conceived individuals.

The Australian Government notes this recommendation and considers that this is a matter for States and Territories and the Fertility Society of Australia.

**Recommendation 27**

The committee recommends that State and Territory governments, in consultation with the Fertility Society of Australia, should develop guidelines or requirements to ensure that counsellors providing counselling to donors, donor recipients or donor conceived individuals have an appropriate understanding of the issues involved with donor conception.

The Australian Government notes this recommendation and considers that this is a matter for States and Territories and the Fertility Society of Australia.

**Recommendation 28**

The committee recommends that State and Territory governments should commission research to ascertain the numbers of individuals born through donor conception in their respective jurisdictions and that, once more accurate data is obtained, further research should be conducted in relation to the risk of consanguine relationships among those people.

The Australian Government notes this recommendation and considers that this is a matter for States and Territories.

**Recommendation 29**

Noting the disparity in evidence received throughout the inquiry as to the appropriate limit for the number of families that donors should be able to assist, the committee recommends that each donor should only be able to assist up to a maximum of four families (in addition to their own) in Australia. Although the preference is that each donor only assists one family (in addition to their own), if more than one family is to be assisted, the committee recommends that the relevant clinic must consider the following factors:

- the number of genetic relatives that the persons conceived would have as a result of the treatment;
- the consent of the donor with respect to the number of families to be created;
- whether the donor has already donated gametes at another clinic; and
- the risk of a person conceived with donor gametes inadvertently having a sexual relationship with a close genetic relative (with particular reference to the population and ethnic group in which the donation will be used).

The Australian Government notes this recommendation and considers that this is a matter is for States and Territories.
This recommendation is consistent with the NHMRC ART Guidelines. Although no nominal upper limit is stated in the NHMRC ART Guidelines, the four factors listed in this recommendation are contained in paragraph 6.3 of the guidelines. Clinics must 'take all reasonable steps to reduce the numbers of genetic relatives created through donor gamete programs' and should consider the four factors listed here when deciding the number of families assisted by any one donor.

Recommendation 30

The committee recommends that the issue of limits on donations should be reviewed by the states and territories, in consultation with the Fertility Society of Australia, once further evidence becomes available about the importance of forming a strong sense of self-identity for donor conceived people and the risks of consanguine relationships.

The Australian Government notes this recommendation and considers that this is a matter for States and Territories and the Fertility Society of Australia.

Recommendation 31

The committee recommends that clinics and medical services should amend the consent forms which are signed by donors, to ensure that consent is given to the sharing of information with other clinics and medical services in the same jurisdiction and in other jurisdictions in Australia.

The Australian Government notes this recommendation and considers that this is a matter for States and Territories.

Recommendation 32

The committee recommends that, to the extent that the states and territories have not already done so, birth certificates of donor conceived children should be notated so that when they apply for a birth certificate over the age of 18 years, they can be provided with additional information about their donor conception circumstances if they choose.

The Australian Government notes this recommendation and considers that this is a matter for States and Territories.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:55): I move:

That the corrigendum and the committee reports be printed in accordance with the usual practice.

Documents being printed are (as per list):

(a) Community Affairs Legislation Committee re corrigendum to 2012-13 budget estimates report

(b) Education, Employment and Workplace Relations References Committee re shortage of engineering and related employment skills

(c) Legal and Constitutional Affairs Legislation Committee re provisions of the Courts Legislation Amendment (Judicial Complaints) Bill 2012 and a related bill (final report)

(d) Community Affairs Legislation Committee re administration of Indigenous Business Australia in relation to certain evidence given to the Senate Community Affairs Committee

Question agreed to.

Senator CAROL BROWN: I seek leave to move a motion to list the committee reports and the government responses to committee reports on the Notice Paper for further consideration.

Leave granted.

Senator CAROL BROWN: I move:

That consideration of the committee reports and the government responses to committee reports tabled earlier today be listed on the Notice Paper as separate orders of the day.

Question agreed to.

Work of Committees

Tabling

The ACTING DEPUTY PRESIDENT (Senator Furner) (16:56): I table Senate statistical documents listed at item 16 on today's Order of Business.

Ordered that the document be printed.
Questions on Notice Summary
Tabling

The ACTING DEPUTY PRESIDENT (Senator Furner): I table the following
document:

Questions on notice summary—28 September 2010 to June 30 2012.

Responses to Senate Resolutions
Tabling

The ACTING DEPUTY PRESIDENT (Senator Furner) (16:57): I table responses
to resolutions of the Senate listed at item 16
on today’s Order of Business.

Chair of Trustees, Down Syndrome International (Ms Robertson, OAM) to a
resolution of the Senate of 21 March 2012 concerning World Down Syndrome Day

Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke)
to a resolution of the Senate of 9 May 2012 concerning the Murray Darling inflow

Minister for Foreign Affairs (Senator Bob Carr) to a resolution of the Senate of 10 May 2012 concerning Mr Nabeel Rajab

Minister for Justice (Mr Clare) to a resolution of the Senate of 10 May 2012 concerning the Bsafe program

Executive Director, Oxfam International (Mr Hobbs) to a resolution of the Senate of 21 June 2012 concerning international arms trade

Attorney-General (Ms Roxon) to a resolution of the Senate of 27 June 2012 concerning domestic and family violence

Attorney-General (Ms Roxon) to a resolution of the Senate of 28 June 2012 concerning Commonwealth anti-discrimination laws

Down Syndrome International

Senator BOYCE (Queensland) (16:57): I seek leave to take note of the response from
the Chair of Trustees of the Down Syndrome International organisation.

Leave granted.
Down syndrome. It is time we recognised that. Certainly a national disability insurance scheme will be a step forward in terms of recognising the needs of people with disability.

But I cannot let pass the concerns that I currently have about the politicisation of the National Disability Insurance Scheme. There were articles not just in the Fairfax and Murdoch press in the past week but on most of the reputable internet comment sites as well, making the point that since Prime Minister Gillard apparently was having no effect by attacking Mr Tony Abbott, she had instead opted to try to wedge the Liberal premiers of Australia. The first item that she had chosen to use to attempt to wedge the Liberal premiers of Australia was the National Disability Insurance Scheme. That has proved ultimately to be a failure and yet comments that were coming through earlier after her grandstanding on the topic of the National Disability Insurance Scheme suggested that the Liberal premiers were being very easy to wedge on this.

There is the hypocrisy of talking about let's not play politics with people with a disability, let's not have a partisan approach to this. I find it hypocritical and distasteful to seek to use COAG—whatever happened to stopping the blame game—as a political tool and to use the National Disability Insurance Scheme at COAG as a political tool.

What I also want to comment on today—and I am sure it is a point that Ms Robertson would support—is the fact that a national disability insurance scheme over time will not be a cost to our economy. I first want to look at just a couple of statistics that we have. There is a disability employment summit coming up in November this year which makes the point that 45 per cent of people in Australia live in or near poverty and that improving their employment outcomes is a must. I note that Ms Penny Robertson is one of the speakers at this conference. I should point out that Ms Robertson, despite being the President of Down Syndrome International and chair of their board of trustees, is an Australian.

There is another forum—WAVE or Women in Adult and Vocational Education. They are particularly asking: do TAFEs and registered training organisations deliver the goods for women with disabilities? The point is made that only 14.9 per cent of women with disabilities are in full-time employment, despite 25 per cent of men with disabilities being in full-time employment. You have to take in that underlying figure I mentioned before of 45 per cent of people with disabilities living on or near the poverty line. Women with disabilities are far more likely than men with disabilities to only have part-time work. Thirty-five per cent of women with disabilities have part-time work and 23 per cent of men with disabilities who are employed have part-time work. Yet there are more women with disabilities who have post year 10 qualifications, more with degrees and more undertaking training. This is certainly a very good question that one hopes will be partly answered by the improvements that we will see in service provision. Why are the outcomes so poor for people with disabilities in general, particularly for people with intellectual disabilities such as Down syndrome and for women with disabilities? These are questions that we must answer.

NDIS reform is designed to dramatically increase the employment participation of people with disabilities and their carers. We in Australia currently have the 24th lowest employment rate of 29 countries measured by the Productivity Commission for people with disabilities. We are way behind countries such as the United Kingdom and Canada. We are well behind New Zealand in terms of the percentage of people with
disabilities that we employ. If we could achieve the employment ratios of people with disabilities equivalent to the average OECD benchmark, the Productivity Commission estimates there would be an additional employment growth of 220,000 people or jobs by 2015 and that that alone would result in one per cent increase in GDP, translating to around $32 billion in additional GDP in that year alone. The Australian Network on Disability, which is Australia's employer group for disability employer organisations, recently put out a report estimating that a $43 billion increase in Australia's GDP would come if we could even reduce the disability employment participation gap by just one-third. They point out that reduction by one-third should be achievable. It is less than has been done by New Zealand and others.

Then there is the great advance of giving the opportunity to work to carers who currently cannot work because of caring for someone with a disability. If just 20 per cent of the 190,000 carers in Australia who are of workforce age but not working went to work in the community services sector—a low-paid sector—they would benefit the economy to the tune of $6.3 billion per year. If they were employed at a more average wage across major industry sectors, the economic impact would be around $32 billion a year.

I urge people to stop talking about $3 billion and $9 billion and the cost of an NDIS. Yes, there will be implementation and set-up costs along the way but the benefits to the Australian economy, to people with disabilities and people with Down syndrome in particular will be huge in the long term.

Question agreed to.

Bsafe Program

Senator RHIANNON (New South Wales) (17:08): by leave—I move:

That the Senate take note of the document.

I was interested to read the comments of Mr Jason Clare on the Bsafe program in his letter of 6 July. While it gave some information, it was certainly disappointing that, yet again, the federal government has knocked back the opportunity to look at ways to support this really excellent program.

First off, it is worth sharing with the Senate what Bsafe actually means. It is a very innovative program initiated by the Women's Health Goulburn North East. There was some very modest federal government funding that came to that program. This program provides personal safety alarms to women and children at risk of domestic violence. Interestingly, many of the women involved in it have said that they find this a much more successful and less intrusive way of managing their problems than calling the 000 emergency number. So it has been widely praised by users, by community workers, by the police and by many of the women's groups, as well as Women's Health Goulburn North East. It is designed to assist women and children to feel safe in their own homes.

The program did receive some funding. It was a modest $230,420 in 2007 under the National Community Crime Prevention Program. Then after a lot of lobbying and a lot of work by the community, which was supported by the Greens—it was pleasing that the motion went through the Senate, but disappointing that Labor did not support it at that stage—a further $55,000 was brought forward. We are now hearing the government say that it is not possible to provide recurrent funding because the second lot of money comes under the Proceeds of Crime Act—that is, the $55,000 that I mentioned. Yes, I understand what the rules are there, that it cannot be recurrent funding, but this is such a cost-effective program. The
government time and time again tells us of its deep commitment to addressing domestic violence, and here we have a means to ensure women are safe in their homes. It has been identified time and time again that when we are dealing with domestic violence we need to find ways to assist the victims of domestic violence—by far the majority of them women and children—to stay in their own homes. And here we have this program that the government has put a little bit of money into but has now turned its back on.

It is very troubling when you look at the figures. These are just the figures from Victoria, which is where the Bsafe program had been funded. The Greens were hoping that Labor would have got behind it and it could have been rolled out across the country. But the figures show why that program is so very much needed. The research shows that intimate violence is a leading contributor to illness, disability and preventable death for Victorian women aged 15 to 44. My colleague Senator Richard Di Natale has spoken about this, detailing how this ranks higher than obesity, smoking and high blood pressure. Every way you look at it, this is a program that should have been funded.

Going back to the point that I made previously—that is, that I do understand that it does not fit within the rules—time and time again we see the government change the rules. Often we disagree with that, but they adapt to the situation. You have that ability, when you are in government, to identify what community needs are and how they can be funded.

I was concerned with one aspect of Mr Clare's letter, where he said Women's Health Goulburn North East did not apply for funding. I am in the process of checking up on that. I understand that is the case, that they did not apply for funding, because they were told they did not qualify. That shows the deceptive way that language can be used to misrepresent a situation. I am following that up at the moment because I think it would be very disappointing if those comments were made in that way, when in fact the organisation was given the money.

I want to commend Women's Health Goulburn North East and everybody else who has been involved in the Bsafe program. I know they are continuing to work on it to ensure that women and children can be safe in their own homes. The Greens will certainly continue to give their support so that it can be rolled out around the country. It has been shown to be successful and it is time the political will of the government of the day got behind it so that we could achieve that.

Question agreed to.

Department of Sustainability, Environment, Water, Population and Communities

Senator BIRMINGHAM (South Australia) (17:13): I seek leave to move a motion in relation to the response by the Minister for Sustainability, Environment, Water, Population and Communities regarding the Murray-Darling Basin Plan.

Leave granted.

Senator BIRMINGHAM: I move:

That the Senate take note of the document.

This is a brief response from the minister to what ended up being a brief motion. A more extensive motion was moved in the Senate by my colleague Senator Joyce and me on 9 May this year; however, only one part of that motion was passed, and that part called on the government to ensure that the final Murray-Darling Basin Plan is based on the most up-to-date data and the best available science, consistent with the requirements of the Water Act 2007.
I welcome the response of the minister insofar as it addresses this. The minister's response restates the fact that the government's position has always been that the Basin Plan should have a sound scientific foundation and that the final plan should optimise environmental, social and economic consideration. The minister's response further highlights the requirements of the Water Act 2007 that the Murray-Darling Basin Authority and the Commonwealth water minister act on the basis of the best available scientific knowledge and socioeconomic analysis when developing the plan.

Insofar as the government has restated what we already knew, the response is indeed welcome. However, it is important to note that the motion, limited though it was, did have further intent behind it, which was to ensure that the final Basin Plan is based, firstly, on the most up-to-date data and, secondly, on the best available science, consistent with the requirements of the Water Act 2007. Here is where we run into, in many ways, the crisis of confidence that is afflicting the progress of the Basin Plan throughout the community, both upstream and downstream. Upstream communities have made clear their real concern that the data and the modelling undertaken by the Murray-Darling Basin Authority is not as up to date as it possibly could be and has not included the most recent wetter years within its modelling and data analysis. I do note that the MDBA has responded in other fora indicating that, were those recent wet years to be included, there would be a very small difference of negligible value. However, I do believe it is important that the most up-to-date data is applied to ensure that you try to harness and maximise confidence in this important reform process in those upstream communities. Similarly, there are concerns about the best available science and whether that is being used, and those concerns are particularly imminent in downstream communities.

Knowing what is the best available science is something that is often a matter of debate. 'Best available economics', 'best available science' and 'best available modelling' are terms that are sometimes thrown around rather loosely in this chamber and in politics generally. Indeed, there will be, as one would always expect, different scientific opinions as to the impact of different things. But it is important, it is vital, in order to try to reinstate confidence in this process that the MDBA and the government demonstrate that the science they are relying on for the modelling they are doing and for the proposed Basin Plan they are putting forward is science in which credible scientists have confidence. That is what I would ask them to do. I am not going to stand here and pick one scientific organisation and say, 'Their modelling is the best available in this,' which I know some state governments and some other stakeholders have done. But I am going to urge the MDBA and the government, as they seek to finalise this plan, to ensure that they demonstrate it is based on credible science and that it has credible scientific supporters behind it.

We are reaching the very pointy end of this process. It is five years since the Water Act was passed, and it has been a long, drawn out and tortuous process to get to what is almost a final Basin Plan. The Minister for Sustainability, Environment, Water, Population and Communities, Mr Burke, really is the only person now, barring some surprises from the MDBA, who can influence the outcome of this plan. It rests with him, and I would expect that he will finalise it over the coming weeks or month or two and that we will see it tabled in this parliament shortly.
Let me make it clear that I want to see it finalised, I want to see it tabled and I want to see it succeed. This is an important reform. It is vital for my home state. It is an issue on which I have probably spoken more in this place and in Senate estimates hearings than on any other issue at all. For that reason, can I say that the tactics of some involved in the progress of the Basin Plan are starting to concern me. The tactics of those who want to try to ramp up pressure around the place, on different parliamentarians, on government, opposition and crossbenchers alike to talk more about this and to judge us, as one organisation is proposing to do on what we do over the next two weeks, concerns me greatly. Many of us, and some in the chamber right now, have worked on this for many years. I have received an email from the Australian Conservation Foundation, who tell me that they propose to track parliamentary and other public communications of South Australian federal MPs and senators during the next two sitting weeks and that they will publish a report at the end of this period to see what it is that we have done and said about the Murray during that time.

Well they can track this comment: I think it is a childish game they are playing. I think there are too many stunts being played. Stunts by my hometown government, the South Australian state Labor government, stunts by interstate coalition governments, stunts by my hometown media, the Adelaide Advertiser, stunts by some irrigator organisations and stunts by some environmental organisations. Frankly, anybody who looks at this rationally is going to know that it is impossible to present a Basin Plan that will make everybody happy. Any Basin Plan is of course going to require certain trade-offs. I make those statements not because I want to sell my home state out but because I want to see us take a good step forward. I want to see us take the best possible step forward in this basin plan to achieve a more sustainable management of the Murray-Darling Basin in the future. But I want to see us take a step forward not take no step at all.

I am concerned the approaches of some of the stakeholders throughout this process are putting us at such polar extremes in this debate that the risk will be we will get no Basin Plan whatsoever. If that is the case, if the final plan that is tabled is rejected by this parliament because it is not perfect in the eyes of some, that will be a devastating act, I believe, for my home state. Yes, of course, we should fight to get the best possible outcomes for our states. I believe that is what I have done in the five years that I have been here. I believe that is what I did when I first stood in this place—happily, on the other side of the chamber—to speak for the passage of the Water Bill, as it then was. It was the last great reform of the Howard government: to try to have a national plan in place for the management of the Murray-Darling Basin system, a national plan that did not rely upon state jurisdictions but could ensure the basin would be managed sustainably. It was a plan whereby $10 billion was budgeted to aid in the transition for its implementation and to ensure that it could be implemented in a manner most sympathetically to the irrigation communities throughout the Murray-Darling.

I have been and remain incredibly critical of many of the ways this government has gone about spending, or in some cases not spending, that $10 billion. I remain very concerned about many of the approaches the Murray-Darling Basin Authority has taken throughout the course of this. However, we are at the pointy end now. I want to see us get the best possible outcome. That is what I will fight for. But I do not need any community organisation to start tracking the
number of times I—or, frankly, any other colleagues—say words in this place on a topic that is so important.

Senator HANSON-YOUNG (South Australia) (17:24): I rise to speak on the same matter as my South Australian colleague Senator Birmingham. I think it is extremely disappointing that we are at this point of the review into the Murray-Darling Basin Plan—draft after draft—and yet we still do not have the accurate modelling that we need to allow parliamentarians and our constituents to understand exactly what it is that we are being asked to decide between. What is it that we are being asked to trade off and what is it that we are being asked to favour when we talk about the amounts of water to be returned to the river under the current plan, as put forward by the Murray-Darling Basin Authority?

For quite some time—in fact, since the guide to the draft plan—many people, not just in South Australia but across the rest of the country, politicians, environmentalists and irrigators alike, have asked for correct modelling on the different volumes of water to be returned to the Murray-Darling Basin. The best available science continues to tell us that a minimum of 4,000 gigalitres is what is needed to return the river to health—or to give it a fighting chance—into the future. Yet the Murray-Darling Basin Authority has refused to model the impacts of returning 4,000 gigalitres. They have absolutely refused to model the return of that amount of water and put on the table squarely for everybody to see what that would mean.

They have also refused to model returning the figure that they had originally suggested, based on the best available science, was needed if we were to have a gold-clad guarantee that we would save the river system, and that would be in the vicinity of 7,600 gigalitres. We are being asked to sign off on a plan without being given all the information that should be available if parliament is going to lock in a plan that is meant to take us out to 2029, which is what this plan does. It nearly takes us to 2030 and yet there is nothing in the current draft plan that takes into consideration the impact of climate change.

The best available science tells us that there is a drying climate—that there is going to be less run-off, particularly in my home state in South Australia and other parts of the southern basin, where the climate is drying. Run-off is going to be lower. None of that modelling, none of that data, is being used in this plan, and there is no avenue for incorporating it into the management of the Murray-Darling Basin once this parliament signs off on the plan, which of course Minister Burke would like us to do before the end of the year.

I think it is a bit rich to expect South Australians in particular to cop locking in a plan that is currently delivering less than the best available science tells us that we need. What is currently on the table is 2,750 gigalitres but that is much less than what the best available science tells us is needed to flush those two million tonnes of salt out to sea, to keep the pollutants flushed out, to keep our river healthy, to ensure that we have quality water that can be drunk, used for feeding our stock and of course keeping the ecosystem healthy and well. The best available science tells us that we need 4,000 gigalitres and yet what is on the table is 2,750 gigalitres. The difference between 2,750 gigalitres and 4,000 gigalitres is the death of the Coorong and the death of South Australia’s Lower Lakes. That is what South Australian parliamentarians, along with everybody else in this place and the other, are being asked to tick off on.
Yet this is a plan that is meant to be in line with the Water Act, which says, 'We know there has been overallocation throughout the basin for generations.' Some people have been far too greedy, taking more water than they can sustain, more water than they deserve—'Let the river run dry'—and are now squealing about the fact that we have to start putting some of that water back to keep the river healthy. Yet South Australians are being asked just to go, 'Okay, we'll take the bare minimum.' Well, no, we will not take the bare minimum. We will not lock in a system that is going to create failure for our system and that is going to condemn the Lower Lakes to a slow death and kill the Coorong, to leave our irrigators in South Australia high and dry when drought hits. This plan has a lack of modelling, a lack of data and a lack of a basis of having the best available science, resulting from ignoring Australia's top scientists when it comes to putting this plan together. This has meant that we are being asked to tick off a plan that is not a plan for drought. This is not a plan for the tough times and it is only going to help us in the good times.

We know that it is not actually that long ago that we were in drought in South Australia, which of course had been extremely exacerbated by overallocations and by a greedy 'take and then take as much as you can and hope no-one notices attitude', particularly by the big irrigators in the upstream states. South Australians remember how high and dry we were left by the rest of the country. Our communities remember, as it was not so long ago, the stories of the members of our elderly communities who were living in communities along the river and could not shower and even boil their kettle because the water that was coming out of the tap was polluted and salty. That was not that long ago, yet we are being asked to sign off on a plan that does not take the tough times into account and will not set us up to be resilient when we need to be resilient the most. When the chips are down, when there is less water in the river and when everybody is worried about the little amount of water that there is available, it is those of us who live at the bottom end of the river who suffer the most. I am not just saying that because it sounds nice to say, as a good sound bite. We know that because it has happened consistently over years and years—and it happened only five years ago in South Australia.

I am extremely disappointed that Minister Burke has not required the authority to do the appropriate modelling so we can have an honest and transparent discussion about what we are trading off if we do not go with what the scientists tell us we need. If we accept 2,750 gigalitres, tell us what that means we are going to lose. It will be the Coorong and the Lower Lakes. Tell us what that means for Adelaide's water quality when the dry time hits. Tell us why the plan will not be enabled to take into consideration the impacts of climate change when this is meant to be a plan for the future. There is no justification for this place or the other place accepting a plan to be handed to this parliament that does not tackle the issue that it is meant to, overallocation. If we do not start putting more water back into the river and if we do not tackle those big greedy irrigators from upstream, we are setting ourselves up for failure, we are selling out South Australia's beautiful Coorong and Lower Lakes and we are going to be condemning South Australian communities to drink salty water for years to come and saying goodbye to our irrigating communities in the Riverland in particular.

At the moment this is a plan for failure. This is a plan that fails South Australia and because it is so inconsistent with the objectives of the act, to save the river system, it is destined to fail in the courts as
well. I do note that the minister has also refused to put the government's legal advice on the table in the way that the Senate has asked. I think there is very little excuse for the minister to be refusing to do that. It is everybody's right in this place to know what this plan will do and what it will not do, who it will fail and who fails because of it.

Senator Xenophon (South Australia) (17:34): There is no bigger issue in South Australia than the issue of water and water security and the health of the Murray-Darling Basin so I note the minister's very cute response to the Senate resolution. It would be laughable if this were not such a serious issue. We still have no real indication of how the authority has reached its 2,750 gigalitre a year figure. Further still, many of our leading scientists, including those of the Goyder Institute for Water Research, the CSIRO and the Wentworth Group of Concerned Scientists have suggested that this figure will not be sufficient to flush two million tonnes of salt—enough to fill the MCG—from the system every year. What did the Wentworth Group of Concerned Scientists say? They said:

Our fundamental objection is that none of the 2011 draft Basin Plan documents provide even the most basic information as to the volumes or timing of water that are required to give a reasonable prospect of achieving these objectives.

Take the CSIRO review, that by the Commonwealth scientists, if you like. They said that a 2,800 gigalitre per year reduction does 'not achieve the majority of the hydrological targets that have been set in the draft plan'. The Goyder institute has again reinforced those views that this is not good enough.

As for what is at stake here, the motion of Senators Joyce and Birmingham that was truncated and passed was simply to ask for the scientific modelling. This is simply about transparency. This is about accountability on an issue that is of fundamental importance to the people and environment of South Australia. I am concerned that unless we get this right South Australia will be left in a terrible position, in terms of its communities that rely on the river, in terms of its agricultural production, in terms of the environmental assets of South Australia, particularly the Coorong and the Lower Lakes, and in terms of the health of the lower reaches of the river. We in South Australia are the vulnerable ones because we are the ones that cop it with salinity, with the toxins in the river system that need to be flushed out through the Lower Lakes, through the Coorong. Professor Mike Young, the eminent water scientist and economist, has said the Lower Lakes are effectively the lungs of the river system. And, as Professor Young has said on many occasions, great river systems die from the mouth up—so this is a great concern.

The minister is someone I have a great regard for, but his response in this case was completely and utterly inadequate. It concerns me that the Murray-Darling Basin Authority takes the glib view that things will be sorted out by the market; that somehow, amongst the more efficient irrigators, the market will sort out the 971 gigalitres that need to be clawed back under the plan from the southern reaches of the basin. The problem with that is this: South Australia has been done over. The Water Efficiency Fund of some $5.8 billion is skewed against the state, because South Australian irrigators have already done the hard yards in water efficiency measures many years ago. They had to after the 1968 drought. They had to begin to do things such as having closed pipes and more efficient water irrigation measures. So the ability to be more efficient, to have access to that fund, is limited. I think only $10 million or $20 million has gone to
South Australia. It is a tiny, tiny fraction of the billions in the Water Efficiency Fund.

The irrigators and communities in those states that get the water efficiency funds—the lion's share will go to New South Wales and Victoria and some to Queensland—will get money to be more efficient and they will get to keep half the water and the other half will go to the environment. That is the deal, and I understand that. But the concern is that, if the Murray-Darling Basin Authority so glibly says, 'We will let the market sort this out,' the market will be skewed by virtue of that very fund—instituted by the Howard government, continued by the Rudd and Gillard governments—because those irrigators will have extra water to play with, extra water to put in extra crops, extra water to trade with, whereas South Australian irrigators will not have that benefit. From a market point of view, from a basic water economics point of view, that is a disaster for South Australian irrigators because it will mean entire regions will be wiped out.

If we are going to get this right, if we are going to do this once and for all in a way that is in the national interest, that is in the interests of communities and in the interests of the environment, we need the information, we need the science and we need the modelling. I find it extraordinarily disappointing that the minister is not prepared, as I understand it, to order more modelling by the Murray-Darling Basin Authority to ensure that the 2,800 gigalitres per year reduction actually achieves the majority of hydrological targets, because the CSIRO review says it does not. Let's see that modelling.

I think it is very important that we get it right. What concerns me is that, with predictions of an El Nino weather pattern, things will be tough. We could have very dry conditions in the next year or two and the impact on South Australia will be devastating. I have spoken to so many irrigators in so many communities who had to sell their assets, who had to sell their water entitlements, who had to mortgage their homes in order to keep their permanent plantings—their citrus trees and other crops—alive. It is completely untenable that we are not given the basic information, the basic research and the fundamental modelling to make sure we get this right. That is why it is important that this totally inadequate response by the minister be noted.

Question agreed to.

Domestic and Family Violence

Senator RHIANNON (New South Wales) (17:42): I seek leave to move a motion in relation to the response by the Attorney-General, Ms Roxon, to a resolution of the Senate on domestic and family violence.

Leave granted.

Senator RHIANNON: I move:

That the Senate take note of the document.

The Senate resolution that the Attorney-General has responded to relates to discrimination in the workplace as a result of domestic and family violence. I note that the Attorney-General's response states that a range of views were received, both for and against, including this ground of discrimination, and that these views are currently being considered. I certainly welcome the fact that this is still before the Attorney-General. I would like to make some comments on this matter, because many people are looking to the Attorney-General for leadership in this area and for a willingness to include domestic violence in the antidiscrimination laws.

The prevalence of family and domestic violence is much greater than most of us
I understand. I will shortly share some figures with the Senate. Every time I read those figures I am quite shocked at how extensive it is. There is a link to disrupted work and negative impact on career paths and income levels for the victims of domestic violence, who, in by far the majority of cases, are women.

The issue is a big one. The Greens argue that it is time for federal discrimination laws to catch up and to ensure that women in the workplace are not discriminated against because of the violence they face in the home. Current discrimination laws do not cover this problem, and that is why it has been raised by many organisations, both in the legal sphere and by community groups that work in the area of domestic violence and on women's issues.

Thousands of women suffer damage in two areas. For victims of domestic violence, there is the horror of that, and then they are so often discriminated against in the workplace because of possibly associated disability, illness and forced absenteeism. Some of the big problems are associated with the time factor—that they need to take time off to be able to access services and handle the criminal justice system. Again, this goes back to why we need that workplace flexibility and recognition.

What antidiscrimination protection for victims of domestic violence would achieve has been described as providing the missing link in Australia's regulatory response to domestic violence. It has been well established in law, in services and in many of the debates on issues to do with priorities addressing women's discrimination that we need a national response on domestic and family violence. We know that that domestic response needs to include antidiscrimination protection. The suggestion for the adoption of antidiscrimination protection for domestic violence victims, as I said, comes from a range of organisations. Some of those organisations set it out quite clearly.

The Australian Law Reform Commission in 2011 was asked to examine whether federal laws could be reformed to better address domestic and family violence. Its final report released in February this year recommended numerous changes, including amendments to the Fair Work Act in respect of workplace regulation. The Law Reform Commission recommended that the Australian Human Rights Commission examine the possibility of protection for victims of family violence under antidiscrimination laws. The Human Rights Commission took up this proposal and made submissions for federal discrimination laws to be amended to include protection on this new ground for victims of family violence. Interestingly, the ALP national conference last year resolved to 'ensure that Fair Work and antidiscrimination frameworks provide appropriate protection to victims of domestic violence in the workplace'. So, many groups recognise that now is the time. As I said previously, this is the missing link in the national context of how we respond to the worrying trend of domestic violence.

The figures are deeply troubling. The most recent estimates show that family violence is the leading preventable cause of death, injury and illness for Australian women under 45 years of age. That comes from a Victorian health study in 2004. It remains pervasive across all Australian communities and costs our community around $423 million annually in lost productivity. That was an assessment by Access Economics. The Council of Australian Governments' national plan to reduce violence against women and children seeks to reduce the violence experienced by women and children to enhance the social and economic participation of victims. So,
both the figures on the extent of domestic violence and the many organisations that have recognised the issue of domestic violence in the workplace and social participation of the victims of domestic violence underline why we are now at the point where we need to have that shift. The Greens will continue to work on this because we think it is time that the government considered introducing domestic and family violence as a separate ground of discrimination and considered making discrimination related to domestic and family violence unlawful in the workplace, extending this to not just the public sector but also private companies to include domestic violence clauses in enterprise agreements.

The evidence is there. It is another area where we need political will and leadership: addressing the missing link of legal protection by expanding the antidiscrimination laws provided to assist the victims of family and domestic violence.

Question agreed to.

COMMITTEES

Intelligence and Security Committee

Report

Senator FAULKNER (New South Wales) (17:49): On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present a report of the committee on the review of the relisting of Hezbollah's External Security Organisation.

Ordered that the report be printed.

Senator FAULKNER: by leave—I move:

That the Senate take note of the report.

I note that the current regulation was signed by the Governor-General on 10 May 2012. It was then tabled in the House of Representatives and the Senate on 21 May this year. The disallowance period of 15 days for the committee's review of the listing began from the date of the tabling. Therefore, the committee was required to report to the parliament by Thursday, 28 June 2012. This report was originally tabled in the House of Representatives on that date.

Hezbollah's External Security Organisation was initially listed in 2003 under legislative arrangements which required that, for an organisation to be listed, it had to be on the United Nations list of terrorist organisations. The ESO came up for review under the current prescription regime in 2005, 2007 and 2009. This review is the fourth relisting of the ESO as a terrorist organisation.

The committee would like to make it clear that this is not a listing of the entire Hezbollah organisation. However, looking at the ESO in particular, the committee was faced with a difficulty. Many of the resources that the committee uses to independently look at terrorist organisations that have been relisted, such as Jane’s Terrorism and Insurgency Centre—something that I know is very close to the heart of Senator Feeney, who, as I speak, is reading the words of that very organisation—and the United States National Counterterrorism Center, do not now differentiate between Hezbollah and Hezbollah ESO. In relation to the difficulty of attributing specific attacks to Hezbollah's ESO, the statement of reasons refers to the secretive nature of the ESO and the fact that:

… it is difficult to gather detailed information about the group's role and activities. However, there is no indication that the ESO’s role has changed in recent times, and considering Hizballah’s stated desire to avenge the death of Imad Mughniyah, and the recent arrest of a probable Hizballah operative in Bangkok, it is likely that the ESO retains its separate terrorist...
function within Hizballah’s overall organisational structure.

The statement of reasons points out that the External Security Organisation is a discrete branch within Lebanese Hezbollah responsible for the planning, coordination and execution of terrorist attacks against Hezbollah's enemies outside of Lebanon.

The ESO was set up by Imad Mughniyah, who has been described variously as the head of Hezbollah's security section, a senior intelligence official and one of the founders of Hezbollah. After Imad Mughniyah fled to Iran following Hezbollah's 1983 attack on the US military in Beirut, the international wing grew out of the military wing to become a separate branch under Mughniyah's control. This is thought to be the genesis of Hezbollah's international wing, or the ESO. GlobalSecurity.org states:

In Israel's view, Hizballah's activities are part of Iran's overall policy with regard to Israel, which is to fan the flames of the Israeli-Palestinian conflict and initiate terrorist activities against Israel, despite the fact that Hizballah is a Lebanese organization consisting entirely of terrorists from Lebanon, with no national connection to the Israeli-Palestinian conflict. In view of Iran's interest in smudging its fingerprints with regard to direct control over internal terrorist activities, Hizballah's status is significant as Iran's front-line operative arm against Israel.

Hezbollah elements provide training, operational support and materiel to Palestinian extremist groups, including to the Palestinian Islamic Jihad and Hamas's Izz ad-Din al-Qassam Brigades, both of which are prescribed entities, and also to Shia militia elements in Iraq. Although these activities are undertaken by units within Hezbollah specifically created for these tasks, elements of the ESO are likely to be involved. It is clear that many of the research organisations, such as Jane’s Terrorism and Insurgency Centre and the United States National Counterterrorism Center, that the committee refers to in reviewing a relisting such as this no longer make a distinction between Hezbollah and Hezbollah ESO.

On this basis, and with the benefit of having examined this organisation on numerous occasions, the committee was able to conclude that certain activities attributed to Hezbollah could equally be attributed to Hezbollah's ESO. The committee found that the Hezbollah ESO continues to engage in activities that satisfy division 102.1 of the Criminal Code, and the committee recommends that the regulation not be disallowed. I commend the report to the Senate.

Question agreed to.

DOCUMENTS
Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

Details of the documents also appear at the end of today’s Hansard.

COMMITTEES
Membership

The ACTING DEPUTY PRESIDENT (Senator McKenzie): Order! The President has received a letter from a party leader requesting changes in the membership of various committees.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (17:58): by leave—I move:

That senators be discharged from and appointed to committees as follows:

Foreign Affairs, Defence and Trade References Committee—

Appointed—Substitute member:

Senator Rhiannon to replace Senator Ludlam for the committee’s inquiry into aid to Afghanistan.

CHAMBER
Procedure—Standing Committee—
Discharged—Senator Ludlam
Appointed—Senator Siewert
Question agreed to.

BILLS
Personally Controlled Electronic Health Records Bill 2012
Personally Controlled Electronic Health Records (Consequential Amendments) Bill 2012
Appropriation Bill (No. 5) 2011-2012
Appropriation Bill (No. 6) 2011-2012
Corporations Amendment (Future of Financial Advice) Bill 2012
Corporations Amendment (Further Future of Financial Advice Measures) Bill 2012
Skills Australia Amendment (Australian Workforce and Productivity Agency) Bill 2012
National Water Commission Amendment Bill 2012
Corporations Legislation Amendment (Audit Enhancement) Bill 2012
Corporations Amendment (Proxy Voting) Bill 2012
Telecommunications Interception and Other Legislation Amendment (State Bodies) Bill 2012
Tax Laws Amendment (2012 Measures No. 1) Bill 2012
Tax and Superannuation Laws Amendment (2012 Measures No. 1) Bill 2012
Health Insurance Amendment (Professional Services Review) Bill 2012
Financial Framework Legislation Amendment Bill (No. 3) 2012
Appropriation Bill (No. 1) 2012-2013
Appropriation Bill (No. 2) 2012-2013
Appropriation (Parliamentary Departments) Bill (No. 1) 2012-2013
Clean Energy (Excise Tariff Legislation Amendment) Bill 2012
Financial Framework Legislation Amendment Bill (No. 2) 2012
Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012
Clean Energy Legislation Amendment Bill 2012
Clean Energy (Customs Tariff Amendment) Bill 2012
Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2012
National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2012
Broadcasting Services Amendment (Digital Television) Bill 2012
Australian Human Rights Commission Amendment (National Children’s Commissioner) Bill 2012
Antarctic Treaty (Environment Protection) Amendment Bill 2012
Superannuation Legislation Amendment (Stronger Super) Bill 2012
Superannuation Supervisory Levy Imposition Amendment Bill 2012
Fair Work (Registered Organisations) Amendment Bill 2012
Paid Parental Leave and Other Legislation Amendment (Dad and Partner Pay and Other Measures) Bill 2012
Electoral and Referendum Amendment (Maintaining Address) Bill 2012
Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012
National Broadcasting Legislation Amendment Bill 2012

Messages from the Governor-General reported informing the Senate of assent to the bills.

Stronger Futures in the Northern Territory Bill 2012
Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011
Social Security Legislation Amendment Bill 2011

Returned from the House of Representatives
Message received from the House of Representatives were reported agreeing to the amendments made by the Senate to the bills.

Consumer Credit Legislation Amendment (Enhancements) Bill 2012
First Reading
Bill received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (18:00): 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 FEENEY (Victoria—Parliamentary Secretary for Defence) (18:00): I present a revised explanatory memorandum for the bill and 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—

Today I introduce the Consumer Credit Legislation Amendment (Enhancements) Bill 2012. This Bill continues the Government’s commitment to ensuring that all Australians get a fair deal when they use credit.

This Government has already introduced the most important national reforms in the history of Australian credit regulation. We have introduced a national licensing scheme for lenders and brokers, responsible lending obligations that seek to prevent consumers entering into contracts where they cannot afford the repayments, and, new requirements in relation to the two most popular forms of credit, home loans and credit cards.

This Bill maintains our commitment to ensuring that the balance of fairness is not lost, particularly for the most vulnerable of consumers.

Since its introduction last year, the Enhancements Bill has been subject to reviews by the Parliamentary Joint Committee on Corporations and Financial Services, and by the Senate Economics Committee. The Government has also conducted lengthy and detailed consultations with stakeholders. Arising from these consultations, the Government introduced amendments to the Bill which improve its effectiveness.

The package of reforms introduced in this Bill address four main topics, relating to short-term lending, reverse mortgages, enhancements to the national credit legislation and closing the current regulatory gap in respect of consumer leases.

I will address each of these in turn.

Pay day lending

It is estimated that at least $500 million is lent annually in short term, small amount loans. At one end it can include small loans in which a person borrows $300 which must be repaid plus interest a week or two later, on the borrower’s next payday. It also covers larger loans up to $2000.

The vast majority of these loans are provided to low-paid workers or people on Centrelink benefits. It is estimated that nearly half of payday borrowers have incomes of less than $24,000 a year, and up to two-thirds earn less than $36,000. It is not acceptable to this Government that such consumers are left to fend for themselves.

Australians who use payday loans are usually unable to access other cheaper forms of credit. As a result they face two risks.

The first is the risk of excessively high costs, as consumers who can’t shop around can end up paying whatever the lender decides to charge. For example, there have been cases of lenders charging $1477 in interest and fees on a loan of $1000 for 26 weeks, or $2074 on a loan of $1000 for 52 weeks.

The second is the risk of a debt spiral, where an existing loan is extended or rolled over into a new loan. The consumer is then faced with using even more of their income to meet repayments, reducing their ability to meet other expenses from their own income.

Borrowing for the basics might seem like it helps in the short-term, but for many people it simply makes things worse.

Borrowing high-cost money leaves the underlying financial difficulties unresolved. When the direct debit payment comes out automatically at the next pay-day, it can leave the borrower with no cash for the next week’s basics, so they go get another loan, trapping them into a cycle of debt.

Most borrowers take out multiple loans and there is evidence that some lenders’ existing business models actually rely on this occurring. They need people to come back again and again, borrowing more and more, and paying bigger and bigger fees.
Take the example of a person on a fortnightly Centrelink benefit. They are caught short one week and take out a $300 loan, filling in a direct-debit form with the paperwork for the day their next payment hits their account. Typical fees on that loan will be at least $105, if not higher. So on their next payday $405 comes out of their account, leaving them short the next week as well. So they take out another loan – and the spiral of debt begins.

The responsible role of Government is to facilitate a competitive market, and to intervene when the market fails. Here there is a market failure: the price of borrowing money is too high. Borrowers who are desperate for cash will pay whatever it costs to get a loan quickly, whatever the consequences might be the next week.

What’s more, Australian payday lenders’ fees have grown substantially in the last decade and are now among some of the highest in the world.

In America, some states have adopted caps of between 16% and 35%. In Canada, rates are capped as low as 17% in some provinces. Interest rate caps apply in 14 European Union nations: France, Germany, Italy, Netherlands, Poland, Portugal, Slovakia, Spain, Slovenia, Greece, Ireland, Malta, Belgium, and Estonia.

So we are now implementing Australia's first national cap on costs for ‘small amount’ contracts - that is, contracts for $2,000 or less that run for less than one year. After extensive consultations with the small amount credit industry and consumer advocates since the introduction of the Bill, the level of the cap has been doubled so that lenders will be limited to charging an upfront fee of 20 per cent of the amount of credit the borrower receives, and then four per cent each month for the life of the loan.

The Government is satisfied that the new level of the cap on costs for these contracts will result in an ongoing viable small amount lending industry, but one in which exploitative or inefficient lenders will need to change their business models.

This cap delivers real outcomes for consumers. It ensures that borrowers who are in need of a small amount loan will not face relatively high costs, and will reduce the risk of an ongoing cycle of dependency through the continued use of this form of credit.

But providing for a cap on costs is only part of the protections under this package. The Bill addresses the risk of a debt spiral by introducing specific responsible lending obligations. These obligations replace prohibitions which were initially included in the Bill such as on a lender refinancing a small amount credit contract. They provide a more targeted and effective response by seeking to improve lending standards; whereas a prohibition may only encourage avoidance.

The responsible lending obligations will include a presumption that a small amount credit contract will be unsuitable where it would be the borrower’s third such loan in the last 3 months. This is an important change as repeated use of this type of credit within such a short period of time would be a likely indicator that the borrower is in financial hardship, and that a further loan would therefore not be suitable.

The implementation of this obligation as a presumption allows lenders to provide further credit where they can demonstrate facts that displace the presumption. This gives lenders additional flexibility relative to a prohibition.

Also, we think more could be done to encourage consumers to utilise other cheaper options. There are currently cheaper alternatives to small amount loans, such as Centrelink advances, utility hardship programs, and no-interest and low-interest microfinance schemes. Under these reforms small amount lenders will be required to disclose the availability of these options to their customers.

It is also proposed that small amount lenders who operate websites will be required to provide a link to the ASIC financial literacy website at moneysmart.com.au.

Given the likely impact of these reforms the Government has amended the Bill to introduce a requirement for a review of the operation of the cap after it has been in force for 2 years. This will enable the effect of the reforms to be considered, including matters such as the level of the cap and whether there is a need to address avoidance techniques that may be developed in response to the caps.
These measures will tackle the problem of long term debt dependence, and ensure that borrowers are aware of alternatives that may better meet their needs.

There is no doubt that over the course of the Government’s consultations regarding these reforms, strong views have been expressed on both sides, from lenders and consumer groups. The effects of payday lending on the welfare of Australian households have been strongly debated. But this Government thinks it’s time that the interests of consumers come first.

**Reverse mortgages**

The Bill also introduces new protections for seniors seeking to take out a reverse mortgage.

Many senior Australians have worked hard to own their own home before retirement. If they now need to access the equity in their home through a reverse mortgage then they deserve to be adequately protected.

This class of borrowers are particularly vulnerable for a number of reasons. First, they are unlikely to be able to recover financially if they enter into the wrong loan and exhaust their equity. Secondly, reverse mortgages are very different from other credit products and most borrowers will not be familiar with how they work.

The most significant risk to seniors is that they may end up with a debt greater than the value of their home, known as ‘negative equity’. That is why the Government is implementing Australia’s first statutory protection against negative equity. This will ensure that older Australians are not caught short at a time in their life when financial stability is so important.

The other major risk is that consumers will make poor choices because they are unaware of, or do not appreciate, all the consequences of entering into a reverse mortgage. For example, they may borrow too much while still relatively young and unknowingly restrict their future choices if they later need to move into aged care accommodation.

Reverse mortgage lenders and brokers will therefore be required to meet specific disclosure requirements. They will need to show consumers different examples of how the equity in the home will reduce according to how much they borrow, and according to different movements in house prices and interest rates.

I am pleased to say this approach is supported by industry and will result in consumers making better choices in balancing their current and future needs.

**Enhancements to the national credit regime**

The Bill also introduces several important enhancements to the national consumer credit law.

Firstly, there are changes to reduce the risk that borrowers in genuine hardship will face enforcement action by lenders, including losing their homes. The Government considers it important that borrowers should have the best possible chance to come to an arrangement with the lender that avoids court action.

The procedures in relation to hardship variations will therefore be more flexible. And the restriction that means borrowers cannot apply for a variation because they borrowed more than $500,000 will be removed.

Since the introduction of the Bill, the Government has also taken into account the concerns of industry by introducing a requirement on consumers to provide information to their credit provider or licensee in regard to a hardship variation request.

Secondly, providers of credit services such as brokers will be made more accountable by introducing a remedy for conduct that is unfair or dishonest. Unfortunately there will always be some brokers who exploit the consumer’s trust in them for their own benefit – this remedy will require them to adopt high levels of conduct, consistent with the standard of fairness, or face action by consumers.

Thirdly, the Bill will restrict the use of the following words or phrases: “independent”, “financial counsellor” and “reverse mortgage”. These types of terms have an emotional or high impact resonance and have been used in ways which mislead or manipulate consumers. These words and phrases will now only be used where they strictly describe or relate to particular types of conduct or arrangements.
Consumer leases

This Bill also provides for regulatory balance between credit contracts and consumer leases. Currently, the National Credit Code imposes significantly different obligations according to whether or not the consumer has a right or obligation to purchase the hired goods at the end of a consumer lease.

The experience of over a decade with the old State and Territory Uniform Consumer Credit Code was that the technical nature of this distinction has resulted in regulatory arbitrage. Some providers elected to offer consumer leases because of the lower regulatory requirements, and not necessarily because the consumer does not want to own the goods at the end of the contract. This particularly affects low income consumers who may not have other finance options; they can end up paying for the use of goods such as fridges or computers without ever being able to own them.

Under the Bill, consumer leases will be largely regulated consistently with credit contracts, to reduce the incentives for providers to use leases in a way that can disadvantage consumers.

Conclusion

The Gillard Government is ensuring that fairness remains a feature of Australia’s credit markets. In particular, we are ensuring that the regulation of credit does not happen in a way that ignores the vulnerable – such as some seniors or those on low incomes or people who find themselves in financial hardship.

The Bill I am introducing today demonstrates our commitment to always stand firmly on the side of consumers.

I commend this Bill to the Senate.

Debate adjourned.

COMMITTEES

National Broadband Network Committee

Membership

Message received from the House of Representatives informing the Senate of the appointment of Ms Rowland in place of Ms Rishworth to the Joint Standing Committee on the National Broadband Network.

COMMITTEES

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (18:02): Pursuant to order and at the request of the chairs of the respective committees, I present reports on legislation from committees as listed at item 19 on today's Order of Business together with the Hansard records of proceedings and documents presented to the committees.

Ordered that the reports be printed.

BILLS

Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012

In Committee

Bill—by leave—taken as a whole.

Senator CORMANN (Western Australia) (18:30): I move coalition amendment (1) in relation to trustee obligations:

Schedule 1, item 9, page 6 (lines 1 to 20), omit paragraphs 29VN(b) and (c).

The coalition's amendment would remove section 29VN(b) and (c) of the bill, which impose the scale test. With MySuper not due to commence until 1 July 2013, the government has ample time to engage in meaningful consultation with industry if it wants to introduce a more practical test that would not have potential negative consequences for members of affected superannuation funds.

The coalition, as I mentioned in my speech in the second reading debate, has serious concerns about the new scale test provided for in this bill which requires trustees of superannuation funds to 'determine on an annual basis that there is sufficient scale in terms of assets and
beneficiaries such as to not disadvantage the financial interests of beneficiaries relative to the financial interests of beneficiaries in MySuper products in other registrable superannuation entities. Industry experts, such as those of the Financial Services Council, have provided evidence that such external comparison would be impossible to conduct in practice as a trustee will not have sufficient knowledge of other registrable superannuation entities in order to realistically make judgments on this and meet this test.

The scale test is based on a presumption that larger funds invariably provide lower fees and higher returns to members. There is no evidence to indicate that this presumption is correct in all cases. In fact, a number of smaller funds very assertively argue the case—and have the evidence to make this case—that they consistently deliver higher net returns than some of the larger funds. The scale test, if implemented in its proposed form, could be another potential source of advantage to the larger industry superannuation funds because they have existing scale. The scale test would create a significant new barrier to entry for new funds by making it difficult for them to achieve the required scale from the outset, which would lead to a reduction in competition in superannuation—which is of course not in the public interest. A cynical mind would come to the conclusion that this may well be the express intention of the government—that is, to provide yet another competitive advantage to their friends in the union dominated industry super funds movement. It may also lead to further consolidation and mergers of super funds that are driven not by any assessment of the overall best interests of the members but by concerns about meeting this technical and very arbitrary test. Industry groups have submitted that a better alternative would be an internal test based on a finite list of factors rather than the open-ended and poorly defined external test that the government has proposed.

It should be noted—and I drew attention to this in my remarks in the second reading debate—that the Cooper review into Australia’s superannuation system, which was commissioned by this government, did recommend that MySuper products should have a scale test; but the scale test recommended by the Cooper review was quite different from the scale test in this legislation, which quite inappropriately seeks to provide yet another advantage to larger industry super funds. I draw the attention of the Senate to the recommendation in the Cooper review which says that trustees should 'actively examine and conclude whether, on an annual basis, its MySuper product has sufficient scale on its own, with respect to both assets and number of members, to continue providing optimal benefits to members.' That is recommendation 1.6 on page 25 of the final report of the Cooper review. This recommendation, with the use of the term 'sufficient scale on its own', clearly implies an internal test rather than the open-ended and poorly defined external test that the government is proposing in this legislation.

The government, and all senators across the chamber, should support this amendment so that this particular provision is deleted from the bill. If the Senate were to support this amendment the coalition would be in a position to support the legislation as a whole. This bill, in the way that it is drafted at present, is yet another example of a minister for superannuation who is deeply conflicted in this policy area. He is invariably focused on pursuing the vested interests of one segment of the financial services market at the expense of others instead of pursuing regulatory reforms that are competitively neutral and in the public interest. With those
few words, I commend the amendment to the Senate.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (18:09): I hate to disappoint Senator Cormann, but the government is not prepared to—

Senator Cormann: No kidding!

Senator FARRELL: No kidding, Senator Cormann. The government does not believe that this is an appropriate amendment. We reject the suggestion that the scale test that this legislation applies is different from the one recommended by the Cooper review.

Senator Cormann: I've just quoted—

Senator FARRELL: I know what you said, Senator, but my understanding is that in substance the test is the same.

Senator Cormann: That is just not true.

Senator FARRELL: We will have to agree to disagree, Senator Cormann, because my understanding—and the information I have been given in respect of this—is that in substance the test—

Senator Cormann: Based on your thorough reading of the review!

Senator FARRELL: Based on the information I have been provided by the very competent people who have been dealing with this issue in the lower House and who are now advising me in the Senate. The suggestion in your amendment is that this is an underhand way of trying to push smaller funds out of the market or to stop new funds from coming into the market.

Senator Cormann: That's exactly what I'm suggesting.

Senator FARRELL: We reject that. This bill, and this particular part of the legislation, is not about 'bigger is always better'. There is no dollar value that creates an impediment to new superannuation funds. The bill does not impose a minimum size on a fund and nor does it force smaller funds into mergers. In fact, in recent times it has almost gone the other way, and some of the big funds have not merged. There is almost a push to maintain the current number of funds. This legislation requires that MySuper trustees on an annual basis specifically focus on whether there is any lack of scale that is disadvantaging their members. They do not have to be a particular size, they do not have to have a particular amount of money, but they just have to pose the question. Having been a trustee of a super fund for 15 years, I do not think that this is an unreasonable requirement. I certainly would not see this as an impediment to the continuation of the fund that I was a trustee of, and I would not see it as an impediment to any new fund entering the field.

It is not intended that trustees will be required to make detailed comparisons of their performance against every other fund in the market, and it is expected that many well-performing funds will also be able to readily determine that their members are not being disadvantaged due to insufficient scale. Contrary to the implication in Senator Cormann's amendment, this legislation clearly allows for small, well-performing funds for which scale is not a barrier to performance to continue serving their members as they have always done. I personally have been a supporter of those small funds—if you like, 'boutique funds'—which provide good superannuation entitlements to their members. I think that is a good way to work. I do not think this legislation does what Senator Cormann says it does, and the government does not support the amendment.

The CHAIRMAN: The question is that the amendment moved by Senator Cormann on sheet 7199 be agreed to.
The committee divided [18:18]
(The Chairman—Senator Parry)

Ayes....................30
Noes......................37
Majority................7

AYES
Abetz, E
Bernardi, C
Boyce, SK
Cash, MC
Cormann, M
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Parry, S
Ronaldson, M
Scullion, NG
Smith, D
Back, CJ
Birmingham, SJ
Bushby, DC (teller)
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H
McKenzie, B
Payne, MA
Ryan, SM
Sinodinos, A
Williams, JR

The CHAIRMAN: The question now is that the bill stand as printed.
Question agreed to.
Bill reported without amendments; report adopted.
Bill read a second time.

Third Reading

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (18:22): I move:
That this bill be now read a third time.

The PRESIDENT: The question is that the bill be now read a third time.
The Senate divided. [18:26]
(The President—Senator John Hogg)

Ayes......................36
Noes......................31
Majority................5

AYES
Bilyk, CL
Brown, CL
Collins, JMA
Crossin, P
Evans, C
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Xenophon, N
Bishop, TM
Cameron, DN
Conroy, SM
Di Natale, R
Farrell, D
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
McEwen, A (teller)
Migne, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorp, LE
Waters, LJ
Wright, PL
Bishop, TM
Cameron, DN
Crossin, P
Evans, C
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Xenophon, N

Noes

Boswell, RLD
Brandis, GH
Fisher, M
Nash, F
Carr, RJ
Faulkner, J
Wong, P
Carr, KJ

Question negatived.
Tuesday, 14 August 2012

CHAMBER

Question agreed to.

Bill read a third time.

Aviation Transport Security Amendment (Screening) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (18:29): I rise to speak on the Aviation Transport Security Amendment (Screening) Bill 2012. This is yet another example of a positive agenda where the coalition and the government can come to an agreement on something that is definitely to the benefit of the Australian nation, especially in areas relying on security. This bill will introduce body scanning technology to provide additional security at our international airports. I have just got back from the United States and this was standard fare at every airport as you went through. There is nothing too startling about it: you go into a box, you put your arms up, they scan your body and off you go.

Three legislative changes have come in response to the much publicised breach of aviation security in Detroit on Christmas Day 2009 which drastically focused attention on how the world must consider aviation security, including here in Australia. On that day a passenger of Northwest Airlines flight 253 attempted to detonate an improvised device as the flight descended to Detroit airport. The man had successfully concealed the device in his underwear through the screening in both Amsterdam and Yemen: the metal detectors he had walked through had not picked up the non-metallic explosives he was carrying. Since that event three years ago, body scanning technology has been introduced in the United States of America, Canada, the United Kingdom and the Netherlands. A component of the cost was dedicated to trials last year. The new technology was tested over a period of three weeks at Sydney and Melbourne airports, with 23,577 scans undertaken.

Under this bill, if a person is randomly chosen for a body scan there is no chance to opt out for an alternative screening procedure. If the person refuses a scan they will be unable to pass through the screening point, they will not be able to board their flight or enter an area of security control at an airport. As a result, this bill will repeal section 95A, the opt-out rule, which currently allows for the choice of a frisk search over another screening procedure. Mr Deputy President, while in the United States I went both through the scanning booth and was frisked, and I tell you right now I would prefer the scanning booth—the frisking is quite an experience. Interestingly, the United Kingdom also has a no-opt-out policy and, of the 1.5 million scans conducted, there have only been 12 occasions of passengers refusing to undergo a scan.

The greatest concern about this bill is the potential for body scanning technology to invade personal privacy. I can understand that completely, but the bill includes protection on this issue. First, any image
produced by a body scanner must be gender neutral. Also, the person cannot be identified and no physical elements of that person can be revealed. The scans are made based on energy reflected by a passenger's body or any object inside clothing. The unit's software technology compares images with standard profiles and then superimposes the anomalies on a generic human image that is displayed for analysis by screening staff. In addition, the technology that the government specifies does not have the capacity to store or transmit information or data. The scanner has a short electromagnetic scanning field of less than two seconds.

The wave scans are within the limits set by the Australian Radiation Protection and Nuclear Safety Agency. The assessment by the US Transport Security Administration confirms that the technology emits 10,000 times less radiofrequency energy than the average mobile phone call. The exposure is also much lower than passengers experience routinely during a flight. Outside a scanner, the exposure for aviation security screeners is very small. Importantly, the scanner can detect both metallic and non-metallic items such as those which caused the 2009 Detroit security breach and made us all think much more deeply about the wider threats to airline security. Unlike walk-through metal detectors, the low power level of the body scanner technology means it will not detect internal medical devices such as pacemakers. I am advised there are no known safety concerns in relation to people with these devices undergoing these types of scans.

In other words, the scanner can detect items that are either difficult or impossible to detect by alternative means. The only alternative method to achieve the same outcome would be an extensive frisk search, which is one that officially would not meet Australian community standards. On this note of detection, it is worth reflecting on the results of the trials undertaken last year. The trials showed few had difficulty with the process but there was, however, a higher alarm rate than that for the walk-through metal detectors caused by money, hair clips, watches and the like.

The coalition will support these measures as it generally has done on aviation security measures in the past, such as those that emerged from the Wheeler review of aviation security which was completed by the former coalition government in 2005. The coalition in government had a strong record of securing Australia's borders by strengthening aviation security. Following the terrorist attacks on September 11, 2001, the coalition redesigned Australia's aviation security regulations to match the greater risk posed by the barbaric terrorism that had been unleashed by mediaeval religious fundamentalists. We substantially upgraded the quarantine service, more than doubling it in one budget alone. We also increased inspections at airports and made sure that almost 100 per cent of passengers coming into Australia went through a proper customs and quarantine check.

That record stands in stark contrast to the record of this government. Last year the government let tuberculosis clinics close in the Torres Strait due to a lack of funds. This is despite the government's chief adviser on infectious lung disease, Julian Waring, warning that closing these centres had Australia being exposed to a more virulent form of tuberculosis, including the drug resistant XDR-TB strain.

Senator McLucas: You don't know what you're talking about.

Senator Joyce: It is a shame that Senator McLucas does not understand what we are talking about, because we currently have a case of drug resistant tuberculosis present in the Cairns Base Hospital, but of
course she would not know about that, would she, because she does not pay much attention to what happens in the part of the state which she sometimes visits.

The Torres Strait Island Regional Council Mayor, Fred Gela, has said of this government:

I thought the Australian government would be a bit smarter than that. You can't close down and hope for the best. We know that the services are non-existent in the Western Province side.

Last year the Australian reported on this almost negligent lack of foresight. According to their reports, a young, desperately ill girl from PNG, Papua New Guinea, was brought to one of the previously operating clinics on the Torres Strait Islands. The four-year-old girl weighed only nine kilograms and was unconscious, suffering from cerebral TB. She had been receiving ineffectual treatment for several months in PNG's Western Province. As a last resort, her mother brought her to the Australian clinic, but it was too late. After she was transported to Cairns, a scan confirmed that she was brain dead. Graham Simpson, a Cairns based respiratory specialist, had to tell the girl's mother to take her daughter home to die. He said that had she been presented to the clinics that we used to have operating in the Torres Strait Islands before the Labor Party closed them down, she would have had a fighting chance. According to a colleague of Dr Simpson's, it only takes one case of XDR-TB to get into the Torres Straits to be a public health disaster. By the time that patient was picked up she may have infected 15 to 20 other people. It should be noted that the capacity and the prevalence of this disease has spread especially around people who are lying out, long-grass people, those in the Indigenous community of the north. The total cost of running the Torres Strait clinics is—or was—$22 million a year. Previously the Queensland government had contributed $18 million and the federal government $4 million. The clinics have closed because the Gillard government refuses to increase its contribution.

The introduction of body scanning technology is estimated to cost $29 million. This would seem to be a reasonable investment of money for the extra security that it will deliver, and the coalition will not oppose these measures. The coalition will support measures which will provide benefits greater than their costs. It will support bills that come into this place after detailed consideration and review. What the coalition does not support is excessive uncosted and wasteful examples of government spending. This government has given us many examples of public extravagance—the school halls, the NBN.

On the NBN, it is worth reflecting on the update of the figures that were announced last weekend in the updated NBN Co. 2012-2015 corporate plan. As expected, the corporate plan reveals the NBN, which is the next budget nightmare, is taking longer and costing us more to roll out than the government claimed when it initiated the project. It is also attracting fewer customers and earning less revenue. Labor still claim that the NBN will be finished by 2021, but every deadline so far has been missed. In 2007 they were claiming that the NBN would require a total of $4.7 billion—

Senator McEwen: Mr Deputy President, I rise on a point of order on relevance. My point of order is that the discussion that Senator Joyce has now entered into has absolutely nothing to do with the bill before the chamber, which is the Aviation Transport Security Amendment (Screening) Bill 2012.

The DEPUTY PRESIDENT: Senator Joyce, I will remind you of the bill that is before the chair at the moment.
Senator JOYCE: Thank you very much, Mr Deputy President. I was pointing out the costs that we have for this measure. It is pertinent to understand comparative costs and where the government has its priorities. The overall cost of the NBN, when we take up operating costs and lease costs and capital costs, will be over $60 billion. They seem to be able to find money for a telephone company but they cannot find money to stop tuberculosis coming into the northern part of Australia or to prevent the deaths tuberculosis causes. They cannot find money for that but they can find money for another telephone company, which at this point in time looks like going bad before it has even grown.

What we have seen is that prudent expenditure on such things as these protection mechanisms is extremely important because it maintains the safety of the travelling public. We have had an example of this technology placed outside the members' dining room. I rarely go there; in fact I do not think that I have ever been into the members' dining room without a guest in the time that I have been in this parliament, except maybe twice. One of these body scanning operations was placed outside there for everybody to go and have a look at and to be part of. It gave an example of how this was to be tested.

I also note that since the time of the introduction of this form of technology, we have not, fortunately, had any separate occurrences of people causing any problems after they have been through it. Nothing is ever going to get us completely in front of the terrorists and their desire to take us back to a form of life that would be appropriate for the Middle Ages, but anything that can keep us travelling safely is to be supported.

In closing, while the whole thing stitches together and expenditure such as this keeps people safe and is all about saving people's lives as they travel on international flights, we should also look at it as an example in a comparative analysis of the way this government has completely lost its priorities. Apparently protecting people's lives in the northern part of our nation by maintaining vital TB clinics in the face of growing risk is a less important priority. We know that in the southern parts of Papua New Guinea there is a high prevalence of TB, yet a government that can apparently find $60 billion in funding all up for a telephone company cannot find the money to maintain a tuberculosis clinic in the Torres Straits. This manifestly expresses the loss of priorities in a government that is confused and out of its depth, a government that does not know what it is doing, a government whose representatives are not really at the wheel. They have basically lost sight of the issues that are important or lack the muscle or the push to try to drive agendas to make sure that we protect people of the Torres Straits from tuberculosis. Unfortunately we lack people with a capacity inside the political sphere to be able to drive these agendas, and people suffer as a result. So I commend this bill to the Senate and note the coalition's support. I also note that there will be amendments coming up and I will approach them as they come.

Senator RHIANNON (New South Wales) (18:44): This bill paves the way for compulsory full-body scanners to be introduced in major Australian airports. It could also pave the way for longer queues at our airports because the responsible minister, Mr Albanese, has failed to address many of the problems with the technology and he has failed to work with groups which could have helped sort out the serious problems that many other countries have recognised with this technology. The Greens are ready to support antiterrorism measures such as full-
body screening where the government demonstrate that the risk warrants such technology, where they demonstrate that the technology actually works and achieves the stated aims and where the proper health and privacy safeguards are in place.

The bill as it is before us does not meet any of those requirements. I will be moving amendments when we go into the committee stages, and those amendments are largely based on recommendations that came from the Senate inquiry into this legislation. It was my colleague Senator Scott Ludlam who referred this bill to an inquiry when he was the Greens transport spokesperson, particularly because of the health and privacy concerns that have been widely identified. He reiterated concerns raised at the time when the bill was first proposed. That was clearly needed because these full-body scanners are enormously invasive. He also questioned how effective the technology actually would be and whether this technology would have a measurable impact on security at our airports.

I do thank Senator Ludlam for his work in this area, because if he had not taken it to that inquiry very valuable information that was presented in submissions from a number of organisations would not have come before the Senate. However, the inquiry was rushed. Again, the government seemed to see this as something that just had to happen, rather than approach it in a serious and comprehensive way—to actually take advice, and take that advice on board. In the end there were about 16 submissions, and many of those submissions did address issues to do with privacy and health concerns. Civil Liberties Australia, as well as civil liberty organisations in New South Wales and Queensland, put in submissions. The Office of the Australian Information Commissioner also provided some useful information, and I particularly found the Australian Airline Pilots’ Association submission very informative. But all up there were only 16 submissions, and I think that was because it all had to be done so quickly, with only two weeks to get a response in.

First off, I would just like to share with the senators some of the issues to do with full-body scanners. The Italian government actually did bring them in for a period of time, but after a six-month trial they dropped the use of full-body scanners for security checks in airports because they identified that they were too slow and ineffective. That is why I go back to the point that I made in my opening remarks, that we already know about the delays at airports, and if the technology is used in its current form that is when we could well be thinking of the legislation that the minister, Mr Albanese, has chosen to rush through, and that he did not choose to tighten it up. The delays that we already experience could blow out even further when we consider what the overseas experience has shown.

The president of Italy’s aviation authority actually conceded that the trial did not deliver good results, as the scanners took a long time to examine a person—in fact, more than a manual inspection. Also, the experience in Germany was interesting. There, the trial was conducted at the Hamburg airport. In this case it was police who criticised the machines, saying that they triggered an alarm unnecessarily in seven out of 10 cases. The machines reportedly were confused by layers of clothing and zippers, and this experience has also been found in Australia. But just sticking with the experience in Germany, they found that in 10 per cent of cases it was actually the posture of a passenger which set off the equipment incorrectly.
Those scanners which I just referred to were produced by the same manufacturer as will be used in the Australian trial.

Debate interrupted.

**DOCUMENTS**

**Consideration**

General business orders of the day relating to government documents were called on but no motions were moved.

**ADJOURNMENT**

The DEPUTY PRESIDENT (18:50): Order! I propose the question:

That the Senate do now adjourn.

**Haemochromatosis**

Senator BILYK (Tasmania) (18:50): I rise to speak to the Senate tonight about iron. Much is said about the mining of iron ore in Australia. Iron and steel play an enormous part in our lives every day. And we know that there is iron in every single cell in our bodies. We know that there is iron in our food, and we know that fresh meat is a good, healthy source of iron. But some people in Australia are pumping too much iron.

David Blackmore is a fifth generation farmer. He has been a pioneer of the production of 100 per cent full blood wagyu beef in Australia for more than 20 years. He produces premium beef that is sought after in Japan and North America as well as by Australia's most celebrated restaurants. Some years ago David was flying the world, making many overseas trips to sell his product. He knew about jetlag. But he did not understand why he began to feel tired all the time. He was suffering chronic fatigue and his body ached in nearly all his joints. He came to discover that he had haemochromatosis.

I have spoken about haemochromatosis once before in this place but, just to reiterate, I want to explain to people what haemochromatosis is. Haemochromatosis is also known as inherited iron overload disorder and is the most common hereditary condition in Australia. One in every 200 Australians of European origin has the genetic predisposition for haemochromatosis. Most people know that if you have too little iron in your body, the condition known as anaemia, then you can feel weak and lethargic. But it is much less well known that too much iron often causes the same initial symptoms. People with haemochromatosis absorb too much iron from their food. The overload builds up gradually and silently over the first four or five decades of life. Iron is deposited in the liver, the heart muscle, the pancreas and various other organs. In the early years of adulthood the extra iron may give extra strength and more fight and endurance. That may be why this Viking mutation survived and prospered. It gave added strength for pillage and whatever else they may have got up to. But as the overload increases it becomes toxic.

For those with haemochromatosis, the first symptoms are often fatigue and joint pain. For David Blackmore, these were the symptoms that alerted him that there was something wrong. Fortunately his diagnosis came before too much permanent damage was done to his body. At higher levels the symptoms include arthritis, diabetes, liver cirrhosis and cardiac arrhythmia, and there is a much-increased risk of liver cancer. The incidence of breast and bowel cancer is doubled and the need for joint replacement is greatly increased. Having spent a lifetime studying bloodlines, David quickly understood the hereditary nature of the condition and made sure that all his family were tested.

The good news is that haemochromatosis is not only easy to diagnose but also very easy to treat. The uncontested and
universally accepted treatment is venesecction, or giving blood, just like donating blood to the blood bank. When blood is removed the body replaces it and, in doing so, draws iron out of its stores. By giving blood regularly, iron overload is reduced. David gave blood once a week for 18 months to get his iron levels back to normal. There is even more good news: the blood given by people with haemochromatosis is usually acceptable to the Australian Red Cross Blood Service.

The bad news is that this condition is seriously under-diagnosed. It is not well known in the general community and is often overlooked in medical services. If this widespread condition were treated by a sophisticated and expensive pharmaceutical product, its existence would have been promoted widely. With a potential market of over 100,000 Australians at genetic risk, the profit motive would ensure that as many people as possible were diagnosed and treated as early as possible—and early diagnosis is essential. If diagnosed early, this condition is entirely treatable and it is no impediment to a healthy and successful life.

There is, as yet, no formal assessment of the cost of haemochromatosis to this nation through work time lost or of the amount of medical treatment required as a result of the poor rate of diagnosis and treatment of this condition. There are numerous reports of chronic fatigue leading to time away from the workplace and early retirement. Patients often give a history of years of distressing symptoms, greatly affecting quality of life, before a diagnosis is made. Unfortunately, late diagnosis can be fatal. Liver cancer can sometimes be alleviated by liver transplants, but both the costs and the risks are high.

In the absence of a profit driven response it has been left to a non-profit group to raise awareness and to provide support to people affected. Haemochromatosis Australia is an entirely voluntary organisation that has been supporting people with the condition for over 22 years. This year, for the first time, it is staging a Haemochromatosis Awareness Week from 13 to 19 August. Recently I sent information to all senators and members promoting this event on behalf of Haemochromatosis Australia. Funded by the subscriptions and donations of its 1,500 members, this organisation has arranged public meetings, displays and exhibitions in all state capitals and several regional centres. It has organised a poster and media campaign.

Last Friday night I had the pleasure of officially opening the Overload exhibition that is currently being held in Tasmania, in one of the northern suburbs of Hobart, at Cooleys Hotel. The exhibition includes artwork by Andrew Christian, Georgina Richmond, Pat Avent, Helen Jessup, Diana Gifford, Caroline Amos, Belinda Casey, Sarah Weaver and Simone Zell. The artists have kindly agreed to donate 20 per cent of any sales from the exhibition to Haemochromatosis Australia so that the organisation can continue its important work.

The message for Haemochromatosis Awareness Week is: 'Are you feeling tired and flat with aching joints over a long time? You may have haemochromatosis, inherited iron overload disorder. It's much more common than you think. Talk to your GP.
about your symptoms and haemochromatosis.' In addition, this group has published and distributed, at its own expense but with the help of its very eminent medical advisers, an excellent booklet, *Haemochromatosis: Your Questions Answered.*

In conclusion tonight, I would like to state quite clearly that haemochromatosis is a condition whose time has come. We know that it does a great deal of unnecessary harm and imposes a significant cost on the nation. The name, as the posters and pamphlets state, may be difficult to say but it is very easy to find and very simple to treat. I would encourage everybody both in this chamber and in the other chamber to read more about haemochromatosis. You can visit the Haemochromatosis Australia website, www.haemochromatosis.org.au, or call their information line on 1300019028. As I said, this organisation has been voluntarily run for 22 years. A fairly well-known Tasmanian, Mr Ben Marris, is the national president of Haemochromatosis Australia. At the time that I was opening the art display last Friday night, Ben was in Parramatta, officially launching the official national Haemochromatosis Awareness Week. It is a great cause for people to be getting behind, supporting and helping to raise awareness of. I know that at least one person in this chamber suffers from haemochromatosis, because they have spoken to me about it. For anyone else that is suffering any of those debilitating symptoms, raising awareness and helping people know what the cause might be can help save a life.

**Defence Budget**

Senator FAWCETT (South Australia) (19:00): I rise tonight to talk about the cuts to the Defence budget, particularly the remarks from the minister in response to people who have had their lives involved with Defence—people such as the previous Chief of Army, Professor Leahy, who is now Director of the National Security Institute of the University of Canberra and who has commented that the minister just does not get it and is missing the point when he says that the cuts will not impact on Australia's national security. The minister replied with the fact that funding to operational troops has been quarantined, corralled so people in the theatre will have all that they need. But he misses the point that people in the theatre are one part of the Defence organisation.

The Secretary of Defense in the United States, Mr Leon Panetta, as he is facing the massive cuts the American military is having to make, gave a warning that Australia should heed. He gave a warning about the danger of hollowing out the force—what happened after Vietnam and what has happened to many militaries after a time of conflict, when people expect a peace dividend, the ability to wind down their capability. Mr Panetta identified that if you keep your force at the same size and reduce the amount of funding then something has to give, in particular given that we are operating in an environment where over the last number of years funding has been cut year after year and we have seen a number of efficiency programs. Defence is not some organisation with layers and layers of fat that can be milked to get more savings; this is already an organisation that is running in a fairly lean manner.

I would like to take one particular area to highlight the fallacy of the view that you can quarantine funding for people who are deployed but cut elsewhere with no impact. This goes to the issue of reserves. If we look at the reserve forces we see that on 30 June this year the current Chief of Army, General David Morrison, was addressing Australian Reserve Forces Day and he talked about the fact that the ADF has engaged in
uninterrupted operations since 1999. He was making comments about the high tempo. He said specifically:

We could not have sustained this demanding tempo without the contribution of the Defence Reserves.

Many people tend to think of the Defence Reserves as being Tuesday night parade and perhaps some people who parade on the occasional weekend and do training, but the role of the reserves has changed significantly, particularly under Plan Beersheba, where the Army is looking to reshape the structure of its forces and the close integration of reserves. I note that the Air Force and Navy are also using their reserves in a far more integrated manner. It means that, when people are deployed, often the folk who backfill to keep things running here in Australia are reservists, whether they be on part-time duty or continuous, full-time service—for example, selection courses.

People who go off in one of the most actively engaged group that Australia has at the moment are the Special Air Service Regiment, who have frequent deployments. But while they are deployed what is occurring behind the scenes is that people still need to actually run through the cadre course—the selection course—and the training programs. To date, much of that activity is done by the reservists. The benefit that gives people who are deployed is that when they come back they get time to do their promotion courses, to have some leave, to have some time with their families and to do some other training for themselves as opposed to having to fill a number of these functions. So, very simply, reducing the budget and taking away the training days for reservists does have a direct consequence for the ability of the military not only to deploy but to sustain a deployment overseas, because you need forces that are rested, reworked up and able to be rotated back into theatre.

Those cuts behind the scenes, even to things like equipment, do have an influence. People deployed overseas rely on equipment. At the moment, the organisation within Defence that looks after procurement of equipment is the Defence Materiel Organisation. In estimates in February this year I asked some questions of both the CDF and the CEO of the DMO about the role of reservists, and it is illuminating to see that in DMO, for example, there are a large number of reservists—some 351 individual reservists—who work within the DMO to make sure that there is a military presence on acquisition projects. So, if days are cut and funding is cut to the behind-the-scenes operations, which include DMO, which include operations officers in RAAF units and which include communications specialists—and many reservists also provide services in areas such as medical, legal, dental and other critical services that the ADF requires—saying that you are quarantining funding for troops in the front line and that it will not affect the Defence Force is a fallacy. That is why many commentators are taking issue with the comments that the minister has made. General Morrison highlights that, of the 30,000-strong regular Army, there are some 17,000 reservists involved in supporting them. So cutting the funds is going to have an impact, particularly when you consider that cutting the funds now is on the back of the cuts that caused so much controversy at the end of 2009 and 2010.

The whole Plan Beersheba assumes that there is going to be a significant increase in the operational focus of the reserves, which is going to be affected through the development of the habitual relationships between reserve brigades and the regular multirole manoeuvre brigades. Just this last
week I had the pleasure of attending the 9th Brigade welcome home parade for soldiers of 10/27 Battalion who had been serving in the Solomon Islands. It is a good example of where the reserves pick up tasks that would otherwise have to be fulfilled by regular forces. And so, again, cutting funding and cutting training days means that the aspirations of things like Plan Beersheba, the ability of the government to have a regional influence and still sustain our forces, will be cut.

Ultimately, the service chiefs are responsible for the raise, train and sustain function of making sure that their personnel are ready to deploy in accordance with the readiness notice that the government requires. The outcome of budget cuts such as that of the most recent budget, whereby we are mothballing a squadron of tanks and a squadron of armoured personnel carriers, reducing flying hours and delaying the purchase of combat gear, is that they have a flow-on effect. You cannot just make a cut and then keep your forces at the same size and keep the same operational tempo overseas without causing stress and strain in the organisation. That is what is known as 'hollowing out the force'.

There are even effects on things such as submarine maintenance. Many people like to talk about how poor the availability of Collins class submarines is, when in actual fact they generally meet world standards of having two out of a fleet of six, given that the others are undergoing maintenance. But it is not going to make the Navy's job any easier with ASC now not maintaining submarines because of the lack of funding. There is a submarine out of the water, waiting for maintenance, but it looks like there will be a delay of months before work on it can actually start because there is no money coming from Defence to pay for the maintenance. So the flow-on effects that come from these cuts are damaging national security.

Despite the promises of this government back in 2009, which were backed up again by the new minister, that we would have Force 2030 and a real growth in funding, we have seen cuts that take us back to levels that we have not seen since 1938. So, whilst I applaud the fact that funding is being provided to people who are in theatre, I echo the concerns of many Australians who have long experience in the national security space that the sustained cuts over a number of years are hollowing out the force and we run the danger of having a Defence Force in years to come that does not have the depth or the capacity to fulfil the tasks that the government requires of it.

Supermarket Duopoly

Senator XENOPHON (South Australia) (19:10): I rise tonight to speak on an issue which is of huge significance, and that is the supermarket duopoly strangling Australian grocery market competition and the impact of that on consumers. It is interesting to note that Senator Kim Carr is in the chamber. His comments a number of months ago about the duopoly and their impact on food processors were very welcome. Those comments by Senator Carr were very welcome.

Just yesterday Master Grocers Australia, which represents independent supermarket operators across the country, released a report titled *Let's have fair competition: the risk of losing retail diversity, choice and true competition in the Australian supermarket industry*. Its findings were grim but, sadly, not surprising. For years I have listened to the stories of people who say that they are feeling the effects of the Coles and
Woolworths supermarket duopoly in this country, not just in the grocery market but also in the petrol, liquor and hardware markets. These are all industries into which the tentacles of Coles and Woolworths have spread. I also think that these are issues which relate to the food processing sector. An inquiry chaired by our colleague Senator Richard Colbeck into food processing is due to report shortly. These issues were in the terms of reference of the inquiry and they were closely looked at.

Independent supermarket operators feel the effects of what they say is an unfair playing field. They are up against huge stores that offer big discounts both on the shelves and through schemes like shopper docket. Superficially, that may seem like a good thing for consumers, but if the effect of that is to squeeze out competition and to force independents out of marketplaces then consumers are left with less choice, less diversity and, ultimately, with less competition and that can lead to prices being forced up. The big players have enough backing that they can carry any losses associated with schemes like these. Smaller operators simply cannot compete on an unfair playing field like this.

These sorts of stories are backed up by the Master Grocers Australia industry report. Master Grocers Australia's President, Rod Allen, outlined the findings. They included a pattern of behaviour where the big players develop large supermarkets in small local markets—an example is Bright in Victoria. Anyone who saw Lateline last night on ABC1 would have seen the impact that that had on a relatively small community's population of 2,000 people. There was one big supermarket, one of the big two, and it really crowded out competition; it put the squeeze on those small operators. The impact of that on the community is significant. There is also the issue of store saturation, anticompetitive price discrimination, shopper docket schemes and cross-subsidisation, where, in effect, you might be getting your petrol a bit cheaper but you end up paying more for grocery items.

It is time for the ACCC to act in relation to these matters. I do congratulate Rod Sims, the relatively new chairman of the ACCC, on the way in which he has looked at these issues, because a number of people have come forward with complaints. I suggest that they are very much the tip of the iceberg. To give you an idea that the several dozen complaints that the ACCC received, as I understand it, is the tip of the iceberg, a few months ago ABC Lateline ran a story about the food processing sector and the power of Coles and Woolworths, with their 80 per cent of that market dominating the sector. Apparently Lateline's producers made well over 100 calls in order to get someone to appear before a camera, to speak out about the practices that food processors were concerned about—practices perpetrated by Coles and Woolworths. Not one person came forward. Apparently, one person was willing to speak out but then they changed their mind at the last minute, as I understand it. So these are important issues.

I support the recommendation of the Let's have fair competition! report for the ACCC to ban Coles and Woolworths using shopper docket schemes. I also support the recommendation made by Masters Grocers Australia to 'ensure the ACCC has the legislative power to require prior notification by the major chains of any proposed acquisition of a site, lease or existing business'. I agree with Master Grocers Australia's Chief Executive Officer, Jos de Bruin, who says Master Grocers Australia wants 'a fair go for the smaller independents'. The South Australian Deputy Small Business Commissioner, Associate Professor Frank Zumbo from the University of New South
Wales, shares these concerns. Professor Zumbo is well known to those on the Senate Economics Legislation Committee for his tireless advocacy for competition in the sector, for consumers and for small businesses in this country. This report highlights many of the concerns that Professor Zumbo has raised over many years—that there is evidence of anticompetitive behaviour in the supermarket industry. In fact, Professor Zumbo was the author of Senator Joyce's amendment, the so-called 'Birdsville amendment', that was moved and passed in 2007, but we have yet to see any prosecution launched in relation to predatory pricing. That concerns me because it seemed to me to be a robust amendment that added to the body of protections in competition and consumer law of this country.

Let's put in perspective just how big Coles and Woolworths are. A 2008 inquiry into the competitiveness of retail prices for standard groceries found that Coles and Woolworths accounted for 70 per cent of packaged grocery sales in Australia and about 50 per cent of fresh produce sales, including meat, fruit and vegetables. My understanding is that has increased and the overall benchmark is closer now to 80 per cent. These big two own 87 per cent of all Australian supermarkets with floor space of 2,000 square metres or more. That is simply unprecedented. There is no other country in the world where just two large grocery retailers have that amount of market power. Compare this with the United States. The two biggest supermarkets in the United States accounted for something like 20 per cent of sales in 2007. In the United Kingdom in 2011, the four largest supermarkets accounted for 75 per cent of sales. It is fair to say that enough is enough. It is time to act.

Master Grocers Australia made a number of recommendations. They recommended that the ACCC:

i. determines whether the major chains are cross-subsidising a substantial number of loss-making supermarkets for anti-competitive purposes and determine whether this is misuse of market power, and

ii. revokes the authorisations issued to Coles and Woolworths in relation to shopper docket schemes between related entities.

Master Grocers Australia also recommended that the Australian government:

i. reintroduces a prohibition on anti-competitive price discrimination similar to laws in other OECD countries;

ii. repeals the provision allowing cross-subsidies between related entities;

iii. develops a Retail Sustainability Assessment to assist local government to determine whether major retail development proposals are of appropriate size;

iv. recommends to COAG certain specific changes to planning legislation to encourage improved planning of activity centres and new estates, and

v. ensures the ACCC has the legislative power to require prior notification by the major chains of any proposed acquisition of a site, lease or existing business.

I believe we need to go further. I believe that the courts in this country ought to have the power to require the divestiture of a company that has been found to abuse its market power, because right now that power of divestiture does not even exist in our competition and consumer law. If it is tethered to an abuse of market power, I think that is an appropriate thing to do. It will keep those companies that have a huge market share on their toes to ensure that they are behaving appropriately in the marketplace, in a way that serves the best interests of consumers, and the best interests of consumers are served by robust competition,
by having a marketplace that is open and by allowing the smaller, independent operators to be able to compete robustly.

The comments made by Minister Kim Carr a number of months ago were very welcome. I think it is important that they are heeded by all sides of politics because, unless we act on the sensible recommendations made by Master Grocers Australia, we will find a situation where more and more small businesses hit the wall and will not be able to compete, and the long-term consequence of that is that there will be less competition and higher prices for Australian consumers. Enough is enough. We need to act. The Master Grocers Australia report is a good first step.

Volunteering

Senator THISTLETHWAITE (New South Wales) (19:19): I have been fortunate to be involved in community volunteering for most of my life. When I was 13 years old I joined the Maroubra Surf Lifesaving Club and I remain an active member of the surf lifesaving movement to this day. Later, I became involved with the Eastern Suburbs Police and Community Youth Club in the area in which I worked.

The volunteer spirit is something that reflects the character of our nation, but while the number of volunteers in Australia has risen in recent years the number of hours that they commit to volunteering is actually falling. The median number of hours spent volunteering has decreased from 74 hours per volunteer per year in 1995 to 56 hours per volunteer per year in 2006. The result is that the actual number of hours Australians volunteer over time has been falling. This trend is in some respects understandable. As people find themselves working longer hours and with less time to spend with family and friends, the appeal of community involvement is diminished and its benefits are lost.

Volunteering also faces the challenge of staying relevant in a rapidly changing landscape. Many young people these days would prefer to spend time on the internet, Facebook, Twitter and other social networking sites rather than volunteering in their local community. This is one of the reasons that the Gillard government created the National Volunteering Strategy. This strategy sets out the government's vision for volunteering in Australia over the next decade. The aim of the strategy is to ensure that by 2021 volunteering is encouraged, supported and recognised by all Australians. Social, economic and technological change have transformed the way that we communicate and work and, as a result, the way that we volunteer. As new forms of volunteering emerge, volunteers continue to seek more flexible arrangements and shorter term commitments. We as a society need to be able to respond to those challenges in providing volunteering opportunities in the community.

In response to these challenges, the government is committed to promoting greater engagement of young people in volunteering while also ensuring advancements in technology are utilised fully by not-for-profit organisations. In this respect, the government will allocate $12.4 million under the Digital Enterprise program to help not-for-profit organisations in targeting communities to understand how to maximise opportunities enabled by the National Broadband Network.

Volunteering is a positive pursuit for all involved. It has the power to enrich and turn lives around. I recently volunteered at the Hope Street Back Shed Cafe in Woolloomooloo in Sydney. This is a not-for-profit cafe that is connected with the
Matthew Talbot Hostel in Sydney. It does great work bringing together the homeless, service providers and volunteers in that local community. It is a hub for people to come together and access services, and to provide hope—hence the name of the organisation.

It is for reasons such as these—the positivity of community work and volunteering—that I have launched a campaign on my website called ‘Give volunteering a go’. I have transformed some aspects of my website into a one-stop shop for those seeking a community group or organisation for whom they would like to volunteer. It is a good feeling knowing that you are putting people in touch with community organisations and supporting the work that they do in the community. I have had a good response. In recent months, particularly during National Volunteer Week, I was out and about, volunteering across New South Wales with various community organisations. I visited the Coffs Harbour PCYC to help out with their school holiday circus school. I volunteered at the Hunter Region Botanic Gardens. I spent time in a mock prison to raise money for Campbelltown PCYC. I have worked serving coffees at the Back Shed Cafe for the homeless in Sydney’s Woolloomooloo. I have been encouraging other community minded people to do the same. I believe that we should be doing all that we can to promote volunteering and encourage younger Australians to take up volunteering for the potential personal growth and learning that comes as a result of active community participation.

Every day, local organisations bring together and develop that sense of what community is really about. It is only through an involvement with other people's lives that you truly understand and gain an appreciation of the pressures experienced by those who face issues such as intergenerational poverty, mental illness and discrimination. We have a responsibility as community members to ensure that those who are most in need receive support and are not forgotten by society.

The Labor Party's connection with community organisations is a cornerstone of the working class values that our party was built on: hard work, fairness and community activism. It was one of the issues that attracted me to the Labor Party. That connection has taught us a lot, not just as a party but as people. The potential to learn from the experience of community activism is limitless. I have always said that the best management course I ever did was being in charge of 15 or 16 lifesavers at Maroubra Beach when the surf was quite big—quite a challenge for anyone. It is through my involvement with the management of surf-lifesaving clubs and PCYCs that I was inspired to enter into politics.

Some of this work leads to safer, more prosperous communities. PCYCs, for instance, work with kids who have come from broken homes or tough financial circumstances to keep them from going off the rails and help them get back on track if they do. Police youth case managers work at-risk youths, who often have an average of three offences before joining a PCYC program. These programs involve managing issues such as school attendance, peer group choice, employment options and identifying interests and activities to support new directions in the life of the young person. For the young people who participate in these programs, the rate of reoffending is dramatically reduced, demonstrating the value of volunteering and these programs. I am pleased to say that this year the PCYC movement celebrated the 75th anniversary of its founding and the establishment of that first PCYC in Woolloomooloo, which was originally formed as an avenue for kids on
the street to come together and practice their boxing after school.

The benefits of volunteering are significant for our nation, for our local communities and for individuals. The benefits are economic, social, cultural and environmental. I am particularly proud of the support the Gillard government provides to volunteer organisations and volunteers across Australia. In fact, right at the moment organisations can apply for volunteer grants for this year to help with the provision of equipment, fuel costs, training courses and compulsory background screening checks.

Volunteers are the foundation of the not-for-profit sector in Australia. Of the estimated 600,000 not-for-profit organisations in Australia, only 60,000 have paid staff. Volunteers contribute more than 700 million hours of unpaid work each year to their communities. The value of that unpaid work in 2006-07 was estimated to be over $14.6 billion. Volunteering strengthens community connectedness and social cohesion. Social connections such as those developed through volunteering can provide meaning, purpose and satisfaction in a person's life.

I consider myself very fortunate to have been involved in community activism. It has shown me the way to contribute to the community in which I live. Volunteering for my community not only helped those less fortunate or those who needed a helping hand but helped me personally. I am forever grateful for the lessons I learnt in my early life, and I hope that through this campaign in New South Wales I can show others firsthand the value of pitching in and giving volunteering a go.

Rural and Regional Health Services

Senator SMITH (Western Australia) (19:29): I would like to speak this evening about an issue of critical importance for those living in Western Australia's Great Southern region, centred around the town of Albany. It is no secret that those living in regional areas face challenges that are not always well understood by those living in our cities. Some of these challenges are the result of nature, such as droughts and bushfires, and some are the result of changing demographics, such as an ageing population. Others, I am afraid to say, are the result of bad government policy—the carbon tax being the most recent example of bad policy foisted by this government on the people of the Great Southern region, who will see their cost of living rise even more when the tax is applied to road transport in a couple of years.

The often-discussed tyranny of distance is another challenge facing those living in regional communities, and that is the one I am going to focus on this evening. Serious illnesses do not discriminate between those who live in urban areas and those who live in regional areas; however, the level of treatment available and access to that treatment often do. Of course, state-of-the-art treatment and equipment tend to arrive first in our cities. That is where the bulk of the population reside and it is where many of the specialists who operate the equipment are based. However, it may surprise many senators to hear about the extent of the gap that exists between urban areas and regional communities.

For instance, magnetic resonance imaging machines are probably taken for granted by many medical professionals and patients in city areas. MRI has a number of distinct advantages over the diagnostic methods, particularly CT scans. MRI provides significantly better diagnostic accuracy in certain areas than CT scanning. This is particularly the case in relation to breast cancer, brain and spinal cord problems, bone and joint issues and, most notably, the
diagnosis of brain tumours. Importantly, MRI poses no risk from radiation exposure, whereas CT scans do carry such a risk. This is particularly the case when patients require repeat scans, which can lead to a build-up of radiation and increase a person's risk of developing cancers in the future. From this brief overview alone, it is clear that MRI is a desirable diagnostic tool; yet, unfortunately, it is not a tool that is available locally to those living in Western Australia's Great Southern region.

Since taking my seat in this place I have spent a good deal of time travelling around the communities that make up this special part of Western Australia. In the course of those travels I have been fortunate to meet with several medical practitioners operating across the Great Southern region. In regional areas doctors are significant community figures who are often called upon to go above and beyond the call of duty in meeting the needs of their patients and dealing with challenges that their city counterparts would not ordinarily face. In the course of my conversations with local doctors, most of them have made clear the desperate need for an MRI machine in Albany to service that town and the surrounding parts of the Great Southern region.

At present, those living in the region who require an MRI scan need to travel to Perth. Perth is a five-hour drive from Albany—or an expensive flight. Many of the patients are elderly and, self-evidently, not in the best of health. If patients are making the drive, it is certainly too much to do as a day trip. So, in addition to fuel costs, there is the cost of at least one night's accommodation in Perth—not to mention time away from family and employment. It all starts to add up very quickly. I am not talking about a few isolated cases when I speak about those who are undertaking this travel. Doctors have told me that they send anywhere from seven to 20 patients per week to Perth for MRI scans. David Ingram, a general surgeon at Albany Regional Hospital, told me that many local patients are ordered to have CT scans even though MRI would be a better health option for them. He also advised me that many patients have a CT scan locally but end up having to travel to Perth to get MRI scan because the CT scan has not yielded the necessary information. This results in a double cost to the federal government.

Dr Anthony King, who practises in the small town of Kojonup, contacted me to express his support for an MRI machine located in Albany. He said in his letter:

As a GP, we can order an MRI scan for any patient. But the patient will not obtain a Medicare refund of the cost or part of the cost of the procedure. As GPs, we are forced to first refer the patient to a specialist who can then endorse/order an MRI scan, which will then attract a benefit payable under the Medicare Act. This system is completely stupid and costly in a region where there are very few specialists and where solo rural GPs are in effect doing a lot of the things specialists would do in a city environment.

Dr Kirsten Auret, of the Rural Clinical School of Western Australia, advises:

Within our Cancer and Palliative Care Services, there have been innumerable times when we have needed to send patients to Perth for MRI scanning. The requirement to transfer them away, when they are very sick and potentially in their last few weeks of life, makes clinical decision-making for doctors, patients and families extremely difficult.

Numerous other doctors in the region have contacted me to express similar views.

Improvements in health care across the Great Southern region are coming. The Liberal-led state government of Premier Colin Barnett is delivering real health outcomes for those living in the Great Southern region. The biggest is the construction of the $135 million Albany Health Campus, which will replace the...
former Albany Regional Hospital. The new hospital will establish the Albany Health Campus as a regional resource centre for the Great Southern region and will service more than 50,000 local residents. It will be the largest hospital development ever undertaken in regional Western Australia, and the Liberal-National government is committed to delivering the new building as soon as possible.

With this investment in a new hospital, more than 80 per cent of patients from the Great Southern region will be able to be treated in Albany, closer to where they live. The new facility will include a new, much larger emergency department, additional mental health beds and expanded renal dialysis, palliative care and cancer services. As part of this new development, Great Southern Radiology has applied to Minister Plibersek for full Medicare eligibility for MRI based on potential areas of need. I would say to the minister that the Liberal-led WA state government has clearly done its part and it is time for the federal government to come to the party and provide this critical service for the Great Southern region.

It would be a shame indeed if this magnificent new facility were not able to offer the best diagnostic and treatment opportunities available to its patients as a result of the minister not meeting Great Southern Radiology's request. I wish to place on record my very strong support for the application put forward by Great Southern Radiology, and I urge the minister to consider the needs of medical practitioners, patients and their families in the Great Southern region in coming to her decision.

City of Geraldton

Senator LUDLAM (Western Australia) (19:38): I rise to add some comments about a similar part of the world but further south from where Senator Smith has just been speaking of. This is an issue I know that our Acting Deputy President has quite close to her heart, which is the city of Geraldton. We both attended an event at the CUSP centre in Fremantle a few weeks ago for the launch of a document produced by the community of Geraldton that caught me by surprise somewhat, I suppose—not really knowing what to expect. It is titled Geraldton—from local to global regional city. It is an extraordinarily visionary document, which came out of a series of deliberative workshops that were held by Janette Hartz Karp, who some senators in this place might be familiar with, whose speciality really is democratic decision making around what kind of communities we want to live in. Rather than top-down democracy, this is bottom-up deliberative democracy, and it works exceptionally well if it is given a chance.

They have given this a try in Geraldton, and one of the outcomes is this document, Geraldton—from local to global regional city, which is based around the concept of how they want this city to look in the year 2029—which would be 400 years since the Dutch were bumping into the coast. Interestingly, it will also be 200 years since the establishment of the Swan River colony further to the south. It has been put into gorgeous visual language by David Galloway and Sarah Andrews.

At the launch we heard from Mayor Ian Carpenter, who deserves congratulations for his leadership in this project, and their quite dynamic CEO, Tony Brun. They have come up with a quite ambitious vision for Geraldton's future. For the information of senators not from Western Australia, Geraldton is a city about 430 kilometres to the north of Perth, in the mid-west region. Historically, the economy up there has been based on agricultural and the pastoral industry. There is a lot of interest at the
moment in iron ore deposits not too far from the city of Geraldton. The community does not want to just be a quarry, so they are interested in the expansion of their town and they are interested in its development but they do not want it to be left, as some other Western Australian communities have, as a fly in, fly out centre with services hollowed out, with housing completely unaffordable and with the economy dangerously imbalanced. So they have taken the initiative and produced this document. I was at the launch.

I congratulate Minister Simon Crean for being at the launch and for giving the community a boost—which I think takes this document to the next level. It has come from the community but it has been endorsed by the federal government and also, I think, by the state government. The Leader of the Nationals in Western Australia has also made a contribution to this document.

They are looking for an economically adaptive city—changing and diversifying the economic base with initial opportunities obviously still coming from agriculture, fisheries and mining—and to become a regional logistics and freight hub. They will be the first regional centre to have every household connected to the National Broadband Network. Even if there is a change of government next year and the opposition decide to simply flatten the proposal, Geraldton at least will get through the net. The coalition would then probably have some difficulties explaining to neighbouring communities why they do not get the system, but Geraldton will be through. They are also looking to the Square Kilometre Array project—which will offer completely different kinds of economic opportunities to the region—and being selected as one of 33 cities worldwide to receive an IBM Smarter Cities Challenge, which really takes local aspirations and gives them something of a global boost.

They are proposing to be a carbon neutral city, and they are not just fiddling around at the edges. As was explained to us, this is a region that has all of the major renewable energy resources—with the exception of hydro—including wind, solar, geothermal power, biomass power and an amazing wave resource. They are not sitting on their hands; they are proposing to make this the world’s first carbon neutral heavy industry city. As the mining industry expands—as most people believe it will—they are proposing to take not just the increased demand on the grid but also the existing demand and put large-scale solar plants in there. There is already a 10-megawatt solar farm going in, which will be the largest in the state if not in the country. They are also looking to roll out with local developers and other commercial interests renewable energy technology across all the portfolios to make this a renewable city.

It is an extraordinary effort that they are making. As a Greens MP, it was quite something to come to the launch and realise that this is a community initiative. This is not something that we have been banging on about; it is rising from the community itself. I hope that the local member, Barry Haase, who was also present at an event that I spoke at that night, will convince his leader not to pull the plug out from under this community if he gets the chance. If there is a change of government next year not only will they be ripping the NBN out of regional communities that thought they would be getting it; but all the work that has been done on the clean energy legislation and on creating the resources to enable the kind of vision that is coming forward from the City of Greater Geraldton to become a reality will evaporate, it will disappear—and we will not let that happen. We want to help Geraldton
realise this vision that has been put forward and endorsed by the town's leaders and brought to state and national prominence.

Another reason for my trip to Geraldton and to hear firsthand from some of the people who have put these proposals together was an invitation by Andrew Outhwaite and Kate Najar from Pollinators Incorporated, which is an extremely innovative and quite rapidly growing group of social entrepreneurs based in Geraldton. They are helping catalyse some of the really interesting things that are going on up there. It is Australia's only member based organisation dedicated to supporting social entrepreneurs. It provides a structure for its members to cooperate and access the support needed to realise their dreams, their projects and their aspirations for their community.

It operates Australia's first regional social enterprise co-working and innovation space called City Hive on the new marina waterfront at Geraldton. They had organised quite an engaging public event, which I was fortunate enough to attend, titled Mythbusting Politics and People Power, which is where I was also able to hear the member for Durack speak. It attracted a full house on a Friday night. We had an extremely lively and interesting discussion about how, in their view, our political system is broken, how it is not providing for what people want. It was not a whinging session—quite the reverse. There were a lot of propositions put forward about how people in the local community and in regional cities like Geraldton could use their representation in this place, in some senses, to simply get out of the way and let them do what it is that they are trying to do.

I mentioned our fellow panellist Professor Janette Hartz Karp, who works globally but probably is best known locally in Western Australia for the Dialogue with the City process that she ran with the former planning and infrastructure minister Alana McTiernan. It took on a larger scale, with the City of Perth, people's feedback across a range of viewpoints and ran a deliberative process that came out with a planning policy that was quite visionary for the time it was put forward. We are still getting some of the benefits of that. She gives some teeth to one of the Greens' four pillars, that of participatory democracy, around the concept that democracy is not just a piece of paper that you put in a box once every three or four years; it is about taking these issues into your own hands. In some cases, we in this place and in state assemblies around the country are seen as the block and not the enabler, and that needs to change. I congratulate the Pollinators group for their vision, their reach into the community and the projects that they are running, including an event that I was able to speak at the following morning—the Catalyst project—at which I was very fortunate to meet a number of local leaders.

My first stop in Geraldton was to launch the Bike Blackspot iPhone application, which I might have spoken of before in this chamber but I would encourage all senators with an iPhone, wherever you live, because this application is national now, to go to www.bikeblackspot.org and help our planning minister Albanese, because I know that cycling is a passion of his. We have not yet been able to get a national cycling fund off the ground. Senators will be able, either from the web or from a smartphone, to photograph your bike black spot, which is taken to a Google map and then sends an email and your photograph, and your note about the lack of cycling infrastructure—or something that you think is good—to a website. Geraldton is the first regional city where we launched that application. I was pleased to make that contribution because this is a community that cares a great deal
about public transport, regional rail infrastructure and, of course, cycling. It is a perfect place for it. It is a city that is flat and has great weather. So I look forward to working more with some of the community leaders in Geraldton in helping them to support the amazing example that they are setting for the rest of the country.

Homelessness

Senator URQUHART (Tasmania) (19:48): Homelessness is everyone's responsibility. It has been a major agenda item for Labor since we came to government in 2007. To one day 'end homelessness' we need to be working together: government, the not-for-profit sector like Youth and Family Focus, business and, importantly, everyone as members of the community. The first place we must start is with awareness. The theme of National Homeless Persons Week this year was 'homing in on the real issues of homelessness'.

Devonport based Youth and Family Focus organised the HELP film festival—HELP standing for homeless and everyday life perspective. The HELP film festival tasked young Tasmanians with making a short film about homelessness from their perspective. Last week, on the first day of National Homeless Persons Week, the 17 films were screened at the C-Max Cinemas in Devonport. The students used their creativity to highlight many of the issues that homeless people face, issues ranging over domestic violence and family violence, relationship breakdown, substance abuse, mental illness, financial hardship and youth unemployment and disengagement.

Wynyard High School won the competition with their emotional interview with a former homeless man, Sebastian, and Anglicare housing officer John. I applaud these students for their courage in approaching Anglicare for the interview. They asked the hard questions of Sebastian and John and got some very honest answers. The film uncovered some of the real issues of homelessness in Tasmania, particularly around public housing processes and policies. At the screening I was fortunate to have some time to speak to Sebastian, John and Sebastian's friend Gary. Sebastian told me he had been homeless for 20 years. Recently he was fortunate enough to find a 'home' in Burnie. I asked him how that felt to now have a roof over his head and somewhere to call home. He hesitated, then went on to tell me that it was good, but he was still getting used to it. He told me that after sleeping rough for 20 years he had become accustomed to sleeping lightly. When you sleep rough you must be very aware of your surroundings, he told me.

Sebastian told how he would jump at any noises that he heard; not sure of what was out there in the night. He said that he still did that, even though he was in a house and safe. He still slept as though he was out on the streets, jumping at every slight sound. He said it would probably take him some time to get used to the fact that he was 'sleeping safe'—if he ever could. I asked him if he had family. He has a twin brother and a six-year-old nephew. The beaming smile on his face when he told me about his nephew showed his pride in family, just like I have with mine. After his last pay, he had a little money left and spent it on a remote control car for his nephew. Sebastian then asked me if I would like to see a photo of his nephew. When I said yes he proudly showed me a photo on his mobile phone. His hands were shaking as he showed me. He apologised for this and told me he was nervous as he had never before met anyone as important as me. I was taken aback. I quickly told Sebastian that he was just as important in our society as anyone and, given his courage in sharing his story with students at a local high school for
their entry in the HELP film festival, Sebastian demonstrated just how important he is.

The one thing that really struck me was that, although Sebastian had very little and for 20 years had no place to call home, whenever he spoke about help for the homeless he always referred to ‘the other blokes out there’. It was never just about him; he was always thinking of other people who were homeless. He was not doing it for himself. He did not want any thanks; he did not want any glory. He was doing it for those people that were sleeping rough last Monday night—and for those people that are sleeping rough tonight. I asked Sebastian, ‘Now that you have a home, what would you like to do?’ He told me that he loved art, and he would love to paint with oils and canvas, something he had never been able to do when he had nowhere to store materials.

I also met Gary, a mate of Sebastian’s, who is currently homeless, although Gary considers himself lucky as he has accommodation at a shelter in Burnie at the moment. Unfortunately, he does not know how long he will be able to stay. This is dependent on whether other people with greater needs come along. Gary was also referring to ‘the other blokes out there’—a real show of solidarity that he shared with Sebastian. Last Monday night, Gary actually stayed at Sebastian’s place. It was a way of Sebastian saying thanks to him for coming along to the film festival to share his story.

A key link between Sebastian and Gary was John from Anglicare. John has been assisting the homeless in north-west Tasmania for the past 18 years. He was clearly held in very high esteem by these men, and he told me of some problems he faces trying to assist people to find a home. To get a better understanding I have committed to do a shift with John in October this year. John, you have now got a commitment in the Hansard. I hope to get a better understanding of what John does, how he helps some of the most vulnerable people in our society and how government can improve the way it delivers services.

Everyone has the right to a safe and secure home. A home is the foundation on which a person builds their life. Without a stable home, people—no matter what their age—struggle to live healthily, stay in training or education, or find and keep jobs. That is not good for them, their families, their communities or the country. That is why this Labor government made homelessness a national priority in 2007. We have commissioned the report The road home: a national approach to reducing homelessness, which provided a comprehensive plan, and we have backed up that report with investment commitments totalling almost $5 billion in new funding since 2008. It is funding that follows from the research and seeks to provide support services and programs to assist people who are homeless or at risk of becoming homeless.

It is also funding that includes the establishment or expansion of a number of initiatives in Tasmania. Anglicare are one of the major partners in the delivery of these services. They manage a 30-bed youth facility in Launceston called Thyne House. It is the only one of its kind in the state and provides long-term accommodation for those aged 16 to 25. Thyne House is full and achieving good results for the residents, with all but two of the young people engaged in employment, education or training. Many of the activities, such as cooking classes in the industrial kitchen, are also available to other young people in the Launceston community. This integration makes people in the community feel a part of the activities and culture at Thyne House, which makes the residents feel more a part the community.
We need to do more, and the HELP film festival is a tremendous effort in building the awareness that is fundamental to doing more. The festival was hosted by Kayne Tremills of ABC3 fame, who gave a great speech highlighting his own struggles with youth homelessness just a few years ago. Kayne went over and above what was required of an MC, giving the audience an insight into a struggle faced by a now popular TV host. Thank you, Kayne. Thank you to the HELP team from Youth and Family Focus: Brett, Belle and Nadine. I know you put in many extra hours to help students produce their insightful films—it was worth it. And thank you to the students and teachers who worked tirelessly to produce the informative films.

There were 17 films, telling the stories of homelessness in communities right across Tasmania. Geeveston District High School, from the far south of the state, were the winners of the people’s choice award. It was inspiring that they made the five-hour journey north to Devonport to the film screening to meet with the other entrants, share stories and make new friends. The Geeveston film included an interview with a student who had couch surfed for an extended period with school mates. The students told of the struggles for this young man—as he would not want to impose on friends but needed somewhere to crash each night—and of the struggles of his mates who wanted to help. Couch surfers must be recognised as homeless and services must be appropriately targeted.

The HELP film festival helped all who attended and participated to get a better understanding of homelessness in Tasmania. Hopefully it serves as some inspiration and motivation to all of us not only to consider those sleeping rough each night but to help out where we can. Everyone in this country needs a roof over their head, some people to keep them company and the opportunity to go to school or into training. These are basic things that all Australians should have.

Norfolk Island

Senator HUMPHRIES (Australian Capital Territory) (19:57): I rise to talk tonight about a subject about which I am sure you know a little as well, Acting Deputy President Pratt—that is, Norfolk Island. Norfolk Island is a very beautiful Australian external territory in the Pacific Ocean. It is an absolutely gorgeous place to visit, is a place with lush vegetation and a very charming lifestyle, and is a place that has a great deal of heritage and history. The settlement at Kingston on Norfolk Island was established in 1788, the same year that Sydney was established, and much more of the early buildings and infrastructure of that period exists than does in Sydney.

I regret to tell the Senate that there is trouble in paradise. Norfolk Island is in very significant difficulties of an economic kind. Evidence of this is that the permanent population of the island has dropped from about 1,844 in 2007-08 to about 1,507 in January of this year. It is clear that many residents of the island are leaving in order to seek employment elsewhere, often in mining, as a result of the collapse of the local private sector. Unemployment is increasing as businesses on the island are cutting back employment and many businesses are folding.

Those who have been there will be aware that the major industry of Norfolk Island is tourism, but tourist numbers have decreased significantly in recent years, from about 40,000 a few years ago to about 25,000 last financial year. The average tourist stay is seven nights, but the number of visitors to the island over the last few weeks, even given a relatively long stay, has fallen to below 200 per week in the most recent set of statistics. I ask senators to consider the
implication. Here is a small community supported substantially by tourism: a population of about 1,500 people supported by about 200 visitors a week does not add up to a very bright economic picture. In fact, 71 per cent of business income on the island and 68 per cent of private sector employment is derived from tourism related businesses. Clearly, there is a significant problem.

So serious is this problem that the Norfolk Island government's budget for 2012-13 could more accurately be described as a budget for 2012 because it has only produced written figures, a documented budget, for the first six months of this financial year. It has such uncertainty about what will happen in the second half of the financial year it has not been able to produce a complete picture for the entire financial year. It has looked in the past and is looking again at the moment to the Australian government to see what assistance it can provide to a community which is in serious trouble. It seems to me there is very little doubt that some assistance will again have to be considered for the island as the number of business failures increases, the population drops and other signs of serious economic and social dislocation manifest themselves.

There is some hope in sight for residents of Norfolk Island. In March last year the Minister for Regional Australia, Regional Development and Local Government, Simon Crean, signed an agreement with the Chief Minister of Norfolk Island, David Buffett, which was called the Norfolk Island Road Map. That agreement was designed to provide some change in outlook for the island by strengthening its economic diversity and in turn providing some support for an economy, for its social cohesion and resilience and therefore for the other things that make the island such a valuable place to live. That document essentially foreshadowed integrating the Norfolk Island tax system and welfare system more closely into Australia's, something which has not been the case throughout this island's independent history for much of the last 200 years. But what is concerning to me and others who observe affairs on the island is that it appears the road map process has ground to a halt. I am aware that the government of Norfolk Island and the government of the Commonwealth have been in discussions about this matter, but the fact remains that it is not entirely clear why the road map process has come to a halt.

What is very clear is that, without some progress on this or some other reform for the island, the outlook for the island's economy and therefore for its community is very bleak indeed.

I am not used to quoting Labor members of other parliaments, but the ALP member of the Norfolk Island Assembly described the situation on the island as: Parlous, desperation, uncertainty, lack of confidence.

He has also said:
People who have had to split up their families by going offshore to work and sending money back. I know there are people who have simply closed up their homes here on the island and abandoned them because they can't sell them, there's no resale market.

A businessman on the island, Mr Brad Forrester, has said:
This little island's in a state of recession. And a lot of people are finding it very difficult to make ends meet.

The Chief Minister, David Buffett, has said:
I worry, we all worry—that's part of the difficulty of this community at this moment. It's tremendous stress for each member of the Norfolk Island community.

There are other consequences of the failure to make progress on the road map. One of them, to give an example, is the effect of the
carbon tax on Norfolk Island. The carbon tax is levied on freight fuels. Everything that arrives on the island comes either by boat or plane. Anything that comes from Australia is affected by those higher fuel charges, but the compensation that the Australian government has engineered for Australian citizens through the tax system of course is not available to citizens of Norfolk Island because they do not pay Australian taxes. They pay island taxes, but they are not part of the Australian income tax system so they are potentially seriously disadvantaged. When you go to the island and see that a litre of unleaded fuel costs $2.50 and a litre of fresh milk costs more than $7, it is not hard to realise that those higher freight costs can be a very serious exercise in compromising the standard of living of people on the island.

My appeal tonight is for the parties here, the Australian government and the Norfolk Island government, to work quickly to find solutions to this problem. The road map is a good basis on which to provide relief to the island and to produce some optimism for its economy, but the road map seems to be experiencing a road block. It is incumbent on both sides to remove that road block as soon as possible. Until that happens I expect there will be more business failures, more people leaving the island and greater uncertainty for a part of the world which I think deserves a better outlook than it presently is facing.

MyKasih Foundation

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (20:07): I rise this evening to share with the chamber and with the community a style of income management as it is being practised in Malaysia. Since 2009 there has been a quiet revolution in the support of low socioeconomic families particularly the mothers of families in Malaysia. This evening, some 20,000 needy families are receiving financial support through a foundation which I will explain in some more detail, and those families are receiving food and household items. The foundation trains the mothers of the households in household budgeting, offers skills in their development in microfinancing, and of course education for their children. It is all managed with security through a smart card system linked to a central database, and it actually had its origins here in Australia. I am very proud to be a founding director of the board of this foundation, which is known as MyKasih, Bahasa for 'love thy neighbour'.

In its first three years of operation the number of families assisted has escalated from 1,000 per annum to 8,000 to 12,000, and we confidently expect that there will be 20,000 families next year. With five members in each family, that is 100,000 people. It spans 111 locations throughout Malaysia on both the mainland and peninsular Malaysia and all ethnic groups are represented.

One of the fascinating aspects of this particular program is that 100 per cent of all money that is donated by the corporate sector and philanthropic families actually goes to the low socioeconomic families—100 per cent. The operating costs of the whole MyKasih Foundation are some six per cent of total expenditure and that is fully met by fundraising.

How does the system work? As I mentioned it is a smart card system, so we give dignity to the mother of the low socioeconomic family that is identified as being in need so that she can go shopping in the same way as others and she can use a card which normally would be denied her because of her social or economic status. The system does not allow the purchase of alcohol or cigarettes or gambling products but concentrates in the supermarkets in
Malaysia on foodstuffs with nutritional value and other essential items for the families. What has been an interesting aspect over the time the foundation has been operating is that the major suppliers now of staple foodstuffs are in fact providing generous discounts to the foundation, which are of course passed on to the families. Because the foundation now enjoys tax deductibility status from the government of Malaysia then those retailers who offer those discounts can themselves enjoy a tax benefit as a result.

MyKasih is the brainchild of my very, very good friend and colleague, a philanthropist and very successful businessman Dr Ngau Boon Keat who is chairman of the Dialogasia group of companies, which are in Malaysia, Australia and New Zealand and throughout most areas of the world.

The germ for MyKasih came from a discussion I had with BK on Australia’s social and security processes where, as we know, so much support is provided by the Australian taxpayer to families and to individuals through Centrelink and, regrettably, often with questionable benefits or improvements in the outcomes for those families. It was as a result of that discussion I had with the BK when he and I discussed the equivalent situation with low socioeconomic families in Malaysia, that we asked the question: would it not be possible to be able to use some software which the company, of which I was CEO at that time, had developed for retail petroleum sales in Malaysia? Would it not be possible for the software to be modified so that it could drive what became the centre of MyKasih.

Where we see the contrast in Malaysia and Australian is that our MyKasih experience is already yielding families who are reporting to us significant improvements in their household nutrition, school attendance, economic wellbeing, and in upskilling particularly, as I say, the mothers of these families. At the last meeting I attended in early June, I urged—and it will happen now—indeed auditing to ensure that that anecdotal feedback is validated.

BK through his generosity now offers the software free of charge to the MyKasih Foundation to operate the system and he looks forward to the day when it will be available throughout the Asian region, again, free of charge to countries where we think it will have application. In fact we have already had inquiries from Indonesia about the same system. MyKasih enjoys financial support from the oil majors in Malaysia such as Shell and Petronas, Chevron and Caltex, and many philanthropic families.

But besides food aid, it also has allowed two emerging programs which I think would hold lessons for our country. Any teacher of course will tell you that a hungry child cannot learn, and it is not to our credit, I think, that even in my home state of Western Australia there are some 16,000 to 18,000 breakfasts served every week in schools in WA under the Foodbank program. When you try to explain that to the poorer people in Malaysian villages, they shake their heads and wonder why. Nevertheless, they see the way out of poverty is education. MyKasih is now piloting a bursary system, initially trialling in some 16 schools and embracing some 800 students from the same families we are supporting with food aid. Again, it is the same smart card through the same central database system that is allowing each child selected from that family to purchase educational texts and other tools and also foodstuffs, but only during the school year. Interestingly, it is contingent on them actually achieving at least the same if not an improved educational outcome every six months through that period.
The second one is what is referred to as 'Sew for Life'. It is a program where the mothers of recipient families are being supported, in this case by the Caltex organisation, in small group training sessions where they are not only taught sewing skills but are then supported through a microfinancing process to actually be able to purchase sewing machines and in that way repay the loan and, of course, build themselves a circumstance which will get them away from poverty.

What can we learn from a program in Malaysia that had its origins in the thought process here? We know the Australian taxpayers are very generous in their support of those who are not working, cannot work or who are transitioning between jobs. It is of interest in our country that some 33 per cent of our budget is actually spent in social security and welfare payments channelled through Centrelink. Contrast that with our spending some 16 per cent of the budget on health, eight per cent on education and six per cent on defence. That is the relationship.

Of course, all Australians—Australian taxpayers and everybody in our community—want to see our funds spent prudently to ensure adequate food, clothing, housing, education and health for those who are in need. Of course equally, I think it is reasonable that we would not expect that these funds would be wasted at a time when they are so desperately needed by those families. I am very, very pleased to see that we are now moving towards income management for those families in Australia who do not themselves have the skills or the wherewithal to be able to manage their funds. Only recently I was interested to learn that in the Northern Territory—and obviously Senator Crossin would know these ladies far better than I—both Bess Price, who I think is a candidate in the upcoming Northern Territory election, and Alison Anderson, who I believe is the member for Macdonnell—if my information is correct—support this notion for those families who are themselves unable to manage this circumstance.

I commend what we are experiencing through MyKasih in Malaysia to the chamber. I believe that with the use of electronic technology, with sensible objectives and sound governance we are seeing lives changed. We are seeing poverty being relieved through education, we are seeing dignity for the mothers particularly of those families and I really believe that this is the way forward for us in the future.

**Homelessness**

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (20:17):

Last week was Homeless Persons' Week, a week when all Australians are encouraged to think of those in our community who do not have a safe and secure home to call their own. This year's theme, 'HOMING IN on the real issues of homelessness', was seeking to highlight the many different causes of homelessness.

We know that there are tens of thousands of Australians who are homeless on any given night: couch surfing, staying in motels or emergency shelters or sleeping rough. It is estimated that Tasmania has 2,500 people who do not have an address or somewhere they can call home. Per capita, our state has twice the national average of homeless people.

There are many reasons for homelessness, from domestic violence and family violence to relationship breakdown, substance abuse, mental illness, financial hardship, youth unemployment and disengagement. Of the people seeking assistance from specialist services in the last three months of last year, 59 per cent were women, almost half were
under the age of 25 and 18 per cent were children under the age of 10.

Everyone deserves a safe and secure home. A home is the foundation on which a person builds their life. Without a stable home, people—no matter their age—struggle to live healthily, to stay in training or education or to find and keep jobs. That is not good for them, it is not good for their families, it is not good for their communities and it is certainly not good for our country. That is why this Labor government has made homelessness a national priority. In our white paper on homelessness the Labor government committed to two ambitious headline goals: to halve all homelessness and by 2020 to offer supported accommodation to all rough sleepers who seek it. This government has committed almost $5 billion in new funding since 2008 to provide support services and programs to assist people who are homeless or at risk of becoming homeless.

In my home state of Tasmania more than $32 million in funding under the national partnership agreement on homelessness is supporting six new or expanded homelessness initiatives. I would like to talk about two of the new facilities in Launceston that I visited, and talk about another service that I have assisted with on one occasion last winter.

In Launceston, the Door of Hope Christian Church established a 20-unit accommodation facility in Thistle Street. This is part of the old Coats Patons Woollen Mills. The units were developed with federal grants and are now managed by Anglicare. The facility aims to be a halfway house for singles, couples and families, to assist homeless people to acquire the knowledge and skills to be able to move on into the community. While it is expected that this may take 12 to 18 months or even longer, there is no intention to provide permanent long-term care accommodation. The staffing in the facilities is to support people in learning to shop, how to prepare meals, personal care, how to prepare for education and employment and how to budget their money. Without the support and funds from this government, support facilities like this would not have happened. For too long homeless people in this country were ignored and neglected.

Thyne House is another facility, in Brisbane Street in central Launceston. That is another new facility. The Thyne House development is the first of its kind in Launceston. The initial thinking for the project focused on homeless young people, but following consultation with the community it became clear that this was a much wider opportunity to provide quality, well-located and affordable housing for young people close to jobs, schools, transport, shops and other services. Accordingly, the development now responds to a shortage of accommodation in Launceston for low-income wage earners and young people coming in from the country to work and further their studies, as well as for those young people who need tailored and specific support.

Depending on the residential mix, there are one or two permanent staff on site during working hours, and their role is to assist young people in their transition to independence. The support service offers the opportunity to develop life skills, leading to independent living; access to services such as training, education and employment readiness; general health care, including mental health and wellbeing support; access to flexible and long-term support services; connections with friends and family; and opportunities for participation in the community and for gaining self-confidence and a sense of control over their lives.
There are 30 self-contained units and a caretaker cottage. Most residents are young people accessing employment and education within the city—for example, apprentices or students whose work or study means that they must move to Launceston but for whom there is no affordable accommodation. Thyne House has a variety of open and private outdoor spaces, gardens and terraces. There is parking for residents, site managers and visiting services consistent with local government regulations. Reception is a single point with good security. An on-site manager will be available 24 hours a day. The on-site manager has an office located near reception and lives on site, as I said.

The independent units are a mix of one-bedroom and studio units. They are of high quality, with full kitchens and ensuites. Soundproofing is in line with standards associated with any private or public facility with units in close proximity to each other. The universal design features of the units are readily modifiable so that some rooms are accessible for people with physical disabilities. These units are based on design principles that maximise residential privacy and independence. The community areas for residents, away from the units of accommodation, include a laundry; kitchen and dining areas; common and lounge rooms, including a TV and games room; low-maintenance gardens with seating and private open spaces; and a training and learning room with information technology infrastructure. The innovative design allows a variety of community uses. Once again, it has been this government and the previous Labor government that made sure that homelessness was on the agenda and that brought about the delivery of the much-needed injection of funds so that facilities like this can be established throughout the country.

We have to understand that there is not one solution that fits all homeless people's needs. I went to the United States a number of years ago to look at homelessness and how it affects families. I visited shelters that were run by not-for-profit charitable organisations, Christian shelters and government-provided facilities. Each and every situation just brought home to me how much further advanced we are here in Australia. In fact, when I met with government representatives from the various states that I visited while I was in the US, they kept coming back to the same circumstances: that they look to Australia for the way that we deliver services.

The sort of thing that you have to consider is that it is not just young people and families that are homeless. Unfortunately, there are also growing numbers of women that find themselves homeless. Because there was lack of support with superannuation, there are a lot of women in their 50s and 60s who, for a number of reasons, find themselves no longer able to afford accommodation, and too many of those are finding themselves in shelters, sleeping rough or having to rely on families and friends.

But there is another wonderful service in Launceston, and in fact it operates in other cities as well. I am talking about City Mission and the mission's outreach van and mobile kitchen trailer, which services the Launceston community on Friday and Saturday nights between 10 pm and 2 am. Last winter Geoff Lyons, the member for Bass, and I spent the evening talking to those that were dropping by for a warm cup of soup or a cup of coffee and some biscuits. Many of those people just wanted someone to have a talk to about their issues and the things that were troubling them, and basically to have some human contact. So we have to always remember that these people need our support. Although last week was
Homeless Persons Week, when we were encouraging people to think about this issue, we should be thinking about that every night. If you are here in Canberra and you have experienced some of the cold weather, that has to be a reminder to you that there are too many who are still sleeping rough and need our support. We are a rich country and we should be looking after those who need it most.

**Bloomhill Cancer Help**

*Senator MOORE (Queensland) (20:27):* Last week at Buderim, Minister Plibersek came and opened the extension of a new therapy centre at Bloomhill Cancer Help. Bloomhill is an extraordinary place. Those of us who have the honour to be friends of Bloomhill know what a special place this is. I first heard of the organisation when we were involved many years ago in the cancer inquiry held by the community affairs committee. Margaret Gargan, who was the founder of Bloomhill, came and talked to us in our community about her vision for how you could have a multidisciplinary team focused on people who were working through their own experience with cancer—not just themselves but their families—and how they could find a place of security, support and sanctuary. That indeed is Bloomhill. Minister Plibersek was able to share in that experience last week, and I am sure that she will remember the joy and pleasure of the many faces of people who came to share in the experience.

Bloomhill Cancer Help supports people affected by cancer. It provides a unique service which meets specific needs in our community. Bloomhill offers immediate emotional support for any person going through the process of being diagnosed and working through treatments. It works with, for and around the person and their family. It focuses on the emotional and practical needs of people and also looks at where they feel strong and how the organisation, through its range of therapies, can work with that strength. It focuses on survival and real quality of life. It is part of its philosophy that it aims to walk with the client on the journey from the time of diagnosis, through treatment and on through the various stages, working through those periods of grief and loss. It is genuinely a quiet haven of peace and tranquility that provides immediate solace.

Bloomhill has established its credibility with a whole range of people on the Sunshine Coast. Although its focus is, I think, very close to paradise at Buderim, it is known internationally for the work it provides. It concentrates on working in a multidisciplinary team approach. It works with general practitioners, specialists, nursing services and other health care professionals to have a genuine holistic approach to cancer.

When you come to our centre, you know that peace and serenity are around you. Set on 10 acres of lush vegetation in the very heart of Buderim, it has been a haven for those working with the issues around cancer since 1997. Margaret Gargan talked to us and described herself as 'a woman possessed' as she, who had worked as an oncology nurse for many years, received her own diagnosis of breast cancer. It was a truly harrowing time, and she felt that there was not appropriate community support, so she decided with her professional experience that she would develop a model of care that supports people in the way they need to be supported. She has had experience working in the medical system and knows that the medical system alone does not fulfil the needs that people have.

In 2003, when we had our cancer inquiry, this was still seen as something fairly innovative. Now we know that, in the short
period of time since, it has become the accepted model. Margaret went on to say when I was speaking with her last week that her dream is that there is a Bloomhill experience for people no matter where they live in this country. It is the idea that, working with community, people can establish what they need in their local area.

The process operates through an initial assessment by a registered nurse and then through the range of therapies that are available on site. It does not matter whether it is art therapy, music therapy, massage, reiki—all those things that we hear about are there for people to choose to use or not. It also focuses very clearly on those who are caring, so it is not unusual to walk into this place and find kids playing in the yard, people cooking, people laughing, people talking together as well as having areas of quiet peace. This place belongs to the Bloomhill family.

The Bloomhill philosophy of facilitating 'no regrets' recognises that it is the 'if only's that cripple us: if only we had said that, if only we had done that. At Bloomhill people are constantly striving for new ways of identifying and assessing needs while keeping the fees very low to ensure it is accessible for everyone. Cancer, we know, makes people worried, anxious and depressed not just about their condition but also about the impact it has on their family and friends. This gives people time out and a chance to look at a range of options which are not always available in the standard medical model.

Clients are of course encouraged to maintain medical treatment because it is not an either/or situation, but the therapies that are at Bloomhill—the space and the time—are complementary. They work with the person. I cannot stress too much that it is about the person. One of the things that we laughed about last week was the fact that the service has a large number of clients and families that come through, but the volunteer register actually outnumbers the people who are using the therapy centre for their own needs. People are empowered and enjoy their experience of being part of the Bloomhill family, and that is the terminology that is used consistently. There are wide-ranging services, and they are all listed on the website so people can see.

Bloomhill has always been self-funded, relying on public support and goodwill. Last week we also had the annual walk, and a number of people turned out publicly in Bloomhill blue to show that they care and are part of the community itself. I particularly want to congratulate the whole team, who work so hard to ensure that people do have this place of security and peace. To Jenny Caroll, who is the chairman of the board; to Mervat Thompson, an old friend and current CEO; to Raelene Boyle, who amongst all her other work is the patron of the Bloomhill centre; to them and the team of volunteers, carers and therapists: thank you. Thank you from me for the experience I have had in working with you, but thank you also from so many people who have experienced being part of your family and having the support and professional help that you provide.

Bloomhill have a series of opportunity or op shops that are placed across the whole of the Sunshine Coast. This is the main form of income for the organisation because they have not ever had government funding. The money that we provided through our government for the extension of the therapy centre was the first formal government funding that the organisation had received. As part of the community, they rely on the community, and certainly it has been a wonderful process of having people who have gone through working at Bloomhill and
then found ways to volunteer and give back to the organisation.

I think it is important that we see this model at work. One of the recommendations of our cancer inquiry many years ago was to ensure that this multidisciplinary team approach becomes standard and is accessible to people no matter where they are actually working with their own illnesses. Unfortunately, it is not everywhere, but in the time since we had the inquiry we have seen that this model is much more common. It is people like the workers and volunteers at Bloomhill who provide hope and encouragement for all of us. I think it is a place that welcomes visitors—as I said earlier, it is very close to paradise when you go to this area—but, once you do see the work that is done there, you feel the serenity and the dichotomy of serenity and energy that is part of the process. You know that anything is possible.

So it is my real pleasure to continue to be a part of the family of Bloomhill. It gives me great hope for our future, and I think it is part of the way that we as a community look at different ways of treating people who are ill and working with them rather than on them.

Sri Lanka

Senator RHIANNON (New South Wales) (20:36): I seek leave to extend my comments to 20 minutes.

Leave granted.

Senator RHIANNON: Tonight I would like to share with members information about Sri Lanka. I recently received some distressing information in my email inbox, which paints a disturbing picture of the day-to-day realities for Tamils in Sri Lanka. I commend the Commission for Justice and Peace of the Catholic Diocese of Jaffna in Sri Lanka for taking the brave decision to author and release their statement. I imagine that their honesty and integrity will put them in grave danger at the hands of a brutal regime that has so far tolerated no dissent.

I have been following the situation in post-war Sri Lanka very closely for some time now. Although I have been told by my contacts in the Tamil community of the worsening situation, I was shocked to learn of the extent of the militarisation of Tamil land, the eradicating of historical sites of Tamil ownership and occupation such as the renaming of sites to erase Tamil names, the resettlement of army personnel and Sinhalese families in Tamil areas, the abduction of Tamils and the increasing fear in which the Tamil community live each day. Women and girls in the north in particular are in a very perilous security situation. This is causing immense grief to the more than 60,000 Tamils living in Australia.

The comments from the Commission for Justice and Peace of the Catholic Diocese of Jaffna are in sharp contrast to the official statements issued by the Sri Lankan government. Its official position ignores the tyranny and hardship that Tamil communities endure under the Rajapaksa regime. I do not have time to read the entire statement, and so I urge that you do read the full statement by the commission. It is on my website and other websites. It paints a graphic and troubling picture of the realities facing Tamils in post-war Sri Lanka. Here are some excerpts:

The widely advertised ‘war for peace’ came to an end more than three years ago. Yet the fruits of this peace are yet to be enjoyed by the people in the North, who were most affected mentally, physically and economically. This reality is verified by the day to day events which are taking place here. The hope for a real peace is declining day by day. The Commission for Justice and Peace of the Catholic Diocese of Jaffna feels that it is its historic duty to point out this in order that a way may open to establish a just, democratic and peaceful community in Sri Lanka.
According to the reports given by the Sri Lankan Government to the outside world and the international leaders and their representatives only a few thousands of displaced persons who are still in the camps have yet to be resettled of the 300,000 people who were evacuated from the war-ravaged Wanni area and the resettled people have been given the facilities of decent housing and means to restart their lives. The balance three to five thousands of people still in the camps will be resettled in a matter of two to three months and will be provided with all the facilities according to the Government sources. The Government says that 95% of the displaced persons have been resettled already. But the UN reports say that … 117,888 persons are yet to be resettled permanently.

The Plight of the Resettled People

Taking into consideration the resettled people whom the Government claims as 95% of the total displaced, the conditions of substantial number of them are far from satisfactory. Some villages and fertile lucrative lands of these people have already been taken over for their usage by the security forces to establish permanent camps and naval bases. When it came to the resettlement, the displaced people after undergoing immense inconveniences in temporary shelters for years have been forced to go to areas shown by the Government which are not in any way helpful to continue with their former work and find their livelihood.

The plight of the displaced people from Mullikulam in the Mannar district is also disturbing. Some years ago they were asked to leave their homes with the assurance that they would be allowed to come back shortly. Hence they left their homes only with few of their belongings. But even after many years they were not allowed to get back and they were living temporarily in several part of Mannar without proper work and with little assistance to find their livelihood. Now they are allowed to get back to their villages. When they went they were not allowed to occupy their houses. Hence they had to find shelter under trees in the elephant-infested jungles. Their uncertain journey back home continues.

… The NGOs who are willing to give them some relief are obstructed from doing so due to political reasons. The ‘pass system’ for fishing affects them also. When they see the fishermen from the South fishing in the sea in their vicinity they are not able to venture into the sea freely to earn their livelihood…. they are afraid to speak out as they are surrounded by the army and navy whose heavy presence and interference affects their day to day life.

Military rule

The entire North is under military rule today. The most powerful ruling authority in the North, the Governor is an ex-military man.

The local military authorities in the North insist that prior permission has to be got from the military authorities before any public or even family function….

Even in religious ceremonies and functions in Churches and Temples we can find undue interference of the military.…. 

The incidents of ordinary people being attacked by the army for no rhyme or reason are not rare occurrences in the North. Few weeks ago at … Point Pedro there were some civilians standing at night during the festival in a Temple close by. Some soldiers who happened to pass-by attacked these people without any provocation whatsoever. When these people went to the Police-Station to lodge a complaint, the police refused to take down any complaint…. 

A lot of propaganda is given by the Government to the local and international media that there has been a substantial reduction of the number of soldiers in the North and vast areas occupied hitherto by the army have been vacated to enable resettlement of people displaced from there. But the ground reality is substantially different. Army presence and movement is very much there without any major change. In some places temporary army camps are converted into
well-entrenched permanent bases. When some houses and lands here and there are given back to the owners with much propaganda, large areas of land and even village are cordoned off surreptitiously for ‘security reasons’. From Valikamam North alone people from 23 Grama Sevaka divisions are still not able to get back to their lands or houses. … There are also some moves to take over some institutions such as the prestigious Government Teachers Training College complex by the security forces….

- Another aspect of the military rule is the sidelining of the democratically elected TNA MPs from public functions and from any role in the development work in the North.

Destruction of War-cemeteries, Prohibition of Prayer-Services for the War-victims

In a war the accepted international norm which is followed is that the winners show respect to the cemetery of the losers. Before the end of the war there had been many war-cemeteries in the North, which used to be well-maintained. Even during the ceasefire time (from 2002 to 2006) the militants were allowed to maintain them and the people used to frequent these places to remember their dead and to pray for them. Once the war was over, all these cemeteries were bulldozed without any trace and in some places new buildings and even army-camps have been established. The security forces are also very vigilant in preventing any prayer-service or function to remembrance of not only the dead militants but also the civilians...

Burglaries, Robberies, Murders etc-Daily routine Events

Every day we read in the dailies and hear of burglaries, robberies and murders and other violent incidents in the North which is something unprecedented. Most of those who carry out these are masked or wear full-helmets and have in their possession weapons which are used by the army and the armed-groups aligned to the government … We also can observe the army posted all over and the police patrolling the streets even at nights. It is surprising that these robbers are able to elude all these vigilant watches. In the course of these robberies those who have resisted have been murdered. The LLRC in one of its recommendations stated that the armed groups who are with the Government should be disarmed. This has not happened as it is evident from the liberal use of these sophisticated weapons during the robberies etc.

Buddhishization of the North

Once the war with the LTTE was won by the Government and the A-9 road was opened for the normal traffic a full-scale Buddhishization of the North is underway. First huge statues of Buddha and Dagobas were erected either in or near the army camps with full participation of the security forces. Some of these were erected near permanent Hindu Temples which had been there for centuries. To the total dismay of the Hindus and against their religious sentiments, in some places the already existing Hindu Temples were brought down and in those places Buddhist worship sites are established …

… … …

Unlike in the South where there are a substantial number of Hindus, Moslems and Christians and their respective Temples, Mosques and Churches besides the majority Buddhists, in the North the number of Buddhist civilians is negligible. Buddhism is present in the presence of the security forces and the visiting people from the South.

… … …

Already, settlements are underway in— some Tamil regions and are being given—a Sinhalese name … The Tamils who had been living there for generations are ejected from there and their paddy-fields to give place to the settlers from the South.

… … …

Human Rights activists, outspoken persons of justice and those who point out corruption and abuse of power in high levels are threatened by various means including death threats.

… … …

The Roman Catholic Bishop of Mannar, Rt. Rev. Dr. Rayappu Joseph who is respected by the Catholics and non-Catholics alike for his genuine
efforts to bring about justice, also is threatened. Bishop Joseph, in his evidence to the … (LLRC) clearly stated that about 146,000 people are still not accounted for after the war on the basis on the statistics provided by the Government authorities and dates also have been given. It observation must have put the government in a predicament. It is very clear that the Bishop presented his findings were not conjectures but based on firm evidence taken from Government records. In spite of that coming to the Bishop’s House and having an inquiry is nothing but an act of intimidation. Adding to the a Cabinet Minister made a statement in the Parliament leveling some baseless accusations against the Bishop and the higher authorities remaining indifferent about is also a continuation of this intimidation.

… … …

If anybody wants a job or a favor done he or she has to be the supporter of the Government.

… … …

The Plight of the Fishermen in the North

The fishermen in the North had hoped that after the war that they would be able go fishing without any restraints and that they would be able to get back to their former fishing-villages. Their hopes are far from being realized. Still there is the pass system as well as time limitation in some places. In spite of the assurance given by the Minister of Fisheries of not allowing anybody new from the South to the region of Mullaitheivu, other than those who were fishing there before the war, hundreds of new people are coming from the South. The security forces there are making all the arrangements for their stay and for fishing. These people are using the methods and the fishing gear which are not allowed in the North.

Myliddy used to be one of the best fishing ports in the Peninsula and more than four thousand fisher-families used to live in and around that area. Efforts are now underway not to allow those people to go there anymore and make that area into a high-security zone.

Obstacles to the Judiciary System

The judiciary had been giving some form of relief to the affected people. The developments in the recent past indicate that there are many obstacles for the free and fair functioning of the judiciary. Intimidation and pressurization have made inroads in to the judiciary also. Extraordinary (political) transfers of judges, prolongation of cases which need to be attended urgently indefinitely, keeping the suspects in custody for many years especially the political prisoners and those who had helped the LTTE and not giving information about them etc are some of the phenomena of this travesty of justice. ‘Justice delayed is justice denied’, is very relevant in this regard.

… … …

The Plight of the Forgotten Lot

To this category belong the thousands of political prisoners, those who were arrested for helping the LTTE in varying degrees, those who had surrendered during the final stages of the war with white flags, white-van victims, those who were taken by the security forces from their families for questioning and since then disappeared, those who were handed over to the security forces voluntarily by their family members fearing the failure to do so would have dangerous consequences if they were found out to be in some way connected to the LTTE, the repatriated ex-LTTE members, etc. The situation of the Tamil prisoners in the prisons, detention and rehabilitation centers in the South is very precarious. This has been evident from the massacre of the Tamil prisoners twice in quick succession in the Welikada prison and then after some years in the Boosa rehabilitation center where there were many casualties. At other times also there had been attacks on Tamil prisoners even for the slightest provocation …

A good number of these unfortunate people are kept incommunicado and their family members do not know whether they are alive or not. At times the family members of such people come to know the whereabouts of these people only when they were beaten, wounded and hospitalized. In the recent hostage incident and the ensued violent rescue operation the Tamil prisoners were moved to—

two different locations.

They were severely beaten and limbs broken and were not given any medical attention for long
hours. In this incident only one of them died. Another—
a young man—
from Jaffna is still in a coma stage. When his relatives went to see him being in coma stage after being beaten severely, his legs were tied by chains to the bed! He disappeared in Colombo in 2006 and his near-one did not know what had happen to him.
In fact he was arrested then and his family member had not been informed about it. Now after being beaten up with limbs broken and in coma stage, yet chained to his bed, his family members have access to see him! It is not the first time that prisoners who were in very serious condition were chained to the bed. It shocking that the medical professional ethics accept such treatment of patients in coma stage while in chains!

... ... ...
A recent disclosure by the second most powerful man in Sri Lanka that the white-van takes in people who are guilty of serious offences and who need to be questioned. In Sri Lanka there seems to one normal judiciary system and another extra-judiciary which does not come under the normal procedure. The normal law-enforcing agency, the police do not seem to be aware of such arrests.

The move by the security forces to give death-certificates to the people who have disappeared is distressing.

... ... ...
A substantial percentage of these disappeared people are those taken into custody by the security forces for questioning.

... ... ...
The repatriated ex-LTTE members who have been released in stages are under tremendous pressure. They want to live a quiet life with their families. Unfortunately they under constant surveillance, asked to be informants, asked to work for the progress of the agenda of the Ruling Party etc. Recently some special group of men claiming to be from the CID went to the villages in Wanni on mo-bikes, rounded up the repatriated ex-LTTE men, took them to the respective buildings and questioned them again of their connections, in some cases assaulted them and warned them of serious consequences if any untoward incident happened and went back. Before leaving they had told them not report to anybody of this inquiry. In some cases the special ICs—

identity cards—
given to them by an NGO to show that they are repatriated ex-LTTE members to show that they are from being rearrested have been confiscated. They have complained to the local MPs that they live in constant fear.
I now read an excerpt from the conclusion of this statement:
The above mentioned developments and observations in the post-war scenario especially in the North Sri Lanka which bore the brunt of the war are like the tip of an ice-berg in presenting the real picture of what is going on. The external face-lift given to the North does not in any way correspond with the somber reality deep down in the heart of the people as they feel that they are not basically free to express themselves, their fundamental human rights not respected, inability to bring to justice those who do harm to them, not able find any redress when ejected from their traditional residence and land and above all inability to manifest their protest for the above and other unspecified violations even in a non-violent manner, indicate that things are volatile.

I have to end here as my time is running out. Everything I have read from the commission contradicts the official line of the government of Sri Lanka, who concoct their words to lead us to believe that peace is flourishing in postwar Sri Lanka and they are doing everything to help the Tamil people.
This open letter attests that nothing could be further from the truth. History has shown that the current government of Sri Lanka does not treat the Tamils of Sri Lanka with equality, dignity and justice. I commend this account of the reality of life for Tamils in Sri Lanka to the Senate and again thank the Commission for Justice and Peace of the Catholic Diocese of Jaffna for issuing this
statement to inform us better about the current situation in their country.

Senate adjourned at 20:56

DOCUMENTS
Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

A New Tax System (Family Assistance) Act—
Family Assistance (Clean Energy Advances in Certain Circumstances) Determination 2012 [F2012L01435].

Family Assistance (Exemption from Immunisation Requirements) (FaHCSIA) Determination 2012 [F2012L01470].

Family Assistance (Meeting the Immunisation Requirements) (FaHCSIA) Determination 2012 [F2012L01473].

Family Assistance (Vaccination Schedules) (FaHCSIA) Determination 2012 [F2012L01478].

A New Tax System (Goods and Services Tax) Act—Select Legislative Instruments 2012 Nos—
148—A New Tax System (Goods and Services Tax) Amendment Regulation 2012 (No. 2) [F2012L01405].

149—A New Tax System (Goods and Services Tax) Amendment Regulation 2012 (No. 3) [F2012L01482].

Aged Care Act—
Aged Care (Amount of Flexible Care Subsidy – Extended Aged Care at Home – Dementia) Determination 2012 (No. 1) [F2012L01420].

Aged Care (Amount of Flexible Care Subsidy – Extended Aged Care at Home) Determination 2012 (No. 1) [F2012L01424].

Aged Care (Amount of Flexible Care Subsidy – Innovative Care Service – Congress Community Development and Education Unit Ltd) Determination 2012 (No. 1) [F2012L01422].

Aged Care (Amount of Flexible Care Subsidy – Innovative Care Services) Determination 2012 (No. 1) [F2012L01406].

Aged Care (Amount of Flexible Care Subsidy – Multi-Purpose Services) Determination 2012 (No. 1) [F2012L01426].

Aged Care (Amount of Flexible Care Subsidy – Transition Care Services) Determination 2012 (No. 1) [F2012L01408].

Aged Care (Community Care Subsidy Amount) Determination 2012 (No. 1) [F2012L01417].

Aged Care (Residential Care – Amount of Basic Subsidy) Determination 2012 (No. 1) [F2012L01410].

Aged Care (Residential Care Subsidy – Adjusted Subsidy Reduction) Determination 2012 (No. 1) [F2012L01415].

Aged Care (Residential Care Subsidy – Amount of Enteral Feeding Supplement) Determination 2012 (No. 1) [F2012L01414].

Aged Care (Residential Care Subsidy – Amount of Oxygen Supplement) Determination 2012 (No. 1) [F2012L01411].

Aged Care (Residential Care Subsidy – Amount of Viability Supplement) Determination 2012 (No. 1) [F2012L01416].

Allocation Amendment (People with Special Needs) Principles 2012 [F2012L01469].

Residential Care Subsidy Amendment Principles 2012 (No. 2) [F2012L01428].

Agricultural and Veterinary Chemicals (Administration) Act—Select Legislative Instrument 2012 No. 180—Agricultural and Veterinary Chemicals (Administration) Amendment Regulation 2012 (No. 1) [F2012L01647].

Airports Act—Select Legislative Instruments 2012 Nos—
184—Airports Amendment Regulation 2012 (No. 1) [F2012L01668].

185—Airports Amendment Regulation 2012 (No. 2) [F2012L01669].

186—Airports (Control of On-Airport Activities) Amendment Regulation 2012 (No. 1) [F2012L01665].
187—Airports (Environment Protection) Amendment Regulation 2012 (No. 1) [F2012L01664].

188—Airports Legislation Amendment Regulation 2012 (No. 1) [F2012L01663].


Appropriation Act (No. 1) 2009-2010 and Appropriation Act (No. 2) 2009-2010—Determination to Reduce Appropriations Upon Request (No. 1 of 2012-2013) [F2012L01622].

Appropriation Act (No. 1) 2011-2012—Advances to the Finance Minister—

No. 4 of 2011-2012 [F2012L01521].
No. 5 of 2011-2012 [F2012L01522].
No. 6 of 2011-2012 [F2012L01523].
No. 7 of 2011-2012 [F2012L01529].


Australian Film, Television and Radio School Act—Determination of Degrees, Diplomas and Certificates No. 2012/1 [F2012L01620].

Australian National Registry of Emissions Units Act—Select Legislative Instrument 2012 No. 124—Australian National Registry of Emissions Units Amendment Regulation 2012 (No. 2) [F2012L01488].

Australian National University Act—

Australian National University Academic Board Statute 2012—

Academic Board (Election of Members) Order (No. 3) 2012 [F2012L01539].

Australian National University Academic Board and Committees Rules (No. 2) 2012 [F2012L01638].


Australian Prudential Regulation Authority Act—

Australian Prudential Regulation Authority (Commonwealth Costs) Determination 2012 [F2012L01595].

Australian Prudential Regulation Authority (Confidentiality) Determination No. 13 of 2012—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2012L01589].

Australian Prudential Regulation Authority Instrument Fixing Charges No. 2 of 2012—Models-based capital adequacy requirements for ADIs for the financial year 2011-12 [F2012L01409].

Australian Renewable Energy Agency Act—

Australian Renewable Energy Agency Determination 2012 [F2012L01520].

Australian Research Council Act—

Approval of Proposals—Determinations Nos—

100—Linkage Learned Academies Special Projects for funding commencing in 2012.
101—Discovery Projects and Discovery Early Career Researcher Award for funding commencing in 2012.
102—Future Fellowships for funding commencing in 2012.
103—Special Research Initiative for Synchrotron Science for funding commencing in 2012.

104—Linkage Projects Round 2 for funding commencing in 2012.

105—Australian Laureate Fellowships for funding commencing in 2012.

Linkage Learned Academies Special Projects (LASP) Funding Rules for funding commencing in 2010 Variation (No. 2) [F2012L01626].

Linkage Projects Funding Rules for funding commencing in 2013 [F2012L01642].

Special Research Initiative for a Science of Learning Centre Funding Rules for funding commencing in 2012 [F2012L01644].

Special Research Initiative for an Aboriginal and Torres Strait Islander Researchers’ Network Funding Rules for funding commencing in 2012 [F2012L01627].

Special Research Initiative in Synchrotron Science Funding Rules for funding commencing in 2012 [F2012L01625].


Authorised Non-operating Holding Companies Supervisory Levy Imposition Act—Authorised Non-operating Holding Companies Supervisory Levy Imposition Determination 2012 [F2012L01475].


Aviation Transport Security Act—Select Legislative Instrument 2012 No. 134—Aviation Transport Security Amendment Regulation 2012 (No. 4) [F2012L01480].


Broadcasting Services Act—

Broadcasting Services (Digital-Only Local Market Areas for the Remote and Regional WA TV1, Western Zone TV1 and Kalgoorlie TV1 Licence Areas) Determination (No. 1) 2012 [F2012L01566].

Broadcasting Services (Events) Notice (No. 1) 2010—

Amendment No. 10 of 2012 [F2012L01578].

Amendment No. 11 of 2012 [F2012L01612].

Licence Area Plan – Darwin Television [F2012L01495].

Variations to Licence Area Plans—

Brisbane Radio – No. 1 of 2012 [F2012L01511].


Carbon Credits (Carbon Farming Initiative) Act—

Carbon Farming ( Destruction of Methane Generated from Manure in Piggeries) Methodology Determination 2012 [F2012L01501].


Select Legislative Instrument 2012 No. 125—Carbon Credits (Carbon Farming Initiative) Amendment Regulation 2012 (No. 2) [F2012L01505].

Charter of the United Nations Act—

Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2012 (No. 1) [F2012L01636].

Select Legislative Instrument 2012 No. 163—Charter of the United Nations Legislation Amendment Regulation 2012 (No. 1) [F2012L01572].

Christmas Island Act—Utilities and Services Ordinance—Water and Sewerage Services Fees and Charges Determination 2012 [F2012L01452].

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos CASA—

190/12—Instructions – for approved use of P-RNAV procedures [F2012L01508].
194/12—Instructions – GNSS primary means navigation (A330 and B737NG aircraft) [F2012L01560].

200/12—Approval and directions – flight data recorders [F2012L01400].

205/12—Direction – number of cabin attendants for Airbus A320 and Fokker F100 aircraft [F2012L01394].

206/12—Direction – number of cabin attendants (Sunstate Airlines) [F2012L01392].

219/12—Direction – number of cabin attendants (National Jet Systems) [F2012L01591].

239/12—Direction – number of cabin attendants for Fokker F70 and Fokker F100 aircraft [F2012L01634].

240/12—Direction – number of cabin attendants in Boeing 737-800 series aircraft, Qantas Airways Limited [F2012L01632].

Civil Aviation Safety Regulations—Airworthiness Directives—AD/B737/197 Amdt 3—Flight Control Modules (FCM) – Replacement [F2012L01609].

AD/B737/228 Amdt 1—Honeywell Start Converter Unit [F2012L01608].

AD/B747/15 Amdt 2—Trailing Edge Flap Track Fuse Bolt – Inspection/Replacement [F2012L01540].

AD/GA8/6—Pitot Heat Wiring [F2012L01667].

AD/OH-58/8—Main Rotor Mast Cracking [F2012L01630].

Civil Aviation Order 95.33 Repeal Instrument 2012 [F2012L01506].

Instruments Nos CASA—EX68/12—Exemption – from holding a class 2 medical certificate [F2012L01492].

EX74/12—Exemption – flight and navigation equipment [F2012L01559].

EX91/12—Exemption – solo flight training at Coffs Harbour Aerodrome using ultralight aeroplanes and weight shift controlled aeroplanes registered with the RAA [F2012L01493].

EX92/12—Exemption – public address system [F2012L01425].

EX93/12—Exemption – from standard take-off and landing minima – Jetstar [F2012L01593].

EX94/12—Exemption – from standard take-off and landing minima – Cargolux [F2012L01494].

EX97/12—Exemption – from standard take-off and landing minima – Vietnam Airlines [F2012L01393].

EX112/12—Exemption – participation in land and hold short operations [F2012L01590].

EX113/12—Exemption – recency requirements for night flying (Tiger Airways Australia Pty Limited) [F2012L01558].

EX114/12—Exemption – overweight landings [F2012L01503].

EX115/12—Exemption – from standard take-off and landing minima – Qantas [F2012L01628].

EX117/12—Exemption of DAMP organisations for collection and screening of specimens [F2012L01641].

EX118/12—Exemption – recency requirement [F2012L01633].

EX130/12—Exemption – class A aircraft used in private operations [F2012L01672].

Revocation of Airworthiness Directives—Instruments Nos CASA ADCX—

014/12 [F2012L01504].

015/12 [F2012L01546].

016/12 [F2012L01610].

017/12 [F2012L01673].

Civil Aviation Regulations and Civil Aviation Safety Regulations—Civil Aviation Order 20.91 (Instructions and directions for performance-based navigation) 2012 [F2012L01570].

Clean Energy Act—Select Legislative Instruments 2012 Nos—

126—Clean Energy Amendment Regulation 2012 (No. 4) [F2012L01403].

181—Clean Energy Amendment Regulation 2012 (No. 5) [F2012L01657].

Coastal Trading (Revitalising Australian Shipping) Act and Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act—Select Legislative Instrument 2012 No. 135—
Coastal Trading (Revitalising Australian Shipping) Regulation 2012 [F2012L01474].

Cocos (Keeling) Islands Act—Utilities and Services Ordinance—Water and Sewerage Services Fees and Charges Determination 2012 [F2012L01453].


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Erratum—TR 2012/5.


TR 2012/2, TR 2012/5 and TR 2012/6.

Commonwealth Authorities and Companies Act—Finance Minister’s (CAC Act Procurement) Directions 2012 [F2012L01491].

Commonwealth Electoral Act and Referendum Act—Finance Minister’s (CAC Act Procurement) Directions 2012 [F2012L01453].

Commonwealth Electoral Act and Referendum (Machinery Provisions) Act—Select Legislative Instrument 2012 No. 157—Electoral and Referendum Amendment Regulation 2012 (No. 1) [F2012L01487].


Select Legislative Instruments 2012 Nos—150—Competence and Consumer Amendment Regulation 2012 (No. 2) [F2012L01413].

154—Trade Practices (Industry Codes – Oilcode) Amendment Regulation 2012 (No. 1) [F2012L01484].

Corporations Act—Accounting Standards—AASB 1048—Interpretation of Standards [F2012L01585].


AASB 2012-4—Amendments to Australian Accounting Standards – Government Loans [F2012L01582].


ASIC Class Orders—[CO 12/572] [F2012L01500].

[CO 12/573] [F2012L01502].

[CO 12/574] [F2012L01517].

[CO 12/622] [F2012L01538].

[CO 12/752] [F2012L01674].

ASIC Market Integrity Rules (ASX Market) Amendment 2012 (No. 1) [F2012L01562].

ASIC Market Integrity Rules (ASX Market) Amendment 2012 (No. 2) [F2012L01573].

ASIC Market Integrity Rules (Chi-X Australia Market) Amendment 2012 (No. 1) [F2012L01569].

ASIC Market Integrity Rules (Chi-X Australia Market) Amendment 2012 (No. 2) [F2012L01574].
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170—Corporations Amendment Regulation 2012 (No. 4) [F2012L01545].
171—Corporations Amendment Regulation 2012 (No. 5) [F2012L01548].
172—Corporations Amendment Regulation 2012 (No. 6) [F2012L01549].

Corporations (Fees) Act—Select Legislative Instrument 2012 No. 173—Corporations (Fees) Amendment Regulation 2012 (No. 1) [F2012L01551].

Currency Act—Currency (Royal Australian Mint) Determination 2012 (No. 3) [F2012L01507].

Customs Act—
CEO Instrument of Approval No. 1 of 2012—Crew Declaration [F2012L01607].

Select Legislative Instruments 2012 Nos—
118—Customs Amendment Regulation 2012 (No. 5) [F2012L01423].
119—Customs (Prohibited Exports) Amendment Regulation 2012 (No. 1) [F2012L01402].
120—Customs (Prohibited Imports) Amendment Regulation 2012 (No. 1) [F2012L01407].
176—Customs Amendment Regulation 2012 (No. 6) [F2012L01646].
177—Customs (Prohibited Exports) Amendment Regulation 2012 (No. 2) [F2012L01645].

Defence Act—
Defence Force (Superannuation) (Productivity Benefit) Amendment Determination 2012 (No. 1) [F2012L01666].

Determinations under section 58B—Defence Determinations—
2012/33—Salary, bonuses, allowances, relocation, housing and meals—amendment.
2012/34—Army – 1st Recruit Training Battalion recruit instructors scheme—amendment.
2012/35—Service residences—amendment.
2012/36—Reserve health support—amendment.
2012/37—Special assistance during removal.
2012/38—Post indexes—amendment.
2012/39—District allowance—amendment.
2012/40—Meals, incidentals and short-term duty overseas travel costs—amendment.
2012/41—Removals—amendment.
2012/42—Additional recreation leave—amendment.
2012/43—Emergency Support for Families Scheme—amendment.
2012/44—Deployment allowance—amendment.

Determinations under section 58H—Defence Force Remuneration Tribunal Determinations Nos—
7 of 2012—Salaries—Army Pilot Pay Grade 7—Amendment.
8 of 2012—Salaries—Combat Controller—Amendment.

Defence Home Ownership Assistance Scheme Act—Defence Home Ownership Assistance Scheme (Average House Price and Median Interest Rate) Amendment Determination 2012 (No. 1) [F2012L01372].

Disability Discrimination Act—Select Legislative Instrument 2012 No. 178—Disability Discrimination Amendment Regulation 2012 (No. 1) [F2012L01648].

Education Services for Overseas Students Act—
Education Services for Overseas Students (Calculation of unspent pre-paid fees—other cases) Determination 2012 (No. 1) [F2012L01378].

Education Services for Overseas Students (Calculation of unspent pre-paid fees—provider
default) Determination 2012 (No. 1) [F2012L01351].

Education Services for Overseas Students (Calls on the OSTF – requirements for payments) Determination 2012 (No. 1) [F2012L01385].

Education Services for Overseas Students (Notification of student default – requirements for a notice) Determination 2012 (No. 1) [F2012L01390].

Education Services for Overseas Students (Notifying provider default – requirements for obligations – requirements for a notice) Determination 2012 (No. 1) [F2012L01387].

Education Services for Overseas Students (Suitable Alternative Courses) Determination 2012 (No. 1) [F2012L01381].

Environment Protection and Biodiversity Conservation Act—Amendments of lists of—

Exempt native specimens—

EPBC303DC/SFS/2012/32 [F2012L01619].
EPBC303DC/SFS/2012/33 [F2012L01596].
EPBC303DC/SFS/2012/34 [F2012L01375].
EPBC303DC/SFS/2012/35 [F2012L01376].
EPBC303DC/SFS/2012/36 [F2012L01597].

EPBC303DC/SFS/2012/37 [F2012L01577].
EPBC303DC/SFS/2012/38 [F2012L01629].
EPBC303DC/SFS/2012/42 [F2012L01659].


Specimens taken to be suitable for live import—EPBC/s.303EC/SSLI/Amend/043 [F2012L01527].

Excise Act—

Excise (Mass of CNG) Determination 2012 (No. 1) [F2012L01048]—Explanatory statement [in substitution for explanatory statement tabled with instrument on 18 June 2012].

Select Legislative Instruments 2012 Nos—

151—Excise Amendment Regulation 2012 (No. 1) [F2012L01419].
189—Excise Amendment Regulation 2012 (No. 2) [F2012L01649].
190—Excise Amendment Regulation 2012 (No. 3) [F2012L01650].

Export Inspection (Establishment Registration Charges) Act and Export Inspection and Meat Charges Collection Act—Select Legislative Instrument 2012 No. 122—Export Inspection Legislation Amendment Regulation 2012 (No. 1) [F2012L01397].

Fair Work Act—

Fair Work (State Declarations – employer not to be national system employer) Endorsement 2012 (No. 1) [F2012L01606].
Fair Work (State Declarations – employer not to be national system employer) Endorsement 2012 (No. 2) [F2012L01651].


Family Assistance and Other Legislation Amendment (Schoolkids Bonus Budget Measures) Act—ETR Payments Administrative Scheme (FaHCSIA) Determination 2012 [F2012L01454].

Family Law Act—Family Law (Superannuation) Regulations—

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Interests) Amendment Approval 2012 (No. 2) [F2012L01463].

Family Law (Superannuation) (Provision of Information – SA Local Government Superannuation Scheme) Amendment Determination 2012 (No. 1) [F2012L01476].

Federal Court of Australia Act—Select Legislative Instrument 2012 No. 175—Federal Court (Corporations) Amendment Rules 2012 (No. 1) [F2012L01631].

Federal Financial Relations Act—
Determination of the GST Revenue Sharing Relativity for 2012-13 [F2012L01516].

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No. 49 (June 2012) [F2012L01512].
No. 50 (June 2012) [F2012L01513].
No. 51 (June 2012) [F2012L01515].
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Financial Management and Accountability Determinations Nos—
2012/20—Section 32 (Transfer of Functions from HEALTH to IHPA) [F2012L01532].
2012/22—Section 32 (Transfer of Functions from ABCC to FWBII) [F2012L01568].
2012/24—Section 32 (Transfer of Functions from DCCEE to CER) [F2012L01528].
2012/25—Section 32 (Transfer of Functions from DPMC to NMHC) [F2012L01525].
2012/26—Section 32 (Transfer of Functions from DEEWR to DIISRTE) [F2012L01531].


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131—Financial Management and Accountability Amendment Regulation 2012 (No. 3) [F2012L01460].
164—Financial Management and Accountability Amendment Regulation 2012 (No. 4) [F2012L01556].

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Fisheries Management Act—
Northern Prawn Fishery (Closures) Direction No. 160 [F2012L01586].
Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 4 2012 [F2012L01670].
Southern and Eastern Scalefish and Shark Fishery (Minimum Gear Requirements) Direction No. 1 2012 [F2012L01518].

Food Standards Australia New Zealand Act—
Australia New Zealand Food Standards Code—Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 7, 2012 [F2012L01598].

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Food Standards (Application A1066 – Food derived from Herbicide-tolerant Corn MON87427) Variation [F2012L01536].

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Levy Imposition Determination 2012 [F2012L01450].

Health Insurance Act—
Health Insurance (Section 3C Determination) Revocation Determination 2012 [F2012L01561].
Select Legislative Instruments 2012 Nos—
138—Health Insurance Amendment Regulation 2012 (No. 1) [F2012L01477].
139—Health Insurance (General Medical Services Table) Amendment Regulation 2012 (No. 2) [F2012L01431].
140—Health Insurance (General Medical Services Table) Amendment Regulation 2012 (No. 3) [F2012L01479].
165—Health Insurance Amendment Regulation 2012 (No. 2) [F2012L01547].
166—Health Insurance (Pathology Services) Amendment Regulation 2012 (No. 1) [F2012L01550].
167—Health Insurance (Pathology Services Table) Amendment Regulation 2012 (No. 2) [F2012L01553].
Healthcare Identifiers Act—Select Legislative Instrument 2012 No. 160—Healthcare Identifiers Amendment Regulation 2012 (No. 1) [F2012L01401].
Higher Education Support Act—
Higher Education Provider Approvals Nos—
4 of 2012—National Art School [F2012L01592].
5 of 2012—The Centre of Academic Excellence Pty Ltd [F2012L01637].
6 of 2012—Photography Holdings Pty Ltd [F2012L01639].
Revocation of Approval as a Higher Education Provider—Cengage Education Pty Ltd [F2012L01514].
VET Provider Approvals Nos—
11 of 2012—Australian Nursing & Midwifery Federation (SA Branch) [F2012L01509].
12 of 2012—Navitas Workforce Solutions Pty Ltd [F2012L01510].
Jervis Bay Territory Acceptance Act—Administration Ordinance—
Electricity Supply Fees Determination 2012 [F2012L01468].
Water and Sewerage Services Fees Determination 2012 [F2012L01459].
Judiciary Act—Legal Services Amendment Direction 2012 (No. 2) [F2012L01652].
Lands Acquisition Act—Statement describing property acquired by agreement for specified purposes under section 125.
Select Legislative Instruments Act—Select Legislative Instrument 2012 No. 179—Legislative Instruments Amendment Regulation 2012 (No. 1) [F2012L01653].
Migration Act—
Migration Agents Regulations—Instrument IMMI 12/067—Prescribed continuing professional development for applicants for registration as a migration agent [F2012L01588].
Migration Regulations—Instruments IMMI—
12/015—Location of campuses and postcodes [F2012L01444].
12/039—Specification of occupations, a person or body, a country or countries [F2012L01451].
12/073—Evidence of functional English language proficiency [F2012L01447].
Select Legislative Instrument 2012 No. 133—
Migration Amendment Regulation 2012 (No. 4) [F2012L01438].
Statements for period 1 January to 30 June 2012 under sections—
46A(2) [140].
48B [6].
91L [23].
91Q [2].
195A [66].
197AB [288].
351 [189].
417 [124].


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National Greenhouse and Energy Reporting (Measurement) Amendment Determination 2012 (No. 1) [F2012L01439].
Select Legislative Instrument 2012 No. 162—National Greenhouse and Energy Reporting Amendment Regulation 2012 (No. 2) [F2012L01575].

National Health Act—
Continence Aids Payment Scheme Variation 2012 (No. 1) [F2012L01433].
Instruments Nos PB—
39 of 2012—National Health (Highly specialised drugs programs for hospitals) Special Arrangement Amendment Instrument 2012 (No. 5) [F2012L01458].
43 of 2012—National Health (Indigenous Chronic Disease – PBS Co-payment Measure) Special Arrangement Amendment Instrument 2012 (No. 1) [F2012L01461].
44 of 2012—National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2012 (No. 6) [F2012L01605].
45 of 2012—National Health (Price and Special Patient Contribution) Amendment Determination 2012 (No. 4) [F2012L01599].
46 of 2012—Amendment determination – conditions [F2012L01601].
47 of 2012—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2012 (No. 6) [F2012L01615].
48 of 2012—National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2012 (No. 6) [F2012L01616].
49 of 2012—National Health (Claims and under co-payment data) Amendment Rules 2012 (No. 1) [F2012L01456].
51 of 2012—National Health (Weighted average disclosed price – third transitional disclosure cycle) Amendment Determination 2012 [F2012L01604].
53 of 2012—National Health (Listed drugs on F1 or F2) Amendment Determination 2012 (No. 5) [F2012L01621].
54 of 2012—Amendment Determination under section 84AH of the National Health Act 1953 (2012) (No. 2) [F2012L01623].
55 of 2012—National Health Revocation Instrument 2012 (No. 1) [F2012L01624].
57 of 2012—National Health (Subsection 84C (7)) Amendment Determination 2012 (No. 1) [F2012L01544].
National Health (Continued Dispensing) Determination 2012 [F2012L01465].
National Health (Residential Medication Chart) Determination 2012 [F2012L01526].
Select Legislative Instrument 2012 No. 141—National Health (Pharmaceutical Benefits) Amendment Regulation 2012 (No. 3) [F2012L01443].
National Health Act and National Health Amendment (Pharmaceutical Benefits Scheme) Act 2012—Select Legislative Instrument 2012 No. 168—National Health (Pharmaceutical Benefits) Amendment Regulation 2012 (No. 4) [F2012L01552].
Ozone Protection and Synthetic Greenhouse Gas Management Act—Select Legislative Instrument 2012 No. 169—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulation 2012 (No. 2) [F2012L01555].

Personal Property Securities Act—Select Legislative Instrument 2012 No. 121—Personal Property Securities Amendment Regulation 2012 (No. 1) [F2012L01404].


Private Health Insurance Act—

Private Health Insurance (Incentives) Rules 2012 (No. 2) [F2012L01498].

Private Health Insurance (Insurer Obligations) Amendment Rule 2012 (No. 1) [F2012L01530].

Private Health Insurance (Council Administration Levy) Act—Private Health Insurance (Council Administration Levy) Amendment Rule 2012 (No. 1) [F2012L01391].

Proceeds of Crime Act—Select Legislative Instrument 2012 No. 156—Proceeds of Crime Amendment Regulation 2012 (No. 1) [F2012L01489].

Radiocommunications (Receiver Licence Tax) Act—

Radiocommunications (Receiver Licence Tax) Amendment Determination 2012 (No. 1) [F2012L01563].

Radiocommunications (Receiver Licence Tax) Amendment Determination 2012 (No. 2) [F2012L01655].

Radiocommunications (Transmitter Licence Tax) Act—

Radiocommunications (Transmitter Licence Tax) Amendment Determination 2012 (No. 2) [F2012L01564].

Radiocommunications (Transmitter Licence Tax) Amendment Determination 2012 (No. 3) [F2012L01656].

Renewable Energy (Electricity) Act—Select Legislative Instruments 2012 Nos—

127—Renewable Energy (Electricity) Amendment Regulation 2012 (No. 5) [F2012L01483].

182—Renewable Energy (Electricity) Amendment Regulation 2012 (No. 6) [F2012L01658].


Shipping Reform (Tax Incentives) Act—Select Legislative Instrument 2012 No. 137—Shipping Reform (Tax Incentives) Regulation 2012 [F2012L01442].

Shipping Registration Act—

Australian International Shipping Register (Minimum Compensation) Determination 2012 [F2012L01449].

Australian International Shipping Register (Minimum Wages) Determination 2012 [F2012L01467].

Select Legislative Instrument 2012 No. 158—Shipping Registration Amendment Regulation 2012 (No. 2) [F2012L01434].

Social Security Act—


Social Security (Administration) Act—


Social Security (Administration) (Declared child protection State – New South Wales, Queensland, South Australia and Victoria) Determination 2012 [F2012L01377].

Social Security (Administration) (Declared voluntary income management areas – New South Wales, Queensland, South Australia and Victoria) Determination 2012 [F2012L01374].

Social Security (Administration) (Declared voluntary income management areas – Western
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Australia) Amendment Determination 2012 [F2012L01611].


Superannuation Act 1976—

Superannuation (CSS Employees – Exclusion) Amendment Declaration 2012 (No. 1) [F2012L01541].

Superannuation (CSS Employees – Inclusion) Amendment Declaration 2012 (No. 1) [F2012L01533].

Superannuation Act 1990—Superannuation (PSS) Membership Inclusion Amendment Declaration 2012 (No. 1) [F2012L01535].

Superannuation Industry (Supervision) Act—

Select Legislative Instrument 2012 No. 183—Superannuation Industry (Supervision) Amendment Regulation 2012 (No. 2) [F2012L01654].

Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act—Select Legislative Instrument 2012 No. 132—Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Amendment Regulation 2012 (No. 1) [F2012L01429].

Superannuation Supervisory Levy Imposition Act—Superannuation Supervisory Levy Imposition Determination 2012 [F2012L01471].

Taxation Administration Act 1953—


PAYG withholding—Tax table for employment termination payments [F2012L01427].


Select Legislative Instruments 2012 Nos—

152—Taxation Administration Amendment Regulation 2012 (No. 3) [F2012L01412].

153—Taxation Administration Amendment Regulation 2012 (No. 4) [F2012L01418].

Telecommunications Act—

Telecommunications (Customer Service Guarantee) Record-Keeping Rules Amendment 2012 (No. 1) [F2012L01436].

Telecommunications Numbering Plan Variation 2012 (No. 1) [F2012L01567].

Telecommunications (Consumer Protection and Service Standards) Act—Telstra Carrier Charges—Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2005 (Amendment No. 1 of 2012) [F2012L01383].


Therapeutic Goods Act—

Poisons Standard Amendment No. 2 of 2012 [F2012L01660].

Select Legislative Instruments 2012 Nos—

142—Therapeutic Goods Amendment Regulation 2012 (No. 1) [F2012L01448].

143—Therapeutic Goods Amendment Regulation 2012 (No. 2) [F2012L01455].
146—Therapeutic Goods (Medical Devices) Amendment Regulation 2012 (No. 1) [F2012L01464].

147—Therapeutic Goods (Medical Devices) Amendment Regulation 2012 (No. 2) [F2012L01466].

Therapeutic Goods (Charges) Act—Select Legislative Instruments 2012 Nos—

144—Therapeutic Goods (Charges) Amendment Regulation 2012 (No. 1) [F2012L01457].

145—Therapeutic Goods (Charges) Amendment Regulation 2012 (No. 2) [F2012L01462].

Veterans’ Entitlements Act—

Amendment Statement of Principles concerning Macular Degeneration No. 47 of 2012 [F2012L01437].


Wine Australia Corporation Act—Select Legislative Instrument 2012 No. 161—Wine Australia Corporation Amendment Regulation 2012 (No. 1) [F2012L01554].

Governor-General’s Proclamations—

Commencement of provisions of Acts


Personally Controlled Electronic Health Records Act 2012—Sections 3 to 112—29 June 2012 [F2012L01395].


Stronger Futures in the Northern Territory Act 2012—Sections 3 to 120—16 July 2012 [F2012L01543].

Tabling

The following government documents were tabled:


Treaties—Bilateral—Malaysia-Australia Free Trade Agreement done at Kuala Lumpur on 22 May 2012—Text, together with national interest analysis, regulation impact statement and annexures.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Commonwealth Heads of Government Meeting: Sri Lankan Officials
(Question No. 1230)

Senator Rhiannon asked the Minister for Foreign Affairs, upon notice, on 20 September 2011:

(1) What steps has the Australian Government taken, or is it taking, to investigate whether Sri Lankan officials seeking to attend the Commonwealth Heads of Government Meeting in October 2011 have not been implicated in war crimes.

(2) Have any of the members of that e delegation travelling with President Mahinda Rajapakse sought certificates from the Australian Government confirming immunity from any possible legal proceedings in Australia.

Senator Bob Carr: the answer to the Honourable Senator's questions is as follows:

(1) Ahead of the Commonwealth Heads of Government Meeting (CHOGM), the Australian section of the International Commission of Jurists (ICJA) sent the Australian Federal Police (AFP) a report that contained allegations that President Rajapaksa and Admiral Samarasinghe (both members of Sri Lanka's Delegation to CHOGM) were involved in war crimes and crimes against humanity committed during the final stages of Sri Lanka's civil war. The AFP stated publicly in October 2011 that it was evaluating the ICJA report. The status of the evaluation is a matter for the AFP.

Department of Immigration and Citizenship (DIAC) screening procedures are a matter for the Minister for Immigration and Citizenship.

(2) No.

Financial Services and Superannuation
(Question No. 1549)

Senator Cormann asked the Minister for Financial Services and Superannuation, upon notice, on 10 February 2012:

With reference to superannuation contributions in excess of the concessional and non-concessional caps:

(1) For the 2009-10 and 2010-11 financial years, listed separately:

(a) how many individuals made contributions above the concessional and non-concessional contribution caps respectively;

(b) what was the average amount paid above the concessional and non-concessional contribution caps respectively;

what was the total amount of taxation collected as a result of contributions above the concessional and non-concessional contribution caps respectively;

(d) what was the average amount of tax paid per individual on contributions above the concessional and non-concessional contribution caps respectively;

(e) what was the average amount of excess concessional contributions that counted towards the individual's non-concessional contribution caps for the same period;

(f) what was the average amount of excess concessional contributions that counted towards the individual's non-concessional contribution caps that created excess non-concessional contributions for the same period; and
(g) how many people does the Australian Taxation Office (ATO) expect to make contributions above the concessional and non-concessional contribution caps and how much taxation is this estimated to raise.

(2) For the 2010-11 financial year, how many individuals exceeded the concessional contributions caps, listed by the marginal income tax rate brackets.

(3) How much has it cost the ATO to administer the concessional and non-concessional contribution caps for the:
   (a) 2009-10; and
   (b) 2010-11 financial years.

(4) For the 2011-12 financial year, how much does the ATO estimate it will spend administering the concessional and non-concessional contribution caps respectively.

Senator Wong: The Minister for Financial Services and Superannuation has provided the following answer to the Honourable Senator's question:

(1) (a) Table 1: Number of individuals exceeding the contributions caps in 2009-10 and 2010-11, by cap type as at 8 February 2012.

<table>
<thead>
<tr>
<th></th>
<th>2009-10</th>
<th>2010-11#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concessional only</td>
<td>79,418</td>
<td>60,962</td>
</tr>
<tr>
<td>Non-concessional*</td>
<td>5,911</td>
<td>4,312</td>
</tr>
<tr>
<td>Total</td>
<td>85,329</td>
<td>65,274</td>
</tr>
</tbody>
</table>

* includes individuals who have exceeded both the concessional and non-concessional contributions caps.

# The data for excess contributions made in the 2010-11 year is incomplete and the number of individuals exceeding the caps is expected to increase as self managed superannuation funds lodge their annual returns and individuals on income tax lodgement programs lodge tax returns.

Not all individuals identified as exceeding the contributions caps will receive an assessment. A number of cases will be subject to correction of reporting errors by funds. Additionally, the ATO takes a practical, risk based approach in relation to cases where the caps are exceeded by only a small amount.

(b) Table 2: Average and median excess contributions for 2009-10 and 2010-11, by cap type as at 8 February 2012.

<table>
<thead>
<tr>
<th></th>
<th>2009-10</th>
<th>2010-11#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average excess concessional</td>
<td>$6,271</td>
<td>$6,007</td>
</tr>
<tr>
<td>Average excess non-concessional (inc. both caps)</td>
<td>$53,564</td>
<td>$49,752</td>
</tr>
<tr>
<td>Median excess concessional</td>
<td>$2,617</td>
<td>$2,496</td>
</tr>
<tr>
<td>Median excess non-concessional (inc. both caps)</td>
<td>$7,266</td>
<td>$26,159^</td>
</tr>
</tbody>
</table>

# The data for 2010-11 is not complete and the averages could change as self managed superannuation funds lodge their annual returns and individuals on income tax lodgement programs lodge their tax returns.

^ The data for 2010-11 is not complete and the median will change as individuals on income tax lodgment programs lodge their tax returns and claim a deduction for personal superannuation contributions.

(c) The ATO does not separately record the concessional and non-concessional components of excess contributions tax collections. For excess contributions made in 2009-10 year, $108.6 million excess contributions tax has been collected as at 24 January 2012. As not all 2009-10 liabilities are due or have
been paid, the amount of excess contributions tax collected for excess contributions made in 2009-10 will continue to increase. This figure will increase as liabilities become due and outstanding debt is collected.

Assessments are yet to be issued in respect of excess contributions made in the 2010-11 year, therefore no tax has been collected.

(d) The ATO does not separately record the concessional and non-concessional components of excess contributions tax collections. As at 24 January 2012, the average amount of excess contributions tax paid per individual on all excess contributions made in the 2009-10 year is $2,771. This average could change as further 2009-10 liabilities are paid.

Assessments are yet to be issued in respect of excess contributions made in the 2010-11 year, therefore no tax has been paid.

(e) Table 3: Average and median amount of excess concessional contributions that count towards the non-concessional contributions cap for 2009-10 and 2010-11, by cap type as at 8 February 2012.

<table>
<thead>
<tr>
<th></th>
<th>2009-10</th>
<th>2010-11</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$2,617</td>
<td>$2,496</td>
</tr>
</tbody>
</table>

These figures are the same as in Table 2 as all excess concessional contributions count towards the non-concessional cap.

(f) Table 4: Average excess for cases that exceed both caps for 2009-10, as at 8 February 2012.

<table>
<thead>
<tr>
<th></th>
<th>Number of cases</th>
<th>Average concessional contributions</th>
<th>Average excess concessional (counting to the non-concessional cap)</th>
<th>Average excess concessional contributions exceeding the non concessional cap (creating excess non-concessional contributions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25,000 concessional cap for those under 50 years</td>
<td>106</td>
<td>$46,169</td>
<td>$21,169</td>
<td>$13,039</td>
</tr>
<tr>
<td>$50,000 concessional cap for those 50 years and over</td>
<td>1,028</td>
<td>$82,990</td>
<td>$32,990</td>
<td>$23,005</td>
</tr>
<tr>
<td>Total</td>
<td>1,134</td>
<td>$79,548</td>
<td>$31,885</td>
<td>$22,074</td>
</tr>
</tbody>
</table>

Table 5: Median excess for cases that exceed both caps for 2009-10, as at 8 February 2012.

<table>
<thead>
<tr>
<th></th>
<th>Number of cases</th>
<th>Median concessional contributions</th>
<th>Median excess concessional (counting to the non-concessional cap)</th>
<th>Median excess concessional contributions exceeding the non concessional cap (creating excess non-concessional contributions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25,000 concessional cap for those under 50 years</td>
<td>106</td>
<td>$28,709</td>
<td>$3,709</td>
<td>$3,006</td>
</tr>
<tr>
<td>$50,000 concessional cap</td>
<td>1,028</td>
<td>$53,481</td>
<td>$3,481</td>
<td>$3,092</td>
</tr>
<tr>
<td>Number of cases</td>
<td>Median concessional contributions</td>
<td>Median excess concessional contributions exceeding the non concessional cap (creating excess non-concessional contributions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------</td>
<td>---------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>for those 50 years and over Total</td>
<td>1,134</td>
<td>-</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 6: Average excess for cases that exceed both caps for 2010-11, as at 8 February 2012*.

<table>
<thead>
<tr>
<th>Number of cases</th>
<th>Average concessional contributions</th>
<th>Average excess concessional contributions (counting to the non-concessional cap)</th>
<th>Average excess concessional contributions exceeding the non concessional cap (creating excess non-concessional contributions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25,000 concessional cap for those under 50 years</td>
<td>27</td>
<td>$63,023</td>
<td>$38,023</td>
</tr>
<tr>
<td>$50,000 concessional cap for those 50 years and over</td>
<td>319</td>
<td>$86,594</td>
<td>$36,594</td>
</tr>
<tr>
<td>Total</td>
<td>346</td>
<td>$84,754</td>
<td>$36,705</td>
</tr>
</tbody>
</table>

Table 7: Median excess for cases that exceed both caps for 2010-11, as at 8 February 2012*.

<table>
<thead>
<tr>
<th>Number of cases</th>
<th>Median concessional contributions</th>
<th>Median excess concessional contributions exceeding the non concessional cap (creating excess non-concessional contributions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25,000 concessional cap for those under 50 years</td>
<td>27</td>
<td>$27,252</td>
</tr>
<tr>
<td>$50,000 concessional cap for those 50 years and over</td>
<td>319</td>
<td>$52,541</td>
</tr>
<tr>
<td>Total</td>
<td>346</td>
<td>-</td>
</tr>
</tbody>
</table>

* The data for 2010-11 is not complete and the averages could change as self managed superannuation funds lodge their annual returns and individuals on income tax lodgement programs lodge their tax returns.

(g) The ATO does not prepare forecasts of the number of people expected to exceed the caps or on the amount of excess contributions tax expected to be collected.
Table 8: Concessional cases, 2010-11 as at 8 February 2012.

<table>
<thead>
<tr>
<th>% of cases</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not lodged</td>
<td>27,636</td>
</tr>
<tr>
<td>0</td>
<td>188</td>
</tr>
<tr>
<td>15%</td>
<td>1,407</td>
</tr>
<tr>
<td>30%</td>
<td>5,669</td>
</tr>
<tr>
<td>37%</td>
<td>13,819</td>
</tr>
<tr>
<td>45%</td>
<td>12,243</td>
</tr>
<tr>
<td>Grand Total</td>
<td>60,962</td>
</tr>
</tbody>
</table>

A high percentage of individuals who have exceeded the contributions caps have yet to lodge their income tax returns for 2010-11 and their marginal tax rate for 2010-11 is unknown. Lodgement of these returns could materially affect the distributions in Table 8 above.

(3) (a) The ATO does not separate its costs to administer the contributions caps into the concessional and non-concessional components. The actual cost of administering the contributions caps in 2009-10 was $12.98 million.

(b) The actual cost to administer the contributions caps in 2010-11 was $39.97 million.

Around a third of the administration costs were from the processing of backlogs in issuing ECT assessments for excess contributions made in the 2007-08 and 2008-09 years and to process increased volumes of assessments from the reduction of the concessional contributions cap in 2009-10.

A quarter of the costs is a result of increasing volumes of requests for review, exercise of the Commissioner's discretion and other interpretive advice arising from the increasing volumes of assessments that were out in the community.

A fifth of the expenditure related to costs to design and implement new policy measures, predominantly the proposed measure to allow individuals aged 50 or over to make concessional contributions of up to $50,000 provided the individual's total superannuation balances are less than $500,000.

(4) The estimated cost of administering the contributions caps in 2011-12 is $50.94 million.

Approximately half of the expected increase in costs from 2010-11 to 2011-12 is as a result of increased volumes of requests for review, exercise of the Commissioner's discretion and other interpretive advice.

These increased volumes of work are a consequence of increased volumes of assessments arising from the reduction of the concessional contributions cap in the 2009-10 year.

The remaining half of the increase results from design and implementation costs associated with the new policy measures to:

- allow individuals aged 50 or over to make concessional contributions of up to $50,000 provided the individual's total superannuation balances are less than $500,000; and
- provide eligible individuals with the option to have excess concessional contributions taken out of their superannuation fund and assessed as income at their marginal rate of tax, rather than incurring excess contributions tax.
(a) the department or agency;
(b) the location;
(c) the size;
(d) the number of staff at each location and their classification;
(e) if the office location is rented, the amount and breakdown of rent paid per square metre;
(f) if the location is owned by the department or agency, the:
   (i) value, and
   (ii) depreciation, of the building; and
(g) the type of functions and work undertaken.

(2) For each department and agency within the Minister’s portfolio, can details be provided of all public relations, communications and media staff, listed by department or agency, including:
   (a) the number of ongoing staff, specifying:
      (i) their classification,
      (ii) the type of work they undertake, and
      (iii) their location;
   (b) the number of non ongoing staff, specifying:
      (i) their classification,
      (ii) the type of work they undertake, and
      (iii) their location; and
   (c) the number of contracted staff, specifying:
      (i) their classification,
      (ii) the type of work they undertake, and
      (iii) their location.

Senator Conroy: The answer to the honourable senator’s question is as follows:
Portfolio agencies have provided the following information in response to the honourable senator’s question.

Office Locations
(1) (a) to (g)—

Australia Post
The specific details sought about office locations across the entire corporation are not captured on any central database. To attempt to provide this level of detail would involve an unreasonable diversion of resources. As such, Australia Post is not in a position to provide the information requested.

Australian Broadcasting Corporation (ABC) – See separate table attached
Department Of Broadband, Communications and the Digital Economy (DBCDE)
Australian Communications and Media Authority (ACMA)
NBN Co
Special Broadcasting Service (SBS)
Information for the above agencies is outlined in the following table.
Department of Broadband Communications and the Digital Economy (DBCDE)

<table>
<thead>
<tr>
<th>(b) Location</th>
<th>(c) size</th>
<th>(d) Number of Staff</th>
<th>(e) If rented, a breakdown of rent paid per square metre Or (f) If location is owned by the Department/Agency</th>
<th>(g) Functions and work undertaken</th>
</tr>
</thead>
<tbody>
<tr>
<td>38 Sydney Avenue, Forrest, ACT</td>
<td>8,975.2 m2</td>
<td>Total 652 staff in Canberra, located in both 38 and 44 Sydney Avenue. (The HR system does not store detail on the numbers of Canberra staff in each location separately). Classifications range from APS1 to the Secretary.</td>
<td>$410/m2/annum</td>
<td>Functions and work undertaken at this location contribute to DBCDE’s Program 1.1 ‘Broadband and Communications Infrastructure’, Program 1.2 ‘Digital Economy and Postal Services’ and Program 1.3 ‘Broadcasting and Digital Television’ as documented in the DBCDE 2011-12 Portfolio Additional Estimates Statements.</td>
</tr>
<tr>
<td>44 Sydney Avenue, Forrest, ACT</td>
<td>2,628 m2</td>
<td>The 652 staff in Canberra, located in both 38 and 44 Sydney Avenue. (The HR system does not store detail on the numbers of Canberra staff in each location separately). Classifications range in Canberra from APS1 to SES Band 3.</td>
<td>Level 1 Suite 1A (626 m2) $413.34/m2/annum Level 1 Suite 2 (1024 m2) $462.53/m2/annum Level 2 (978 m2) $462.53/m2/annum</td>
<td>Functions and work undertaken at this location contribute to DBCDE’s Program 1.1 ‘Broadband and Communications Infrastructure’, Program 1.2 ‘Digital Economy and Postal Services’ as documented in the DBCDE 2011-12 Portfolio Additional Estimates Statements.</td>
</tr>
<tr>
<td>31-33 Market Street, Sydney, NSW</td>
<td>1,877.5 m2</td>
<td>Total 78 staff in the Sydney Office. Classifications range from APS3 to SES Band 3.</td>
<td>Level 9 (139 m2) $455/m2/annum Level 14 (384.5 sqm) $495/m2/annum Level 11 &amp; Level 18 (1354 m2) $499.16/m2/annum</td>
<td>Functions and work undertaken at this location contribute to DBCDE’s Program 1.2 ‘Digital Economy and Postal Services’ and Program 1.3 ‘Broadcasting and Digital Television’ as documented in the DBCDE 2011-12 Portfolio Additional Estimates Statements.</td>
</tr>
</tbody>
</table>
**Australian Communications and Media Authority (ACMA)**

<table>
<thead>
<tr>
<th>Location</th>
<th>Size (m²)</th>
<th>Number of Staff</th>
<th>Rent per Square Metre</th>
<th>Functions and Work Undertaken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canberra</td>
<td>5774</td>
<td>212 staff with classifications from APS2 to SES Band 2</td>
<td>$326.13/m²/annum</td>
<td>Functions and work undertaken at this location contribute to the ACMA’s Program 1.1 ‘Communications, regulation, planning and licensing’ and Program 1.2 ‘Consumer safeguards, education and information’ as documented in the ACMA’s 2011-12 Portfolio Additional Estimates Statements.</td>
</tr>
<tr>
<td>Sydney</td>
<td>3289</td>
<td>140 staff with classifications from APS3 to SES Band 2</td>
<td>$510.00/m²/annum</td>
<td></td>
</tr>
<tr>
<td>Parramatta, NSW</td>
<td>146</td>
<td>9 staff with classifications from APS4 to APS6</td>
<td>$353.60/m²/annum</td>
<td></td>
</tr>
<tr>
<td>Melbourne, VIC</td>
<td>4668</td>
<td>236 staff with classifications from APS3 to SES Band 2</td>
<td>$500.00/m²/annum</td>
<td></td>
</tr>
<tr>
<td>Brisbane, QLD</td>
<td>355</td>
<td>14 staff with classifications from APS4 to EL2</td>
<td>$364.00/m²/annum</td>
<td></td>
</tr>
<tr>
<td>Tasmania, TAS</td>
<td>366</td>
<td>2 staff with classifications from APS5 to APS6</td>
<td>(f) (i) Value as at 31 March 2012: $176,202.08  (ii) Depreciation as at 31 March 2012: $14,522.92</td>
<td></td>
</tr>
</tbody>
</table>
### NBN Co

<table>
<thead>
<tr>
<th>Location*</th>
<th>Size (m²)</th>
<th>Number of Staff (various classifications)</th>
<th>Rent and Outgoings</th>
<th>Functions and Work Undertaken</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 Arthur St North Sydney</td>
<td>9462</td>
<td>883</td>
<td>Net Annual Rental** $552/m², Annual Outgoings** $97/m²</td>
<td>Work performed at these locations is of a similar nature, i.e. network planning, network design, network operations, construction planning, program management, and corporate support activities. The exception is 1010 La Trobe St Docklands which additionally has equipment testing rooms and the Network Operations Centre.</td>
</tr>
<tr>
<td>88 Walker St North Sydney</td>
<td>1246</td>
<td>125</td>
<td>Net Annual Rental** $398/m², Annual Outgoings** Nil – gross rent</td>
<td></td>
</tr>
<tr>
<td>213 Miller St North Sydney</td>
<td>1616</td>
<td>119</td>
<td>Net Annual Rental** $432/m², Annual Outgoings** Nil – gross rent</td>
<td></td>
</tr>
<tr>
<td>360 Elizabeth St Melbourne</td>
<td>7624</td>
<td>512</td>
<td>Net Annual Rental** $458/m², Annual Outgoings** $110/m²</td>
<td></td>
</tr>
<tr>
<td>535 Bourke St Melbourne</td>
<td>2230</td>
<td>230</td>
<td>Net Annual Rental** $475/m², Annual Outgoings** Nil – gross rent</td>
<td></td>
</tr>
<tr>
<td>1010 La Trobe St Docklands</td>
<td>4462</td>
<td>302</td>
<td>Net Annual Rental** $304/m², Annual Outgoings** $100/m²</td>
<td></td>
</tr>
<tr>
<td>16 National Ct Canberra</td>
<td>260</td>
<td>7</td>
<td>Net Annual Rental** $401/m², Annual Outgoings** Nil – gross rent</td>
<td></td>
</tr>
<tr>
<td>39 Murray St Hobart</td>
<td>252</td>
<td>15</td>
<td>Net Annual Rental** $205/m², Annual Outgoings** Nil – gross rent</td>
<td></td>
</tr>
</tbody>
</table>

* Excludes Data Centres, Aggregation Nodes, Depots, Satellite Earth Stations.

** Rental and outgoings figures rounded to nearest whole dollar.
### Special Broadcasting Service (SBS)

<table>
<thead>
<tr>
<th>(b) Location</th>
<th>(c) size</th>
<th>(d) Number of Staff</th>
<th>(e) If rented, a breakdown of rent paid per square metre or (f) If location is owned by the Department/Agency</th>
<th>(g) functions and work undertaken</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Herbert Street, Artarmon NSW</td>
<td>17,124m² (offices, studios, loading dock and warehouse)</td>
<td>735 (SBS bands 1-8 and contract)</td>
<td>(f) (i) Value: $64.5m (ii) depreciation of the building: $144,051/month</td>
<td>Providing multilingual and multicultural television, radio and online services. The Sydney building is a purpose built television and radio broadcasting studio and office complex.</td>
</tr>
<tr>
<td>Level 2, Alfred Deakin Building, Federation Square, Melbourne</td>
<td>2998m²</td>
<td>142 (SBS bands 1-8 and contract)</td>
<td>$37,995/month; $317/m²</td>
<td>Providing multilingual and multicultural television, radio and online services.</td>
</tr>
<tr>
<td>Press Gallery, Parliament House, Canberra</td>
<td>119m²</td>
<td>12 (SBS bands 3, 5 and contract)</td>
<td>$14,741/month; $425/m²</td>
<td></td>
</tr>
</tbody>
</table>

### Public Relations, Communications and Media Staff

(2) (a) to (c)—

#### Australia Post

The specific details sought about public relations, communications and media staff across the entire corporation are not captured on any central database. To attempt to provide this level of detail would involve an unreasonable diversion of resources. As such, Australia Post is not in a position to provide the information requested.

#### Department Of Broadband Communications and the Digital Economy (DBCDE)

There are 23 staff in the department engaged partly or wholly in external focused public affairs activities (such as promoting events to the media and engaging with the media on a daily basis and advising on strategic communications activities). Staff are based in Canberra unless otherwise indicated in the table below.

<table>
<thead>
<tr>
<th>(a) Ongoing</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Position</td>
<td>(i) Classification</td>
</tr>
<tr>
<td>1</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>3</td>
<td>EL2-PAM</td>
</tr>
<tr>
<td>6</td>
<td>EL1-PA</td>
</tr>
<tr>
<td>2</td>
<td>APS6-PA</td>
</tr>
<tr>
<td>2</td>
<td>APS5-PA</td>
</tr>
<tr>
<td>Total</td>
<td>14 FTE</td>
</tr>
</tbody>
</table>

(b) Non Ongoing
### Position

#### (i) Classification
- CEO
- Director
- Senior Executive
- Admin/Professional

#### (ii) Responsibilities
- CEO:
  - President
  - Treasurer

- Director:
  - Public Relations/Communications
  - Marketing/Publicity/Promotions

- Senior Executive:
  - Public Relations/Communications x2
  - Marketing/Publicity/Promotions x8

- Admin/Professional:
  - Public Relations/Communications
  - Marketing/Publicity/Promotions

#### (iii) Location
- CEO:
- Director:
- Senior Executive:
- Admin/Professional:

### Australian Communications and Media Authority (ACMA)

#### (a) Ongoing

<table>
<thead>
<tr>
<th>Position</th>
<th>(i) Classification</th>
<th>(ii) Responsibilities</th>
<th>(iii) Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Executive Level 2</td>
<td>Manager Digital Publishing</td>
<td>6 staff are located in Sydney, 7 in Melbourne and 1 in Canberra.</td>
</tr>
<tr>
<td>4</td>
<td>Executive Level 1</td>
<td>Engagement Manager</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>ACMA 6</td>
<td>Communications Advisor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ACMA 6</td>
<td>Media Officer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ACMA 6</td>
<td>Social Media Producer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ACMA 6</td>
<td>Web Producer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ACMA 6</td>
<td>Web Producer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ACMA 6</td>
<td>Writer and Editor</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>ACMA 4</td>
<td>Editorial Support</td>
<td></td>
</tr>
</tbody>
</table>

#### (b) Non Ongoing

<table>
<thead>
<tr>
<th>Position</th>
<th>(i) Classification</th>
<th>(ii) Responsibilities</th>
<th>(iii) Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SES 1</td>
<td>Executive Manager Gov.2.0, Stakeholder Engagement and External Communications</td>
<td>Sydney</td>
</tr>
<tr>
<td>1</td>
<td>ACMA 5</td>
<td>Web Content</td>
<td></td>
</tr>
</tbody>
</table>

#### (c) N/A

### Australian Broadcasting Corporation (ABC)

#### (a) Ongoing

<table>
<thead>
<tr>
<th>Position</th>
<th>(i) Classification</th>
<th>(ii) Responsibilities</th>
<th>(iii) Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Director</td>
<td>Public Relations/Communications</td>
<td>NSW</td>
</tr>
<tr>
<td>13</td>
<td>Senior Executive</td>
<td>Public Relations/Communications x2 Marketing/Publicity/Promotions x8</td>
<td>1 NSW, 1 Vic, 8 NSW, 3 Vic</td>
</tr>
<tr>
<td>56</td>
<td>Admin/Professional</td>
<td>Public Relations/Communications Marketing/Publicity/Promotions</td>
<td>2 NSW, 1 ACT, 37 NSW, 2 Qld, 2 SA, 2 Tas, 8</td>
</tr>
</tbody>
</table>
Regional Australia

(Question No. 1740)

Senator Abetz asked the Minister representing the Minister for Regional Australia, upon notice, on 22 March 2012:
Can a list be provided of all office locations for each department or agency within the Minister's portfolio, detailing:

(a) the department or agency;
(b) the location;
(c) the size;
(d) the number of staff at each location and their classification;
(e) if the office location is rented, the amount and breakdown of rent paid per square metre;
(f) if the location is owned by the department or agency, the:
   (i) value, and
   (ii) depreciation, of the building; and
(g) the type of functions and work undertaken.

(2) For each department and agency within the Minister's portfolio, can details be provided of all public relations, communications and media staff, listed by department or agency, including:

(a) the number of ongoing staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location;
(b) the number of non-ongoing staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location; and
(c) the number of contracted staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location.

Senator Conroy: The Minister for Regional Australia, Regional Development and Local Government has provided the following answer to the senator's question:

The information in the tables below has been gathered from the records of the Department and agencies in the Regional Australia, Arts and Sport Portfolio as at 1 April 2012. This information reflects Machinery of Government changes of 12 December 2011 which created the Department of Regional Australia, Local Government, Arts and Sport as a single portfolio.

(1) (a) Department of Regional Australia, Local Government, Arts and Sport

<table>
<thead>
<tr>
<th>(b) Location</th>
<th>(c) Size</th>
<th>(d) No. and Classification of Staff</th>
<th>(e) If rented, cost per square metre</th>
<th>(f) (i) If owned, value</th>
<th>(f) (ii) If owned, depreciation</th>
<th>(g) Type and function of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 Mort St Canberra ACT Levels 3,4,5</td>
<td>3007</td>
<td>225</td>
<td>May range from APS2 to Secretary</td>
<td>$354</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>4 Mort St Canberra ACT Levels 1,2</td>
<td>2331</td>
<td></td>
<td></td>
<td>$380</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>(b) Location</td>
<td>(c) Size (sqm)</td>
<td>(d) No. and Classification of Staff</td>
<td>(e) If rented, cost per square metre</td>
<td>(f) (i) If owned, value</td>
<td>(f) (ii) If owned, depreciation</td>
<td>(g) Type and function of work</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>----------------</td>
<td>------------------------------------</td>
<td>--------------------------------------</td>
<td>-------------------------</td>
<td>-------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>111 Alinga St Canberra ACT</td>
<td>2388</td>
<td>183</td>
<td>$427</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 1</td>
</tr>
<tr>
<td>Cnr Akuna and Bunda St Canberra ACT</td>
<td>2939 979.7</td>
<td>162</td>
<td>$395</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3  Outcome 4</td>
</tr>
<tr>
<td>140-180 City Walk Canberra ACT NSW</td>
<td>10 873</td>
<td>Nil</td>
<td>$390</td>
<td>NA</td>
<td>NA</td>
<td>Vacant renovation site</td>
</tr>
<tr>
<td>24 Beaumont St Newcastle NSW</td>
<td>314</td>
<td>Four</td>
<td>$278</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 1</td>
</tr>
<tr>
<td>Unit C, 50 -54 Rosebery Ave Rosebery NSW</td>
<td>Not available</td>
<td>Four: May range from EL1 to APS4</td>
<td>$147,651 per anum flat fee</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>Level 1—179A Anson St Orange NSW</td>
<td>238</td>
<td>5.5</td>
<td>$326</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 1</td>
</tr>
<tr>
<td>87-89 Market St Wollongong NSW</td>
<td>166</td>
<td>3.5</td>
<td>$345</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 1</td>
</tr>
<tr>
<td>Village Road Jervis Bay NSW</td>
<td>344 (shared with SEW-PAC)</td>
<td>Four: May range from EL1 to APS3</td>
<td>NA</td>
<td>The Jervis Bay Territory Administration Building is owned by the Commonwealth and administered by this Department. As at 31 March 2012 the depreciated book value was $344,000</td>
<td>Outcome 2</td>
<td></td>
</tr>
<tr>
<td>17 Duke St Coffs Harbour NSW</td>
<td>**</td>
<td>1 x APS6</td>
<td>$19,468 per anum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>65 Church St Dubbo NSW</td>
<td>**</td>
<td>1 x APS6</td>
<td>$19,468 per anum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>QUEENSLAND Level 1</td>
<td>**</td>
<td>Five: May range from EL1 to APS4</td>
<td>$97,340 per anum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>100 Creek St Brisbane QLD</td>
<td>**</td>
<td>1 x APS4</td>
<td>$19,468 per anum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>Cnr Fitzroy and East St Central Queensland University Bldg Rockhampton QLD</td>
<td>**</td>
<td>1 x APS3</td>
<td>$19,468 per anum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>42-44 Simpson St Mt Isa QLD</td>
<td>**</td>
<td>1 x APS3</td>
<td>$19,468 per anum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>Location</td>
<td>Size (sqm)</td>
<td>No. and Classification of Staff</td>
<td>If rented, cost per square metre</td>
<td>If owned, value</td>
<td>If owned, depreciation</td>
<td>Type and function of work</td>
</tr>
<tr>
<td>----------</td>
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<td>----------------------------------</td>
<td>----------------</td>
<td>------------------------</td>
<td>--------------------------</td>
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<tr>
<td>155 Hugh St Townsville QLD</td>
<td>239</td>
<td>Six: May range from EL1 to APS4</td>
<td>$56,433</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 1</td>
</tr>
<tr>
<td>Level 8 38 Sheridan St Cairns QLD NORTHERN TERRITORY</td>
<td>**</td>
<td>1 x APS5</td>
<td>$19,468 per annum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>Level 7 TIO Bldg 24 Mitchell St Darwin NT</td>
<td>**</td>
<td>1 x EL1</td>
<td>$6,953 per annum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 1</td>
</tr>
<tr>
<td>Level 5 Jacana House 39-41 Woods St Darwin NT</td>
<td>**</td>
<td>Six: May range from EL1 to APS5</td>
<td>$116,808 per annum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>Level 2 Jock Nelson Bldg 16 Hartley St Alice Springs NT WESTERN AUSTRALIA</td>
<td>**</td>
<td>Six: May range from EL2 to APS4</td>
<td>$116,808 per annum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>Level 21 2 Esplanade St Perth WA</td>
<td>307</td>
<td>10.8 May range from EL2 to APS2</td>
<td>$520</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 1</td>
</tr>
<tr>
<td>Level 15 35 St George Terrace Perth WA</td>
<td>226</td>
<td>Seven: May range from EL1 to APS4</td>
<td>$603</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 1</td>
</tr>
<tr>
<td>Level 18 ANZ House 11 Weymouth St Adelaide SA VICTORIA</td>
<td>**</td>
<td>Five: May range from EL2 to APS6</td>
<td>$19,468 per annum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>Level 3 Casselden Place 2 Lonsdale St Melbourne VIC</td>
<td>**</td>
<td>Eight: May range from SES B1 to APS5</td>
<td>$155,744 per annum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>845 High St Armadale NSW</td>
<td>Not available</td>
<td>Three: May range from APS6 to APS4</td>
<td>$119,741 per annum</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>TASMANIA Level 4 22 Elizabeth St Hobart TAS</td>
<td>112</td>
<td>Three: May range from EL2 to APS5</td>
<td>$309</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 1</td>
</tr>
<tr>
<td>(b) Location</td>
<td>(c) Size (sqm)</td>
<td>(d) No. and Classification of Staff</td>
<td>(e) If rented, cost per square metre</td>
<td>(f) (i) If owned, value</td>
<td>(f) (ii) If owned, depreciation</td>
<td>(g) Type and function of work</td>
</tr>
<tr>
<td>-------------</td>
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<td>------------------------</td>
<td>-------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>TERRITORIES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Outcomes</td>
</tr>
<tr>
<td>Indian Ocean Territories</td>
<td>Not available</td>
<td>Two: May range from EL2 to APS6</td>
<td>N/A</td>
<td>The Administration Building on Christmas Island is owned by the Commonwealth and administered by this Department. As at 31 March 2012 the depreciated book value was $723,000</td>
<td>Outcome 2</td>
<td></td>
</tr>
<tr>
<td>Administration Building Christmas Island</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration Building Quality Row Norfolk Island</td>
<td>Not available</td>
<td>Two: May range from EL1 to APS6</td>
<td>N/A</td>
<td>The Administration Building on Norfolk Island is owned by the Commonwealth and administered by this Department. As at 31 March 2012 the depreciated book value was $3,313,000</td>
<td>Outcome 2</td>
<td></td>
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<td>National Capital Authority</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(a) National Capital Authority</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Capital Exhibition Bldg Barrine Dr. Parkes ACT</td>
<td>1595</td>
<td>13</td>
<td>NA</td>
<td>$5,859,091</td>
<td>$213,204</td>
<td>Managing the continuing interests of the Australian Government in the National Capital,</td>
</tr>
</tbody>
</table>

Key
NA Not Available
Source Portfolio Additional Estimates Statement 2011-12
** Staff are co-located with another Australian Government Department under a Memorandum of Understanding

Type and Function of Work: Department of Regional Australia, Local Government, Arts and Sport
Outcome 1: Coordinated community infrastructure and services in rural, regional and local government areas through financial assistance.

Outcome 2: Good governance in the Australian Territories through the maintenance and improvement of the overarching legislative framework for self-governing territories, and laws and services for non-self-governing territories.

Outcome 3: Participation in, and access to, Australia's arts and culture through developing and supporting cultural expression.

Outcome 4: Improved opportunities for community participation in sport and recreation, and excellence in high-performance athletes, including through investment in sport infrastructure and events, research and international cooperation.
Tuesday, 14 August 2012

<table>
<thead>
<tr>
<th>Location</th>
<th>Size (sqm)</th>
<th>No. of Staff</th>
<th>Classification of Staff</th>
<th>If rented, cost psqm</th>
<th>If owned, the value</th>
<th>If owned, depreciation</th>
<th>Type and function of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treasury Bldg Block D</td>
<td>946</td>
<td>45</td>
<td>(40.21 FTEs)</td>
<td>$390 (offices)</td>
<td>NA</td>
<td>NA</td>
<td>As above.</td>
</tr>
<tr>
<td>King Edward Terrace</td>
<td></td>
<td></td>
<td>Levels range: SES B1 to APS2</td>
<td>$170 (basement storage)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parkes ACT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Bundanon Trust</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>170 Riversdale Rd</td>
<td>430</td>
<td>18.7 FTE</td>
<td>Not applicable</td>
<td>$3,817,000</td>
<td>All buildings are depreciated at 2%</td>
<td>National Cultural Institution</td>
<td></td>
</tr>
<tr>
<td>West Cambewarra NSW</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Staff</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEO</td>
<td>1</td>
</tr>
<tr>
<td>Business and Operations Manager</td>
<td>1</td>
</tr>
<tr>
<td>Finance Manager</td>
<td>1</td>
</tr>
<tr>
<td>Finance Officer</td>
<td>1</td>
</tr>
<tr>
<td>Property Manager</td>
<td>1</td>
</tr>
<tr>
<td>Marketing Manager</td>
<td>1</td>
</tr>
<tr>
<td>Administration Officer</td>
<td>1</td>
</tr>
<tr>
<td>Education Manager</td>
<td>1</td>
</tr>
<tr>
<td>Education Officer</td>
<td>1</td>
</tr>
<tr>
<td>Arts Program Officer</td>
<td>1</td>
</tr>
<tr>
<td>Strategic Projects Manager</td>
<td>1</td>
</tr>
<tr>
<td>Property Officer x 2</td>
<td>2</td>
</tr>
<tr>
<td>Housekeepers x 2</td>
<td>2</td>
</tr>
<tr>
<td>Misc Casual FOH and Housekeeping staff</td>
<td>N/A</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
## Questions on Notice

### (a) Australian National Maritime Museum

<table>
<thead>
<tr>
<th>Location</th>
<th>Size (sqm)</th>
<th>No. of Employees</th>
<th>Classification of Employees</th>
<th>If rented, cost psqm</th>
<th>If owned, value</th>
<th>Depreciation</th>
<th>Function and type of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Museum</td>
<td>11,000</td>
<td>32</td>
<td>NA</td>
<td>NA</td>
<td>$95,218,000</td>
<td>$6,500,000</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>2 Murray St</td>
<td></td>
<td></td>
<td>1 x PEO</td>
<td>Range from EL2 – APS 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sydney NSW</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wharf 7</td>
<td>8,300</td>
<td>93</td>
<td>NA</td>
<td>NA</td>
<td>$15,827,000</td>
<td>1,000,000</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>58 Pirrama Rd</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pyrmont NSW</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### (a) National Film and Sound Archive of Australia

<table>
<thead>
<tr>
<th>Location</th>
<th>Size (sqm)</th>
<th>Employees</th>
<th>If rented, cost psqm</th>
<th>If owned, value</th>
<th>Depreciation</th>
<th>Function and type of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>HQ: McCoy Circuit Acton ACT</td>
<td>7876</td>
<td>185 staff: 2 x Cadets APS1 15 x APS2 50 x APS3 23 x APS4 33 x APS5 28 x APS6 25 x EL1 7 x EL2 1 x SES1 1 x A/g SES1 1 x PEO</td>
<td>NA</td>
<td>$38.625 million (replacement value)</td>
<td>$543,191 (July 11 – April 12)</td>
<td>Public Gallery, theatrette, Arc Cinema, café and shop AV Preservation/ Curatorial Collection facilities, Office accommodation and Collection Storage. Storage includes still photos, some paper and lending duplicates</td>
</tr>
<tr>
<td>MA: 10-12 Baillieu Court Mitchell ACT</td>
<td>1350</td>
<td>15 staff: 1 x APS2 8 x APS3 1 x APS4 2 x APS5 1 x APS6 1 x EL1 1 x EL2</td>
<td>$88</td>
<td>i) $8.95 million (replacement value) ii) NA</td>
<td></td>
<td>Outcome 3</td>
</tr>
<tr>
<td>M1: 6-8 Baillieu Court Mitchell ACT</td>
<td>1718</td>
<td>Nil</td>
<td>NA</td>
<td>$8.95 million (replacement value) $136,021 (July 11 – April 12)</td>
<td>Accommodation for collection, staff and general purpose warehouse facility.</td>
<td></td>
</tr>
<tr>
<td>M5: 18-20 Baillieu Court Mitchell ACT</td>
<td>1350</td>
<td>Nil</td>
<td>$114</td>
<td>i) NA ii) NA</td>
<td></td>
<td>Outcome 3</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

<table>
<thead>
<tr>
<th>(b) Location</th>
<th>(c) Size (sqm)</th>
<th>(d) Employees</th>
<th>(e) If rented, cost psqm</th>
<th>(f) (i) If owned, value</th>
<th>(g) Function and type of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>M3: 16 Vicars St</td>
<td>225</td>
<td>Nil</td>
<td>NA</td>
<td>$3.175 million</td>
<td>Special purpose</td>
</tr>
<tr>
<td>Mitchell ACT</td>
<td></td>
<td></td>
<td></td>
<td>(replacement value)</td>
<td>bunker style repository</td>
</tr>
<tr>
<td>(c) Size (sqm)</td>
<td></td>
<td></td>
<td></td>
<td>$26.994 (July 11 –</td>
<td>and three climate-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>April 12)</td>
<td>controlled containers)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>for storing unstable</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>nitrate film under</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>controlled conditions.</td>
</tr>
<tr>
<td>M2: Unit 6 Mitchell</td>
<td>960</td>
<td>Nil</td>
<td>$127</td>
<td>i) NA</td>
<td>Outcome 3</td>
</tr>
<tr>
<td>Business Centre</td>
<td></td>
<td></td>
<td></td>
<td>ii) NA</td>
<td></td>
</tr>
<tr>
<td>Hoskins St</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mitchell ACT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M4: Unit 5</td>
<td>481</td>
<td>Nil</td>
<td>$98</td>
<td>i) NA</td>
<td></td>
</tr>
<tr>
<td>23 Essington St</td>
<td></td>
<td></td>
<td></td>
<td>ii) NA</td>
<td></td>
</tr>
<tr>
<td>Mitchell ACT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 3</td>
<td>267</td>
<td>12 staff:</td>
<td>$379</td>
<td>i) NA</td>
<td></td>
</tr>
<tr>
<td>114 Flinders St</td>
<td></td>
<td>5 x APS3</td>
<td></td>
<td>ii) NA</td>
<td></td>
</tr>
<tr>
<td>Melbourne VIC</td>
<td></td>
<td>1 x APS4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 x APS5</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>2 x APS6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 x EL1</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Levels 1 &amp; 2</td>
<td>416</td>
<td>31 staff:</td>
<td>$833</td>
<td>i) NA</td>
<td></td>
</tr>
<tr>
<td>45 Murray St</td>
<td></td>
<td>4 x APS3</td>
<td></td>
<td>ii) NA</td>
<td></td>
</tr>
<tr>
<td>Pymont NSW</td>
<td></td>
<td>4 x APS4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>13 x APS5</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>3 x APS6</td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>4 x EL1</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>3 x EL2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Levels 1 &amp; 2</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

### (a) National Library of Australia

- **Main Library Building**
- **Parkes ACT**

<table>
<thead>
<tr>
<th>(b) Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. And Classification of Staff</th>
<th>(e) If rented, cost psqm</th>
<th>(f) (i) If owned, value</th>
<th>(f) (ii) If owned, depreciation</th>
<th>(g) Function and type of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Library</td>
<td>46 983</td>
<td>486 staff:</td>
<td>NA</td>
<td>$186.224 million</td>
<td>$3.561 million</td>
<td>Main Library Building:</td>
</tr>
<tr>
<td>Building</td>
<td></td>
<td>53 x APS2</td>
<td></td>
<td>(June 2011)</td>
<td></td>
<td>Houses all library</td>
</tr>
<tr>
<td>Parkes ACT</td>
<td></td>
<td>80 x APS3</td>
<td></td>
<td></td>
<td></td>
<td>services and functions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>90 x APS4</td>
<td></td>
<td></td>
<td></td>
<td>including reading rooms,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>76 x APS5</td>
<td></td>
<td></td>
<td></td>
<td>galleries, conference</td>
</tr>
<tr>
<td></td>
<td></td>
<td>82 x APS6</td>
<td></td>
<td></td>
<td></td>
<td>facilities, collection</td>
</tr>
<tr>
<td></td>
<td></td>
<td>71 x EL1</td>
<td></td>
<td></td>
<td></td>
<td>acquisition and management,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26 x EL2</td>
<td></td>
<td></td>
<td></td>
<td>collection</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 x Graduate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>7 x SES &amp; above</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### QUESTIONS ON NOTICE
### Senate
#### Tuesday, 14 August 2012

<table>
<thead>
<tr>
<th>(b) Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. and Classification of Staff</th>
<th>(e) If rented, cost psqm</th>
<th>(f) If owned, value</th>
<th>(f) ii) If owned, depreciation</th>
<th>(g) Function and type of work storage and access, administration, bookshop and café.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annex Hume ACT</td>
<td>2734</td>
<td>Nil</td>
<td>$251.69</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
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<tr>
<td>Workshop Mitchell ACT</td>
<td>165</td>
<td>Nil</td>
<td>$123.21</td>
<td>NA</td>
<td>NA</td>
<td>Outcome 3</td>
</tr>
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</table>

### (a) National Archives of Australia

<table>
<thead>
<tr>
<th>(b) Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. and Classification of Staff</th>
<th>(e) If rented, cost psqm</th>
<th>(f) If owned, value</th>
<th>(f) ii) If owned, depreciation</th>
<th>(g) Function and type of work</th>
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<tbody>
<tr>
<td>Parkes ACT</td>
<td>5025</td>
<td>$340</td>
<td>NA</td>
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<tr>
<td>Mitchell ACT</td>
<td>11 500</td>
<td>$101</td>
<td>NA</td>
<td>Outcome 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenway ACT</td>
<td>4432</td>
<td>$145</td>
<td>NA</td>
<td>Outcome 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hume ACT</td>
<td>504</td>
<td>$133</td>
<td>NA</td>
<td>Outcome 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chester Hill NSW</td>
<td>21 954</td>
<td>$89</td>
<td>NA</td>
<td>Outcome 3</td>
<td></td>
<td></td>
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<tr>
<td>East Burwood VIC</td>
<td>6432</td>
<td>451 staff: Refer to table at d) on following page</td>
<td>$202</td>
<td>NA</td>
<td>Outcome 3</td>
<td></td>
</tr>
<tr>
<td>North Melbourne VIC</td>
<td>900</td>
<td></td>
<td>$178</td>
<td>NA</td>
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<tr>
<td>Cannon Hill QLD</td>
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<td>Outcome 3</td>
<td></td>
</tr>
<tr>
<td>Leigh St Adelaide, SA</td>
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<tr>
<td>Collinswood SA</td>
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<td>East Victoria Park WA</td>
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<td>Murray St Hobart TAS</td>
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</tr>
<tr>
<td>Millner NT</td>
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<td></td>
<td>$166</td>
<td>NA</td>
<td>Outcome 3</td>
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</tr>
</tbody>
</table>

1The Archives only location in Tasmania effective 1 May 2012.

### (d) Archives: Number of Staff in each Location and Classification as at 31 January 2012

<table>
<thead>
<tr>
<th>Actual Classification</th>
<th>Adelaide</th>
<th>Brisbane</th>
<th>Darwin</th>
<th>East Burwood</th>
<th>Greenway</th>
<th>Hobart</th>
<th>Melbourne</th>
<th>Mitchell</th>
<th>Parkes</th>
<th>Perth</th>
<th>Sydney</th>
<th>Grand total</th>
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<tr>
<td>DG</td>
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<td></td>
<td></td>
<td></td>
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<td></td>
<td>1</td>
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<tr>
<td>SES1</td>
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<td></td>
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<tr>
<td>EL2</td>
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<td>1*</td>
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<td>3</td>
<td>13</td>
<td>43</td>
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<td>7</td>
<td>43</td>
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<tr>
<td>PAO2#</td>
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</tr>
<tr>
<td>NAA6</td>
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<td>2</td>
<td>1</td>
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<td>NAA5</td>
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<td>2</td>
<td>25</td>
<td>31</td>
<td>1</td>
<td>11</td>
<td>31</td>
<td>1</td>
<td>11</td>
<td>73</td>
<td></td>
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<tr>
<td>PRO1</td>
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### QUESTIONS ON NOTICE
Tuesday, 14 August 2012

<table>
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<tr>
<th>Actual Classification</th>
<th>Adelaide</th>
<th>Brisbane</th>
<th>Darwin</th>
<th>East Burwood</th>
<th>Greenway</th>
<th>Hobart</th>
<th>Melbourne</th>
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<th>Parkes</th>
<th>Perth</th>
<th>Sydney</th>
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<td>3</td>
<td>3</td>
<td>4</td>
<td>7</td>
<td>8</td>
<td>22</td>
<td>7</td>
<td>13</td>
<td>73</td>
<td></td>
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<tr>
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<td>13</td>
<td>11</td>
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<td>40</td>
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<td>NAA2</td>
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<td>1</td>
<td>1</td>
<td>8</td>
<td>16</td>
<td>7</td>
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<td>39</td>
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<td></td>
<td>18</td>
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<tr>
<td>Grand Total</td>
<td>3</td>
<td>10</td>
<td>4</td>
<td>21</td>
<td>6</td>
<td>16</td>
<td>107</td>
<td>207</td>
<td>10</td>
<td>64</td>
<td>451</td>
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</tr>
</tbody>
</table>

* Dual role – Director Darwin and Adelaide offices

# Public Affairs (PAO) 3/2 roles includes: web team, graphic designers, media, public relations/communications and editors (7 staff members)

(a) Museum of Australian Democracy / Old Parliament House
(b) Old Parliament House, 18 King George Terrace Parkes ACT
(c) 25,236 Sq M (Total let-able area and non-office area. Source Australian Government Property Data Collection)
(d) This report reflects the headcount (actual not FTE) classifications of the agency as at 31 March 2012:

<table>
<thead>
<tr>
<th>Actual Class</th>
<th>Ongoing</th>
<th>Non-ongoing</th>
<th>Non-Ongoing Casual/Irregular</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>APSL3</td>
<td>9</td>
<td>9</td>
<td>13</td>
<td>31</td>
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<tr>
<td>APSL4</td>
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<td>0</td>
<td>8</td>
</tr>
<tr>
<td>APSL5</td>
<td>16</td>
<td>2</td>
<td>0</td>
<td>18</td>
</tr>
<tr>
<td>APSL6</td>
<td>11</td>
<td>3</td>
<td>0</td>
<td>14</td>
</tr>
<tr>
<td>DIRECT</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>EXEC1</td>
<td>13</td>
<td>3</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>EXEC2</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>SES B1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Grand Total</td>
<td>66</td>
<td>18</td>
<td>13</td>
<td>97</td>
</tr>
</tbody>
</table>

This report reflects the FTE as at 31 March 2012; the Casual FTE average to 31 March is 3.2 FTE:

<table>
<thead>
<tr>
<th>Actual Class</th>
<th>Ongoing</th>
<th>Non-ongoing</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>APSL3</td>
<td>5.29</td>
<td>6.45</td>
<td>11.74</td>
</tr>
<tr>
<td>APSL4</td>
<td>6.60</td>
<td>0.33</td>
<td>6.93</td>
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<tr>
<td>APSL5</td>
<td>11.40</td>
<td>2.00</td>
<td>13.40</td>
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<tr>
<td>APSL6</td>
<td>9.84</td>
<td>1.80</td>
<td>11.64</td>
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<tr>
<td>EXEC1</td>
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<tr>
<td>EXEC2</td>
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<tr>
<td>SES B1</td>
<td>2.00</td>
<td>0</td>
<td>2.00</td>
</tr>
<tr>
<td>DIRECT</td>
<td>1.00</td>
<td>0</td>
<td>1.00</td>
</tr>
<tr>
<td>Grand Total</td>
<td>56.13</td>
<td>13.08</td>
<td>69.21</td>
</tr>
</tbody>
</table>

(e) Not applicable.

(f) The Old Parliament House building is owned by the Commonwealth and administered on its behalf by the agency. The Old Parliament House building is currently valued at $83.8 M (as at 30 June 2011).

Estimated annual depreciation 2011-12 $2.5 million

(g) The role of Old Parliament House is to be "the Museum of Australian Democracy at Old Parliament House" and ensure that its audience is able to enjoy, appreciate and understand the role of
democracy in Australia, while conserving the significant national heritage site for future generations. The museum is committed to providing an inspiring experience for its audiences by:

- engaging with them to enrich their understanding of Australia's past, present and future democracy
- providing a range of dynamic and engaging programs relevant to its role
- managing, conserving, interpreting and presenting the heritage building and collections *(Above definition is taken from 2011-12 PBS)*

(a) National Gallery of Australia

<table>
<thead>
<tr>
<th>(b) Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. Staff &amp; Classification</th>
<th>(e) If rented, cost/sqm</th>
<th>(f) (i) If owned, the value (ii) If owned, the depreciation</th>
<th>(g) Type and function of Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parkes ACT</td>
<td>39 757</td>
<td>299 staff: 25 x NGA1 55 x NGA2 42 x NGA3 33 x NGA4 48 x NGA5 44 x NGA6 25 x EL1 22 x EL2 3 x SES1 1 x SES2 x Director</td>
<td>NA</td>
<td>Total land and buildings are valued at $323.682 million as at 30 June 2011. $5.555 million as per the 2010-11 PBS</td>
<td>Functions and type of Work: Developing, maintaining and exhibiting the national art collection.</td>
</tr>
</tbody>
</table>

Hume ACT 5067 NA NA

(a) National Museum of Australia

<table>
<thead>
<tr>
<th>(b) Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. of Staff and classification</th>
<th>(e) If rented, cost per sqm</th>
<th>(f) (i) If owned, the value (ii) If owned, the depreciation</th>
<th>(g) Type and function of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acton Main ACT</td>
<td>16 459</td>
<td>219 staff: 1 x APS1 2 x APS2 48 x VSE2 10 x APS 3 4 x VSE3 32 x APS4 3 x VSE4 24 x APS5 3 x VSE5 35 x APS 6 5 x VSE6 26 x EL1 22 x EL2 4 x SES</td>
<td>NA</td>
<td>f i) $92,450,853 as at 31 March 2012 f ii) $776,745</td>
<td>Display of collection, tourist services and administration</td>
</tr>
</tbody>
</table>

Acton Annex ACT 1269 Included in staff for Acton Main $269.50 i) NA ii) NA Outcome 3

Acton MSB + Limestone ACT 379 Not Applicable $265.17 i) NA ii) NA Outcome 3

**QUESTIONS ON NOTICE**
(b) Location  (c) Size  (sqm)  (d) No. of staff and classification  (e) If rented, cost per sqm  (f) (i) If owned, the value ii) If owned, the depreciation  (g) Type and function of work

9-13 Vicars St, Mitchell ACT  2616  3 x APS3 8 x APS4 6 x APS5 3 x APS6 2 x EL1 1 x EL2 $168.71 i) NA ii) NA Outcome 3

90 Vicars St, Mitchell ACT  7120  4 x APS3 2 x APS4 4 x APS5 3 x APS6 1 x EL1 1 x EL2 $122.83 i) NA ii) NA Outcome 3

(a) Australian Film, Television and Radio School

(b) Location  (c) Size  (sqm)  (d) No. Staff and Class.  (e) If rented, cost per square metre  (f) (i) If owned, the value ii) if owned, the depreciation  (g) Type and function of work

The Entertainment Quarter  12 974  145  See breakdown below $377 i) NA ii) NA Outcome 3

Employment Status  Total

Ongoing (permanent)  64
Fixed Term (up to 6 years)  58
Temporary (less than 1 year but not casual)  5
Casual (approx)  18
Totals  145

Classification Breakdown (excluding casuals):

State  APS Equivalent Classification  ##

NSW  PEO  1
NSW  SES 2  3
NSW  SES 1  4
NSW  SES 1 (Specialist)  2
NSW  Academic 3  14
NSW  Academic 2  24
NSW  EL2  12
NSW  EL 1  8
NSW  APS 6  22
NSW  APS 5  12
NSW  APS 4  17
NSW  A 3  6

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>State</th>
<th>APS Equivalent Classification</th>
<th>##</th>
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</thead>
<tbody>
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<td>NSW</td>
<td>APS 1</td>
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</tr>
<tr>
<td>VIC</td>
<td>Academic 3</td>
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<td>127</td>
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</tbody>
</table>

(a) Screen Australia

<table>
<thead>
<tr>
<th>Location</th>
<th>Size (sqm)</th>
<th>No. Staff and Class.</th>
<th>If rented, cost per square metre</th>
<th>If owned, the value (i)</th>
<th>If owned, the depreciation (ii)</th>
<th>Type and function of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>150 William St</td>
<td>2583</td>
<td>4 staff:</td>
<td>$386.54</td>
<td>i) NA</td>
<td>ii) NA</td>
<td>Outcome 3</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>2 x SA5</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 x SA3</td>
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<tr>
<td>290 Coventry St South</td>
<td>425</td>
<td>10 staff:</td>
<td>$264.71</td>
<td>i) NA</td>
<td>ii) NA</td>
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<td>Melbourne VIC</td>
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<td>4 x SAEL2</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>1 x SA5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 x SA4</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>2 x SA3</td>
<td></td>
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</tr>
<tr>
<td>101 Eton Rd Lindfield NSW</td>
<td>approx 2.5ha</td>
<td>101 staff:</td>
<td>NA</td>
<td>$22,332,001</td>
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<td>Facilities and services for film and TV production and exhibition includes office space, sound stage and cinema available for rent to filmmakers</td>
</tr>
<tr>
<td></td>
<td>land area</td>
<td>1 x PEO1</td>
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<td></td>
<td></td>
<td>1 x SES02</td>
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<td></td>
<td>24 x SAEL2</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>17 x SAEL1</td>
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<tr>
<td></td>
<td></td>
<td>22 x SA6</td>
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<td></td>
<td></td>
<td>7 x SA4</td>
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<td>7 x SA3</td>
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</tbody>
</table>

(a) Australia Council for the Arts

<table>
<thead>
<tr>
<th>Location</th>
<th>Size (sqm)</th>
<th>No. and Classification of Employees</th>
<th>If rented, cost per square metre</th>
<th>If owned, the value (i)</th>
<th>If owned, the depreciation (ii)</th>
<th>Type and function of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>372 Elizabeth St Surry Hills</td>
<td>4433.7</td>
<td>1 x Band 1</td>
<td>$438.44</td>
<td>i) NA</td>
<td>ii) NA</td>
<td>Outcome 4</td>
</tr>
<tr>
<td>NSW</td>
<td></td>
<td>12 x Band 2</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>25 x Band 3</td>
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<tr>
<td></td>
<td></td>
<td>29 x Band 4</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>15 x Band 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 x Band 6</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>24 x Senior staff engaged on Individual Employment Agreements</td>
<td></td>
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Brisbane QLD

<table>
<thead>
<tr>
<th>Size (sqm)</th>
<th>No. and Classification of Employees</th>
<th>If rented, cost per square metre</th>
<th>If owned, the value (i)</th>
<th>If owned, the depreciation (ii)</th>
<th>Type and function of work</th>
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</thead>
<tbody>
<tr>
<td>Not applicable</td>
<td>1 x Band 6 (half of salary covered by Arts)</td>
<td>Rent for the state and territory</td>
<td>i) NA</td>
<td>ii) NA</td>
<td>Outcome 4</td>
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</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. and Classification of Employees</th>
<th>(e) If rented, cost per square metre</th>
<th>(f) (i) If owned, the value (ii) if owned, depreciation</th>
<th>(g) Type and function of work</th>
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</thead>
<tbody>
<tr>
<td>Darwin NT</td>
<td>Not applicable</td>
<td>based officers is covered by the respective state and territory arts agencies.</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
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</tr>
<tr>
<td>Adelaide SA</td>
<td>Not applicable</td>
<td>1 x Band 6 (half of salary covered by Arts NT)</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
<td></td>
</tr>
<tr>
<td>Melbourne VIC</td>
<td>Not applicable</td>
<td>2 x Band 6 (half of salary covered by Arts Queensland)</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
<td></td>
</tr>
<tr>
<td>Perth WA</td>
<td>Not applicable</td>
<td>1 x Band 6 (half salary covered by WA DCA)</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
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</table>

(a) Australian Business Arts Foundation (AbaF)

<table>
<thead>
<tr>
<th>Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. and Classification of Employees</th>
<th>(e) If rented, cost per square metre</th>
<th>(f) (i) If owned, the value (ii) if owned, depreciation</th>
<th>(g) Type and function of work</th>
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<tbody>
<tr>
<td>Lvl 2 405 Collins St Melbourne VIC 216</td>
<td>297</td>
<td>14 (12.8 FTE)</td>
<td>$336.70</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
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<tr>
<td>Northbourne Ave Braddon ACT Level 1 372 Elizabeth St Surry Hills NSW</td>
<td>approx 20 (two work stations)</td>
<td>2 (1.2 FTE)</td>
<td>In-kind</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
</tr>
<tr>
<td>Level 36 Santos Place 32 Turbot St Brisbane QLD</td>
<td>approx 20 (one office with two work stations)</td>
<td>2 (2 FTE)</td>
<td>In-kind</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
</tr>
<tr>
<td>Level 1 18 Gouger St Adelaide SA</td>
<td>approx 20 (one office with two work stations)</td>
<td>2 (2 FTE)</td>
<td>In-kind</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
</tr>
<tr>
<td>Centrepoint Business Centre Level 1 48-50 Smith St Darwin NT</td>
<td>approx 10 (one office)</td>
<td>1 (0.4 FTE)</td>
<td>In-kind</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
</tr>
<tr>
<td>(b) Location</td>
<td>(c) Size (sqm)</td>
<td>(d) No. and Classification of Employees</td>
<td>(e) If rented, cost psqm</td>
<td>(f) (i) If owned, the value</td>
<td>(g) Type and function of work</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------</td>
<td>----------------------------------------</td>
<td>--------------------------</td>
<td>-----------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>146 Elizabeth St, Hobart TAS</td>
<td>approx 20 (two work stations)</td>
<td>2 (1.6 FTE)</td>
<td>In-kind</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
</tr>
<tr>
<td>Level 32 Exchange Plaza 2 The Esplanade Perth WA</td>
<td>approx 20 (one office and one work station)</td>
<td>2 (2 FTE)</td>
<td>In-kind</td>
<td>i) NA ii) NA</td>
<td>Outcome 4</td>
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<table>
<thead>
<tr>
<th>(a) National Portrait Gallery</th>
<th>(b) Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. and Classification of Staff</th>
<th>(e) If rented, cost psqm</th>
<th>(f) (i) If owned, value</th>
<th>(f) (ii) If owned, depreciation</th>
<th>(g) Type and Function of Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 28 King Edward Terrace Parkes ACT</td>
<td>15,960</td>
<td>NA</td>
<td>$87 million</td>
<td>40 Years $2.4 million per annum</td>
<td>International Gallery/ Museum Complex Outcome 3</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>(a) Office for Sport</th>
<th>(a) Australian Sports Anti-Doping Authority</th>
<th>(b) Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. and Classification of Staff</th>
<th>(e) If rented, cost psqm</th>
<th>(f) (i) If owned, total value</th>
<th>(f) (ii) If owned, depreciation</th>
<th>(g) Type and Function of Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 6 5 Tennant St Fyshwick ACT</td>
<td>1415.6</td>
<td>45.5</td>
<td>$350</td>
<td>NA</td>
<td>NA</td>
<td>Protecting the health of athletes and the integrity of Australian sport, including through deterrence, detection and enforcement to eliminate doping. Protecting the health of athletes and the integrity of Australian sport.</td>
<td></td>
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<tr>
<td>Level 2 6 Figtree Dr Sydney Olympic Park</td>
<td>80</td>
<td>4</td>
<td>$240</td>
<td>NA</td>
<td>NA</td>
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<table>
<thead>
<tr>
<th>(a) Australian Sports Commission</th>
<th>(b) Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. and Classification of Staff</th>
<th>(e) If rented, cost psqm</th>
<th>(f) (i) If owned, total value</th>
<th>(f) (ii) If owned, depreciation</th>
<th>(g) Type and function of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leverrier St Bruce ACT</td>
<td>5800</td>
<td>NA</td>
<td>NA</td>
<td>$18,424,080</td>
<td>$700,760 pa</td>
<td>Improving participation in structured physical</td>
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</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>(b) Location</th>
<th>(c) Size (sqm)</th>
<th>(d) No. and Classification of Staff</th>
<th>(e) If rented, cost psqm</th>
<th>(f) (i) If owned, total value</th>
<th>(f) (ii) If owned, depreciation</th>
<th>(g) Type and function of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>activity and excellence in sports performance for continued excellence</td>
</tr>
<tr>
<td>Unit 2/622</td>
<td>90</td>
<td>1xASC4</td>
<td>$185</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>Macauley St</td>
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<td></td>
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<tr>
<td>Albury NSW</td>
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<td></td>
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<tr>
<td>Northern Star Building</td>
<td>68</td>
<td>2 x ASC4</td>
<td>$322</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>4/191 River St</td>
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<tr>
<td>Ballina NSW</td>
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<tr>
<td>Broken Hill Enterprise Development Centre</td>
<td>16</td>
<td>1xASC4</td>
<td>$276</td>
<td>NA</td>
<td>NA</td>
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<td>41-79 Crystal St Broken Hill NSW</td>
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<tr>
<td>Innovation Centre Coffs Harbour Education Campus</td>
<td>20</td>
<td>1xASC4</td>
<td>$260</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>2 Hogbin Dr Coffs Harbour NSW</td>
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<tr>
<td>Dept of Education and Training Harfluer St Deniliquin NSW</td>
<td>12</td>
<td>1xASC4</td>
<td>$708</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>Sport and Recreation 167 Brisbane St Dubbo NSW</td>
<td>16</td>
<td>1xASC4</td>
<td>$625</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>Level 3, Telstra Stadium, Edwin Flack Ave Homebush NSW</td>
<td>336</td>
<td>2 xASC6 3xASC5 18xASC4 2xASC3</td>
<td>$350</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>(b) Location</td>
<td>(c) Size (sqm)</td>
<td>(d) No. and Classification of Staff</td>
<td>(e) If rented, cost psqm</td>
<td>(f) (i) If owned, total value</td>
<td>(f) (ii) If owned, depreciation</td>
<td>(g) Type and function of work</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
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<tr>
<td>Williamson Rd, Ingleburn, NSW</td>
<td>66</td>
<td>3xASC4</td>
<td>$244</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>4/83 Main St, Merimbula, NSW</td>
<td>15</td>
<td>1xASC4</td>
<td>$626</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>90 Market St, Mudgee, NSW</td>
<td>16</td>
<td>1xASC4</td>
<td>$625</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>Cnr McNamara &amp; Byng Streets, Orange NSW</td>
<td>20</td>
<td>1xASC4</td>
<td>$500</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>Port Macquarie Sports Stadium Cnr Hastings River &amp; Hibbard Drives Port Macquarie NSW</td>
<td>64</td>
<td>1xASC4</td>
<td>$144</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>1st floor, Shellharbour City Stadium Croome Road Sporting Complex Albion Park NSW</td>
<td>40</td>
<td>1xASC5</td>
<td>$400</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>1st Floor, Bldg 9, University Recreation and Aquatic Center Northfields Ave, Wollongong NSW</td>
<td>15</td>
<td>3xASC4</td>
<td>$459</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>(b) Location</td>
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<td>(d) No. and Classification of Staff</td>
<td>(e) If rented, cost psqm</td>
<td>(f) (i) If owned, total value</td>
<td>(f) (ii) If owned, depreciation</td>
<td>(g) Type and function of work</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
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<td>--------------------------------</td>
</tr>
<tr>
<td>Dept of Sport and Recreation Lvl 1 Noel Park House 155-157 Marius St Tamworth NSW Ste 1, 47 Baylissa St Wagga Wagga NSW Lot 7, 22 John St Warners Bay NSW Shop 6, Terrace Shopping Village 42 William St Raymond Terrace NSW QUEENSLAND Neighborhood Centre 111 Targe St Bundaberg QLD Barlow Park Sporting Complex Cnr Scott &amp; Severin Streets Cairns QLD Delfin House 235 Varsity Pde Varsity Lakes Gold Coast QLD Shop 1B 180 Haly St Kingaroy, QLD</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>16</td>
<td>2xASC4</td>
<td>$1063</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>18</td>
<td>2xASC4</td>
<td>$500</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>250</td>
<td>2xASC5 4xASC4</td>
<td>$242</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>20</td>
<td>2xASC4</td>
<td>$260</td>
<td>NA</td>
<td>NA</td>
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<td>30</td>
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<td>NA</td>
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<tr>
<td>21</td>
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<td>40</td>
<td>1xASC5 2xASC4 1xACS3</td>
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<td>12</td>
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<td>NA</td>
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<tr>
<td>(b) Location</td>
<td>(c) Size (sqm)</td>
<td>(d) No. and Classification of Staff</td>
<td>(e) If rented, cost psqm</td>
<td>(f) (i) If owned, total value</td>
<td>(f) (ii) If owned, depreciation</td>
<td>(g) Type and function of work</td>
</tr>
<tr>
<td>------------------------------------------</td>
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<td>Harrop Park Country Club Mackay QLD</td>
<td>10</td>
<td>1xASC4</td>
<td>$440</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>275 Kent St Maryborough QLD</td>
<td>15</td>
<td>1xASC4</td>
<td>$544</td>
<td>NA</td>
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<tr>
<td>108 Alexandra St, Nth Rockhampton QLD</td>
<td>18</td>
<td>4xASC4</td>
<td>$790</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>Couchman House 47 Bowen St Roma QLD</td>
<td>9</td>
<td>1xASC4</td>
<td>$800</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>1st Floor Community Capital Bldg Sportsman's Pde Kawana QLD</td>
<td>48</td>
<td>1xASC5 1xASC4</td>
<td>$307</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>477 Ruthven St Toowoomba QLD</td>
<td>60</td>
<td>2xASC4</td>
<td>$224</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>Townsville Sports House 3-9 Redpath St Northward QLD VICTORIA</td>
<td>19</td>
<td>1xASC5 2xASC4</td>
<td>$364</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>Bairnsdale City Oval, Macarthur St, Bairnsdale VIC</td>
<td>9</td>
<td>1xASC4</td>
<td>$446</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>Eastwood Leisure Complex 20 Eastwood St Ballarat VIC</td>
<td>49</td>
<td>2xASC4</td>
<td>$265</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>20 Townsend St Bendigo VIC</td>
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<td>2xASC4</td>
<td>$260</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>Mansfield St Epping VIC</td>
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<td>1xASC4</td>
<td>$464</td>
<td>NA</td>
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<td>(b) Location</td>
<td>(c) Size (sqm)</td>
<td>(d) No. and Classification of Staff</td>
<td>(e) If rented, cost psm</td>
<td>(f) (i) If owned, total value</td>
<td>(f) (ii) If owned, depreciation</td>
<td>(g) Type and function of work</td>
</tr>
<tr>
<td>--------------</td>
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<td>-------------------------------</td>
<td>-------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>c/o The School House Clifton St Euroa VIC</td>
<td>25</td>
<td>3xASC4</td>
<td>$200</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>Sports House Skilled Stadium 370 Moorabool St Geelong VIC 83-93 Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 3862a Fifteenth St Mildura VIC Wellington Shire Council 70 Foster Street Sale VIC 133 Nepean Hwy Seaford VIC Shepparton Sports Stadium 120 Numurkah Rd Shepparton, VIC</td>
<td>33</td>
<td>1xASC5 1xASC4</td>
<td>$185</td>
<td>NA</td>
<td>NA</td>
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</tr>
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<td>Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 83-93 Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 862a Fifteenth St Mildura VIC Wellington Shire Council 70 Foster Street Sale VIC 133 Nepean Hwy Seaford VIC Shepparton Sports Stadium 120 Numurkah Rd Shepparton, VIC</td>
<td>29</td>
<td>1xASC4</td>
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<td>NA</td>
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<tr>
<td>Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 862a Fifteenth St Mildura VIC Wellington Shire Council 70 Foster Street Sale VIC 133 Nepean Hwy Seaford VIC Shepparton Sports Stadium 120 Numurkah Rd Shepparton, VIC</td>
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<tr>
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<td>2xASC4</td>
<td>$72</td>
<td>NA</td>
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<tr>
<td>Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 862a Fifteenth St Mildura VIC Wellington Shire Council 70 Foster Street Sale VIC 133 Nepean Hwy Seaford VIC Shepparton Sports Stadium 120 Numurkah Rd Shepparton, VIC</td>
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<td>1xASC4</td>
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<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 862a Fifteenth St Mildura VIC Wellington Shire Council 70 Foster Street Sale VIC 133 Nepean Hwy Seaford VIC Shepparton Sports Stadium 120 Numurkah Rd Shepparton, VIC</td>
<td>185</td>
<td>2xASC6 1xASC5</td>
<td>$95</td>
<td>NA</td>
<td>NA</td>
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</tr>
<tr>
<td>Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 862a Fifteenth St Mildura VIC Wellington Shire Council 70 Foster Street Sale VIC 133 Nepean Hwy Seaford VIC Shepparton Sports Stadium 120 Numurkah Rd Shepparton, VIC</td>
<td>30</td>
<td>2xASC4</td>
<td>$292</td>
<td>NA</td>
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</tr>
<tr>
<td>Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 862a Fifteenth St Mildura VIC Wellington Shire Council 70 Foster Street Sale VIC 133 Nepean Hwy Seaford VIC Shepparton Sports Stadium 120 Numurkah Rd Shepparton, VIC</td>
<td>391</td>
<td>1xASC6 15xASC4 1xASC3</td>
<td>$460</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 862a Fifteenth St Mildura VIC Wellington Shire Council 70 Foster Street Sale VIC 133 Nepean Hwy Seaford VIC Shepparton Sports Stadium 120 Numurkah Rd Shepparton, VIC</td>
<td>207</td>
<td>2xASC4</td>
<td>$206</td>
<td>NA</td>
<td>NA</td>
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</tr>
<tr>
<td>Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 862a Fifteenth St Mildura VIC Wellington Shire Council 70 Foster Street Sale VIC 133 Nepean Hwy Seaford VIC Shepparton Sports Stadium 120 Numurkah Rd Shepparton, VIC</td>
<td>15</td>
<td>1xASC4</td>
<td>$788</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
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<tr>
<td>Shakespeare St Hamilton VIC 57A, Urqhurt St Horsham VIC 862a Fifteenth St Mildura VIC Wellington Shire Council 70 Foster Street Sale VIC 133 Nepean Hwy Seaford VIC Shepparton Sports Stadium 120 Numurkah Rd Shepparton, VIC</td>
<td>13</td>
<td>1xASC4</td>
<td>$312</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>(b) Location</td>
<td>(c) Size (sqm)</td>
<td>(d) No. and Classification of Staff</td>
<td>(e) If rented, cost psq m</td>
<td>(f) (i) If owned, total value</td>
<td>(f) (ii) If owned, depreciation</td>
<td>(g) Type and function of work</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------</td>
<td>------------------------------------</td>
<td>--------------------------</td>
<td>-------------------------------</td>
<td>---------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>27 Valetta Rd Kidman Park SA</td>
<td>150</td>
<td>1xASC6 2xASC5 3xASC4 1xASC3 1xASC5 3xASC4</td>
<td>$467</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>Unit 4, Lot 983 6 Metro Parade Mawson Lakes SA</td>
<td>77</td>
<td>1xASC5 3xASC4</td>
<td>$300</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>21 Stephen St Mount Barker SA</td>
<td>24</td>
<td>2xASC4</td>
<td>$433</td>
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<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>Old Town Hall Commercial St East Mt Gambier SA</td>
<td>15</td>
<td>1xASC4</td>
<td>$220</td>
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<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>Noarlunga Leisure Centre David Witton Dr Noarlunga Centre SA</td>
<td>20</td>
<td>1xASC4</td>
<td>$273</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>TAFE SA—Port Lincoln Campus 2 London St Port Lincoln SA</td>
<td>15</td>
<td>1xASC4</td>
<td>$776</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>Office 209 Block D Tafe SA 9-39 Carlton Pde Port Augusta SA</td>
<td>8</td>
<td>1xASC4</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>TASMANIA Ulverstone Football Club Victoria St Ulverstone TAS</td>
<td>11</td>
<td>1xASC4</td>
<td>$682</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>Fifth Floor 2 Kirksway Battery Point TAS</td>
<td>105</td>
<td>1xASC6 2xASC4 1xASC3</td>
<td>$265</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
</tbody>
</table>
(b) Location (c) Size (sqm) (d) No. and Classification of Staff (e) If rented, cost psqm (f) (i) If owned, total value (f) (ii) If owned, depreciation (g) Type and function of work

<table>
<thead>
<tr>
<th>Location</th>
<th>Size</th>
<th>Classification of Staff</th>
<th>Rent cost psqm</th>
<th>Total Value</th>
<th>Depreciation</th>
<th>Type and function of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aurora Stadium</td>
<td>12</td>
<td>1xASC4</td>
<td>$625</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>York Park Invermay Rd</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Launceston TAS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NORTHERN TERRITORY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level 2 Jock Nelson Bldg</td>
<td>60</td>
<td>2xASC4</td>
<td>$624</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>16 Hartley St Alice Springs NT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unit 1 90 Frances Bay Dr Stuart Park NT</td>
<td>100</td>
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<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>1st Floor Randazzo Bldg</td>
<td>30</td>
<td>1xASC4</td>
<td>$235</td>
<td>NA</td>
<td>NA</td>
<td>As above</td>
</tr>
<tr>
<td>14 Katherine Tce Katherine NT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) Detailed information in response to Question 2 is provided in Attachment A.

Attachment a is available from the senate table office.

**Arts: Staffing**

(Question No. 1741)

Senator Abetz asked the Minister representing the Minister for the Arts, upon notice, on 22 March 2012:

Can a list be provided of all office locations for each department or agency within the Minister's portfolio, detailing:

- (a) the department or agency;
- (b) the location;
- (c) the size;
- (d) the number of staff at each location and their classification;
- (e) if the office location is rented, the amount and breakdown of rent paid per square metre;
- (f) if the location is owned by the department or agency, the:
  - (i) value, and
  - (ii) depreciation, of the building; and
- (g) the type of functions and work undertaken.

(2) For each department and agency within the Minister's portfolio, can details be provided of all public relations, communications and media staff, listed by department or agency, including:
(a) the number of ongoing staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location;
(b) the number of non-ongoing staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location; and
(c) the number of contracted staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location.

Senator Conroy: The Minister for the Arts has provided the following answer to the senator's question:

Please refer to the response provided to question 1740.

Immigration and Citizenship
(Question Nos 1743 and 1783)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 22 March 2012:

(1) Can a list be provided of all office locations for each department or agency within the Minister's portfolio, detailing:
   (a) the department or agency;
   (b) the location;
   (c) the size;
   (d) the number of staff at each location and their classification;
   (e) if the office location is rented, the amount and breakdown of rent paid per square metre;
   (f) if the location is owned by the department or agency, the:
      (i) value, and
      (ii) depreciation, of the building; and
   (g) the type of functions and work undertaken.

(2) For each department and agency within the Minister's portfolio, can details be provided of all public relations, communications and media staff, listed by department or agency, including:
   (a) the number of ongoing staff, specifying:
      (i) their classification,
      (ii) the type of work they undertake, and
      (iii) their location;
   (b) the number of non-ongoing staff, specifying:
      (i) their classification,
      (ii) the type of work they undertake, and
      (iii) their location; and

QUESTIONS ON NOTICE
(c) the number of contracted staff, specifying:
(i) their classification,
(ii) the type of work they undertake, and
(iii) their location.

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) (a) to (c) please refer to Attachment A for onshore offices and Attachment B for offshore offices.
(d) in answering this question DIAC has provided the total number of people that we have accommodated which includes staff and contractors. Please refer to Attachment C for onshore offices and Attachment D for offshore offices.
(e) please refer to Attachment A.
(f) The department does not own any office accommodation so there is no response for this part of the question.

(g) The Department of Immigration and Citizenship is a policy, program and service delivery agency. The department's services are delivered through offices in every state and territory and more than 60 countries.

The department's objectives are to:
• contribute to Australia's future through managed migration.
• protect refugees and contribute to humanitarian policy internationally.
• contribute to Australia's security through border management and traveller facilitation.
• make fair and reasonable decisions for people entering or leaving Australia, ensuring compliance with Australia's immigration laws and integrity in decision-making.
• support migrants and refugees to settle in the community and participate in Australian society.
• promote Australian citizenship and a multicultural Australia.

The services provided in Australia and overseas include:
• policy analysis and research to develop a strong evidence base for advice in relation to the role of temporary and permanent migration and humanitarian entry, in responding to changes in Australia's social, economic and international environment.
• granting visas for migrants, temporary entrants (for example, skilled workers), business visitors, students and tourists, including identifying prior to arrival those entitled to lawfully enter Australia.
• managing the entry and departure of people crossing the Australian border.
• authenticating the identity of people entering Australia and maintaining that foundation identity for use in the Australian community.
• assessing the character, health and bona fides of people applying for entry to Australia.
• meeting Australia's international protection obligations and contributing to the resettlement of refugees and those in humanitarian need through the delivery of the Humanitarian Program.
• deterring, identifying and responding to breaches of immigration law.
• applying appropriate sanctions to business sponsors who breach sponsorship undertakings and obligations.
• locating unlawful non-citizens and resolving their immigration status.
• identifying and reducing irregular migration, people smuggling and trafficking in persons.
• increasing the ability of new permanent residents, particularly refugee and Special Humanitarian Program entrants and Family Stream migrants with lower levels of English proficiency, to participate in Australian life, through a settlement program including English language tuition and translating and interpreting services.

• promoting the value of Australian citizenship.

• deciding applications for Australian citizenship and making decisions on citizenship status.

• promoting the benefits of a united and diverse society, including through programs supporting the integration of migrants and enhancing social cohesion.

(2) (a) please refer to Attachment E.
(b) please refer to Attachment E.
(c) please refer to Attachment E.

Responses for the Migration Review Tribunal and Refugee Review Tribunal are at Attachment F.

* Attachments A to F are available from the Senate Table Office.

Climate Change and Energy Efficiency
(Question No. 1758)

Senator Abetz asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice on 22 March 2012:

(1) Can a list be provided of all office locations for each department or agency within the Minister's portfolio, detailing:

(a) the department or agency;
(b) the location;
(c) the size;
(d) the number of staff at each location and their classification;
(e) if the office location is rented, the amount and breakdown of rent paid per square metre;
(f) if the location is owned by the department or agency, the:
   (i) value, and
   (ii) depreciation, of the building; and
   (g) the type of functions and work undertaken.

(2) For each department and agency within the Minister's portfolio, can details be provided of all public relations, communications and media staff, listed by department or agency, including:

(a) the number of ongoing staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location;
(b) the number of non-ongoing staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location;
(c) the number of contracted staff, specifying:
(i) their classification,
(ii) the type of work they undertake, and
(iii) their location.

Senator Wong: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question

(1) Please refer to Attachment A (available from the Senate Table Office).

(2) Department of Climate Change and Energy Efficiency

(a) As at 22 March 2012, the number of staff undertaking external facing media and public relations activities, excluding those involved in the website, was nine.

(i) —

<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>STAFF NUMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Public Service 5</td>
<td>1</td>
</tr>
<tr>
<td>Australian Public Service 6</td>
<td>1</td>
</tr>
<tr>
<td>Public Affairs Officer 2</td>
<td>2</td>
</tr>
<tr>
<td>Public Affairs Officer 3</td>
<td>3</td>
</tr>
<tr>
<td>Executive Level 1</td>
<td>1</td>
</tr>
<tr>
<td>Special Public Affairs Officer</td>
<td>1</td>
</tr>
</tbody>
</table>

(ii) The Department's Media team is comprised of three positions. These positions are responsible for liaison with the media on media inquiries, coordinating media inquiries across the Department, monitoring media and issues management. The Department has six communication positions working on communications efforts targeting the community through engagement activities and outreach.

(iii) All staff are located in departmental offices in Canberra.

(b) Non-ongoing staff:

(i) —

<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>STAFF NUMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Public Service 6</td>
<td>1</td>
</tr>
</tbody>
</table>

(ii) The employee undertakes work in editorial services.

(iii) The employee is located in Canberra.

(c) Contracted staff: Nil.

Office of the Renewable Energy Regulator

As at 22 March 2012, the Office of the Renewable Energy Regulator had three staff involved in undertaking communication tasks.

(a) Ongoing staff:

(i) —

<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>STAFF NUMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Public Service 5</td>
<td>1</td>
</tr>
<tr>
<td>Australian Public Service 6</td>
<td>1</td>
</tr>
<tr>
<td>Public Affairs Officer 3</td>
<td>1</td>
</tr>
</tbody>
</table>

(ii) Their duties involve strategic communications, website content and updates, website navigation and supporting infrastructure, media management, events, publications, merchandise and creating supporting collateral such as presentations.

(iii) All are located in agency offices in Canberra.
(b) Non-ongoing staff: Nil.
(c) Contracted staff: Nil.

Low Carbon Australia Limited

As at 22 March 2012, Low Carbon Australia Limited (LCAL) had up to three staff involved in undertaking tasks of a public relations, communications or media nature.

(a) Ongoing staff:

(ii)—

<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>STAFF NUMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Executive</td>
<td>3</td>
</tr>
</tbody>
</table>

(ii) Their duties involve a mixture of publishing, content and editorial services, marketing campaigns, engagement and media advice and responses.

(iii) All are located in LCAL's Brisbane office.

(b) Non-ongoing staff: Nil.

(c) Contracted staff: Nil.

Defence Science and Personnel

(Question No. 1771)

Senator Abetz asked the Minister for Defence Science and Personnel, upon notice, on 22 March 2012:

1. Can a list be provided of all office locations for each department or agency within the Minister's portfolio, detailing:
   (a) the department or agency;
   (b) the location;
   (c) the size;
   (d) the number of staff at each location and their classification;
   (e) if the office location is rented, the amount and breakdown of rent paid per square metre;
   (f) if the location is owned by the department or agency, the:
      (i) value, and
      (ii) depreciation, of the building; and
   (g) the type of functions and work undertaken.

2. For each department and agency within the Minister's portfolio, can details be provided of all public relations, communications and media staff, listed by department or agency, including:
   (a) the number of ongoing staff, specifying:
      (i) their classification,
      (ii) the type of work they undertake, and
      (iii) their location;
   (b) the number of non-ongoing staff, specifying:
      (i) their classification,
      (ii) the type of work they undertake, and
      (iii) their location; and
   (c) the number of contracted staff, specifying:
(i) their classification,
(ii) the type of work they undertake, and
(iii) their location.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator's question:

This question has been answered under Senate Question on Notice No. 1742 on 19 June 2012.

Defence Material
(Question No. 1775)

Senator Abetz asked the Minister for Defence Materiel, upon notice, on 22 March 2012:

(1) Can a list be provided of all office locations for each department or agency within the Minister's portfolio, detailing:
   (a) the department or agency;
   (b) the location;
   (c) the size;
   (d) the number of staff at each location and their classification;
   (e) if the office location is rented, the amount and breakdown of rent paid per square metre;
   (f) if the location is owned by the department or agency, the:
      (i) value, and
      (ii) depreciation, of the building; and
   (g) the type of functions and work undertaken.

(2) For each department and agency within the Minister's portfolio, can details be provided of all public relations, communications and media staff, listed by department or agency, including:
   (a) the number of ongoing staff, specifying:
      (i) their classification,
      (ii) the type of work they undertake, and
      (iii) their location;
   (b) the number of non ongoing staff, specifying:
      (i) their classification,
      (ii) the type of work they undertake, and
      (iii) their location; and
   (c) the number of contracted staff, specifying:
      (i) their classification,
      (ii) the type of work they undertake, and
      (iii) their location.

Senator Bob Carr: The Minister has provided the following answer to the honourable senator's question:

This question has been answered under Senate Question on Notice No. 1742 on 19 June 2012.
Sport: Staffing
(Question No. 1782)

Senator Abetz asked the Minister for Sport, upon notice, on 22 March 2012:
Can a list be provided of all office locations for each department or agency within the Minister's portfolio, detailing:
(a) the department or agency;
(b) the location;
(c) the size;
(d) the number of staff at each location and their classification;
(e) if the office location is rented, the amount and breakdown of rent paid per square metre;
(f) if the location is owned by the department or agency, the:
   (i) value, and
   (ii) depreciation, of the building; and
(g) the type of functions and work undertaken.

(2) For each department and agency within the Minister's portfolio, can details be provided of all public relations, communications and media staff, listed by department or agency, including:
(a) the number of ongoing staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location;
(b) the number of non-ongoing staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location; and
(c) the number of contracted staff, specifying:
   (i) their classification,
   (ii) the type of work they undertake, and
   (iii) their location.

Senator Lundy: The answer to the Senator's question is as follows:
Please refer to the Minister for Regional Australia, Regional Development and Local Government's response to question 1740.

Attorney-General
(Question No. 1804)

Senator Bob Brown asked the Minister representing the Attorney-General, upon notice, on 12 April 2012:
(1) For the 2009 10, 2010 11 and 2011 12 financial years, listed separately, what approvals have been granted for the provision of assistance to ministers to defend legal proceedings, where such proceedings have arisen out of the performance of their ministerial duties or their position as minister, including details of the: (a) minister; (b) cost; and (c) case name.
(2) Which of the approvals provided in response to part (1) have been tabled in accordance with the Parliamentary Entitlements Regulations.

**Senator Ludwig:** The Attorney-General has provided the following answer to the honourable senator's question

(1)—

**2009-10**

(a) The Hon Nicola Roxon MP, then Minister for Health and Ageing (b) $35,515.75 (this figure includes the costs of a $22,500 settlement) (c) Proceedings brought by Boehringer Ingelheim Pty Limited.

(a) The Hon Alexander Downer, Former Minister for Foreign Affairs (b) $12,158.39 (c) Waston & others v. AWB Ltd.

(a) The Hon Kevin Rudd MP, then Prime Minister (b) $7253.85 (c) Proceedings brought by Miss Lucy (Xiaoshuang) Lu.

**2010-11**

(a) The Hon Kevin Andrews MP, Former Minister for Immigration and Citizenship.

(b) $109,720.20 (this figure includes the $63,333 that was paid on behalf of Mr Andrews towards Dr Haneef's legal costs).

(c) Proceedings brought by Dr Mohamed Haneef.

(a) The Hon Peter Garrett AM MP, Minister for School Education, Early Childhood and Youth (b) Nil costs to date (c) Proceedings brought by Platinum Insulation Wholesalers in relation to the Home Insulation Program.

(a) The Hon Greg Combet MP, then Minister for Climate Change and Energy Efficiency (b) Nil costs to date (c) Proceedings brought by Platinum Insulation Wholesalers in relation to the Home Insulation Program.

**2011-12**

(a) The Hon Julia Gillard MP, Prime Minister (b) Nil costs to date (c) Proceedings brought by Ulla-Maija Katriina Dunkerley.

(a) Senator The Hon Joe Ludwig, Minister for Agriculture, Fisheries and Forestry (b) Nil costs to date (c) Proceedings brought by Minter Ellison on behalf of a number of claimants in relation to the suspension of the live export trade.

(2) Subregulation 18(a) of the Parliamentary Entitlements Regulations 1997 (the Regulations) provides that the Attorney-General must:

(a) inform the Parliament of each decision to pay assistance under this Part [Part 3 of the Regulations], including reasons for the decision and any limits on expenditure. In order to comply with subregulation 18(a) a statement is tabled in both houses of Parliament when the Attorney-General approves a grant of assistance. A statement was tabled in Parliament for all of the grants approved in 2009-10, 2010-11 and 2011-12.

Below is information on the grants approved in 2009-10, 2010-11 and 2011-12, including the date that the Attorney-General approved the grant and the dates that the suregulation 18(a) statement was tabled in Parliament.

**2009-10**

The Hon Alexander Downer MP, Former Minister for Foreign Affairs, Approval date: 4 November 2009, Senate tabling date: 18 November 2009, House of Representatives tabling date: 17 November 2009.

The Hon Kevin Rudd MP, then Prime Minister, Approval date: 17 May 2010, Senate tabling date: 15 June 2010, House of Representatives tabling date: 27 May 2010.

2010-11

The Hon Kevin Andrews MP, Former Minister for Immigration and Citizenship, Approval date: 27 July 2010 Senate tabling date: 29 September 2010, House of Representatives tabling date: 29 September 2010.

The Hon Peter Garrett AM MP, Minister for School Education, Early Childhood and Youth, Approval date: 21 December 2010, Senate tabling date: 8 February 2011, House of Representatives tabling date: 8 February 2011.

The Hon Greg Combet MP, then Minister for Climate Change and Energy Efficiency, Approval date 21 December 2010, Senate tabling date: 8 February 2011, House of Representatives tabling date: 8 February 2011.

2011-12

The Hon Julia Gillard MP, Prime Minister, Approval date: 1 November 2011, Senate tabling date: 25 November 2011, House of Representatives tabling date: 24 November 2011.

Senator the Hon Joe Ludwig, Minister for Agriculture, Fisheries and Forestry, Approval date: 13 February 2012, Senate tabling date: 27 February 2012, House of Representatives tabling date: 27 February 2012.

Department of Education, Employment and Workplace Relations: Press Clippings

(Question No. 1814)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 19 April 2012:

(1) Who prepares the ministerial press clippings for each minister.

(2) What is the cost of providing press clippings to each minister.

(3) How many people receive each set of press clippings in:

(a) the department;
(b) the Minister's office; and
(c) any other area.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) The department's media and speechwriting team prepares the clips for the department and the ministers. There is no separate clips service for the Minister.

(2) The DEEWR media and speechwriting team member selects clips from the newscentre service and prepares a report which is emailed out. The cost of the newscentre service is for the one set of clips only (used across the Department and by over 2000 users as indicated at (3) below)- a total of $41 250 per month. (This cost includes some transcription services, but excludes copyright fees which vary, depending on the number of articles that month).
The clips are delivered in electronic form (email with links/PDF) to around 1970 departmental staff, 34 ministerial staff and 14 external parties (including board members of Skills Australia, various areas of the Department of the Prime Minister and Cabinet, the departmental spokesman at the Department of Immigration and Citizenship and Excelior, the company that manages the department's contact centre).

**Immigration and Citizenship**

*(Question No. 1830)*

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 8 May 2012:

(1) How many irregular maritime arrivals have there been since 1 January 2008.

(2) How many: (a) family reunion; and (b) humanitarian visas have been issued to their dependents or other relatives who subsequently arrived (either by air or by sea).

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) Since 1 January 2008, there have been 18,685 irregular maritime arrivals taken into immigration detention (as at close of business 24 June 2012).

(2) (a) The very detailed information sought in the question is not readily available in consolidated form and it would be a major task to collect and assemble it. It is not considered that the considerable human resources required to obtain the information can be justified.

(b) The number of persons granted a Global Special Humanitarian Visa (Subclass 202) where the proposer was an irregular maritime arrival, by program year of grant 2007–2008 to 2011-12 year to date

<table>
<thead>
<tr>
<th>Program year of grant</th>
<th>Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007–08</td>
<td>12</td>
</tr>
<tr>
<td>2008–09</td>
<td>23</td>
</tr>
<tr>
<td>2009–10</td>
<td>381</td>
</tr>
<tr>
<td>2010–11</td>
<td>1151</td>
</tr>
<tr>
<td>2011–12 year to date</td>
<td>627</td>
</tr>
<tr>
<td>Total</td>
<td>2194</td>
</tr>
</tbody>
</table>

Notes:
1. The 2011–12 program year to date is to 31 March 2012. Data for the 2011–12 program year was extracted from departmental systems on 08 June 2012.
2. Data for 2007–08 to 2010–11 were extracted from Departmental systems on 30 June 2011.
3. Includes immediate family of former subclass 447 and 451 holders as well as immediate family of subclass 866 (Protection Visa) holders and may include immediate family of a small number of unauthorised air arrivals.

**Sustainability, Environment, Water, Population and Communities**

*(Question No. 1839)*

Senator Siewert asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 10 May 2012:

With reference to the submissions to the South-west Marine Bioregional Plan public consultation process published online by the department:

(1) Why were these submissions divided into the categories of 'individual and organisational submissions' and 'multiple submission templates'.
(2) What criteria were used to determine in which category submissions would be placed.

(3) Is the department aware that many of the submissions placed in the 'multiple submission templates' category are unique in their comments, either in part or in whole.

(4) Is the department aware that all 1,439 submissions made through the organisation GetUp! commenting on the draft plan were unique in their entirety, and at least 20 per cent of the submissions made through the website of the Conservation Council of Western Australia contained unique comments; if so: (a) why were these submissions regarded as template submissions and why were none of them published under the 'individual and organisational submissions' category, and (b) how many submissions categorised as 'multiple submission templates' contained unique comments; if not, why not.

(5) Is the department aware that creating two categories of submissions such as it has creates the perception that one category is more important or valuable than the other.

(6) Does the department regard one category of submissions as more important or valuable than the other; if so, on what basis.

(7) Why were all submissions that are unique, either in part or in whole, not published on the department's website as stated prior to the submissions being placed online in their current form.

(8) For each different category of submission, what methodology is used to ensure that each comment in the submissions is recorded, and to outline how these comments impact on the design of the marine parks.

(9) If the department has categorised submissions from members of the community made through the Save Our Marine Life website as 'conservation sector submissions', why did the department not categorise submissions made via the department's website as 'departmental submissions'.

**Senator Conroy:** The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) Those categories are headings used for the purpose of grouping documents associated with the public submissions process. They do not represent categories into which submissions have been divided for the purposes of analysing the input received and reporting on the submissions.

(2) The categories used for submissions analysis and reporting are outlined in the Overview of Public Submissions Report, available on the Department's website. Each submission was categorised in a number of ways, including by its origins (whether it was from an individual or from organisation; what interest it represented out of 11 categories of interest; whether it had been generated through a campaign or not; whether it had been submitted online or via email or by post; etc.) and the feedback it contained (what broad theme(s) it covered; what specific comment(s) it made with respect to the marine reserves proposal).

(3) There are no submissions under the heading "multiple submissions templates". The heading groups campaign templates, for ease of access. The department is aware that many of the submissions sent as part of campaigns included unique comments alongside the campaign template text. All submissions – whether campaign or non-campaign – were read and considered.

(4) The department is aware of the contents of the submissions sent as part of the GetUp! campaign, as well as of the contents of submissions sent as part of the campaign coordinated by the Conservation Council of Western Australia.

(a) submissions were not regarded as template submissions; they were categorised in the report as to whether they originated through a campaign or not. The department made the decision not to publish any of the many thousands of submissions sent through campaigns because of the logistical and technical difficulties associated with such an exercise

(b) as indicated above, no submissions were categorised as "template". In general, most of the campaigns had a proportion of submissions that included original comments alongside the campaign
template text. All submissions were read and considered for the purpose of content analysis, and were allocated to one of the 63 comment categories listed in Appendix 1 of the Overview of Public Submissions Report.

(5) The Overview of Public Submissions Report aims to report comprehensively, accurately and informatively on the range of submissions received. There is no priority put against any of the range of categories used for submission reporting purposes.

(6) The department does not make comparative judgements as to the importance or value of public submissions.

(7) There were logistical, technical and privacy issues associated with the online publication of the several thousands submissions provided through the campaigns and the department made the decision not to publish these. Only those submissions for which consent to publish was obtained are available on the department's website.

(8) All submissions were read and categorised under a number of broad themes. A report on the outcomes of this process has been published in the Overview of Public Submissions Report available on the department's website at http://www.environment.gov.au/coasts/mbp/south-west/publications/pubs/sw-submissions-overview.pdf

(9) The Save our Marine Life campaign is coordinated by a coalition of conservation organisations and this is the reason why submissions received through that campaign (which included several different templates) were categorised as originating from the conservation sector.

**Special Minister of State**

(Question No. 1840)

Senator Birmingham asked the Minister representing the Special Minister of State, upon notice, on 10 May 2012:

With reference to the electorate office occupied by Senator Lundy:

(1) What is the address of the office.

(2) Who is the owner and landlord of the office.

(3) With whom is the lease agreement held for the office.

(4) On what date did the Commonwealth first enter into a lease agreement for a tenancy at this location, to accommodate the electorate office of this senator or previous senators.

(5) If the office has previously been leased to other senators or members of Parliament, can details be provided as to whom and when.

(6) What is the total annual amount paid (inclusive of rent and any other payments) to the owner or landlord of the office, and how much has been paid in total since the location was first leased as an electorate office.

(7) What is the length of the current lease agreement between the Commonwealth and the owner or landlord of the office, including the date on which the lease will be reappraised or cease.

(8) What is the value of future payments to be made to the owner or landlord of the office for the remainder of the current lease.

(9) On what date was the current lease agreement signed.

(10) What is the size of the office space leased by the Commonwealth.

(11) Have there been any renovations or refurbishments undertaken at the office location since the signing of the lease at the full or partial expense of the Commonwealth; if so, can details be provided of the total costs incurred by the Commonwealth for the renovations or refurbishments.

Senator Wong: The answer to the honourable senator's question is as follows:
The details requested are provided in a table available from the Senate Table Office.

Special Minister of State
(Question No. 1841)

Senator Birmingham asked the Minister representing the Special Minister of State, upon notice, on 10 May 2012:

With reference to the electorate office occupied by Senator Crossin:

(1) What is the address of the office.

(2) Who is the owner and landlord of the office.

(3) With whom is the lease agreement held for the office.

(4) On what date did the Commonwealth first enter into a lease agreement for a tenancy at this location, to accommodate the electorate office of this senator or previous senators.

(5) If the office has previously been leased to other senators or members of Parliament, can details be provided as to whom and when.

(6) What is the total annual amount paid (inclusive of rent and any other payments) to the owner or landlord of the office, and how much has been paid in total since the location was first leased as an electorate office.

(7) What is the length of the current lease agreement between the Commonwealth and the owner or landlord of the office, including the date on which the lease will be reappraised or cease.

(8) What is the value of future payments to be made to the owner or landlord of the office for the remainder of the current lease.

(9) On what date was the current lease agreement signed.

(10) What is the size of the office space leased by the Commonwealth.

(11) Have there been any renovations or refurbishments undertaken at the office location since the signing of the lease at the full or partial expense of the Commonwealth; if so, can details be provided of the total costs incurred by the Commonwealth for the renovations or refurbishments.

Senator Wong: The answer to the honourable senator's question is as follows:

The details requested are provided in a table available from the Senate Table Office.

Special Minister of State
(Question No. 1842)

Senator Birmingham asked the Minister representing the Special Minister of State, upon notice, on 10 May 2012:

With reference to the electorate office occupied by Senators Cameron, Bob Carr, Faulkner, Stephens and Thistlethwaite:

(1) What is the address of the office.

(2) Who is the owner and landlord of the office.

(3) With whom is the lease agreement held for the office.

(4) On what date did the Commonwealth first enter into a lease agreement for a tenancy at this location, to accommodate the electorate office of this senator or previous senators.

(5) If the office has previously been leased to other senators or members of Parliament, can details be provided as to whom and when.

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QUESTIONS ON NOTICE
(6) What is the total annual amount paid (inclusive of rent and any other payments) to the owner or landlord of the office, and how much has been paid in total since the location was first leased as an electorate office.

(7) What is the length of the current lease agreement between the Commonwealth and the owner or landlord of the office, including the date on which the lease will be reappraised or cease.

(8) What is the value of future payments to be made to the owner or landlord of the office for the remainder of the current lease.

(9) On what date was the current lease agreement signed.

(10) What is the size of the office space leased by the Commonwealth.

(11) Have there been any renovations or refurbishments undertaken at the office location since the signing of the lease at the full or partial expense of the Commonwealth; if so, can details be provided of the total costs incurred by the Commonwealth for the renovations or refurbishments.

Senator Wong: The answer to the honourable senator's question is as follows:

The details requested are provided in a table available from the Senate Table Office.
Special Minister of State  
(Question No. 1844)

Senator Birmingham asked the Minister representing the Special Minister of State, upon notice, on 10 May 2012:

With reference to the electorate office occupied by Senators Bilyk, Carol Brown, Polley, Sherry, Singh and Urquhart:

(1) What is the address of the office.
(2) Who is the owner and landlord of the office.
(3) With whom is the lease agreement held for the office.
(4) On what date did the Commonwealth first enter into a lease agreement for a tenancy at this location, to accommodate the electorate office of this senator or previous senators.
(5) If the office has previously been leased to other senators or members of Parliament, can details be provided as to whom and when.
(6) What is the total annual amount paid (inclusive of rent and any other payments) to the owner or landlord of the office, and how much has been paid in total since the location was first leased as an electorate office.
(7) What is the length of the current lease agreement between the Commonwealth and the owner or landlord of the office, including the date on which the lease will be reappraised or cease.
(8) What is the value of future payments to be made to the owner or landlord of the office for the remainder of the current lease.
(9) On what date was the current lease agreement signed.
(10) What is the size of the office space leased by the Commonwealth.
(11) Have there been any renovations or refurbishments undertaken at the office location since the signing of the lease at the full or partial expense of the Commonwealth; if so, can details be provided of the total costs incurred by the Commonwealth for the renovations or refurbishments.

Senator Wong: The answer to the honourable senator's question is as follows:

The details requested are provided in a table available from the Senate Table Office.

Special Minister of State  
(Question No. 1845)

Senator Birmingham asked the Minister representing the Special Minister of State, upon notice, on 10 May 2012:

With reference to the electorate office occupied by Senators Bishop, Evans, Pratt and Sterle:

(1) What is the address of the office.
(2) Who is the owner and landlord of the office.
(3) With whom is the lease agreement held for the office.
(4) On what date did the Commonwealth first enter into a lease agreement for a tenancy at this location, to accommodate the electorate office of this senator or previous senators.
(5) If the office has previously been leased to other senators or members of Parliament, can details be provided as to whom and when.
(6) What is the total annual amount paid (inclusive of rent and any other payments) to the owner or landlord of the office, and how much has been paid in total since the location was first leased as an electorate office.
(7) What is the length of the current lease agreement between the Commonwealth and the owner or landlord of the office, including the date on which the lease will be reappraised or cease.

(8) What is the value of future payments to be made to the owner or landlord of the office for the remainder of the current lease.

(9) On what date was the current lease agreement signed.

(10) What is the size of the office space leased by the Commonwealth.

(11) Have there been any renovations or refurbishments undertaken at the office location since the signing of the lease at the full or partial expense of the Commonwealth; if so, can details be provided of the total costs incurred by the Commonwealth for the renovations or refurbishments.

Senator Wong: The answer to the honourable senator's question is as follows:
The details requested are provided in a table available from the Senate Table Office.

Special Minister of State
(Question No. 1846)

Senator Birmingham asked the Minister representing the Special Minister of State, upon notice, on 10 May 2012:

With reference to the electorate office occupied by Senators Farrell, Gallacher, McEwen and Wong:

(1) What is the address of the office.

(2) Who is the owner and landlord of the office.

(3) With whom is the lease agreement held for the office.

(4) On what date did the Commonwealth first enter into a lease agreement for a tenancy at this location, to accommodate the electorate office of this senator or previous senators.

(5) If the office has previously been leased to other senators or members of Parliament, can details be provided as to whom and when.

(6) What is the total annual amount paid (inclusive of rent and any other payments) to the owner or landlord of the office, and how much has been paid in total since the location was first leased as an electorate office.

(7) What is the length of the current lease agreement between the Commonwealth and the owner or landlord of the office, including the date on which the lease will be reappraised or cease.

(8) What is the value of future payments to be made to the owner or landlord of the office for the remainder of the current lease.

(9) On what date was the current lease agreement signed.

(10) What is the size of the office space leased by the Commonwealth.

(11) Have there been any renovations or refurbishments undertaken at the office location since the signing of the lease at the full or partial expense of the Commonwealth; if so, can details be provided of the total costs incurred by the Commonwealth for the renovations or refurbishments.

Senator Wong: The answer to the honourable senator's question is as follows:
The details requested are provided in a table available from the Senate Table Office.

Special Minister of State
(Question No. 1847)

Senator Birmingham asked the Minister representing the Special Minister of State, upon notice, on 10 May 2012:
With reference to the electorate office occupied by Senators Kim Carr, Collins, Feeney, Marshall:
(1) What is the address of the office.
(2) Who is the owner and landlord of the office.
(3) With whom is the lease agreement held for the office.
(4) On what date did the Commonwealth first enter into a lease agreement for a tenancy at this location, to accommodate the electorate office of this senator or previous senators.
(5) If the office has previously been leased to other senators or members of Parliament, can details be provided as to whom and when.
(6) What is the total annual amount paid (inclusive of rent and any other payments) to the owner or landlord of the office, and how much has been paid in total since the location was first leased as an electorate office.
(7) What is the length of the current lease agreement between the Commonwealth and the owner or landlord of the office, including the date on which the lease will be reappraised or cease.
(8) What is the value of future payments to be made to the owner or landlord of the office for the remainder of the current lease.
(9) On what date was the current lease agreement signed.
(10) What is the size of the office space leased by the Commonwealth.
(11) Have there been any renovations or refurbishments undertaken at the office location since the signing of the lease at the full or partial expense of the Commonwealth; if so, can details be provided of the total costs incurred by the Commonwealth for the renovations or refurbishments.

Senator Wong: The answer to the honourable senator's question is as follows:
The details requested are provided in a table available from the Senate Table Office.

Bureau of Meteorology
(Question No. 1849)

Senator Abetz asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 17 May 2012:
With reference to forecasts made by the Bureau of Meteorology (BoM):
(1) For the first three months of 2012, did BoM forecast:
(a) that most of eastern Australia, including all of Victoria and New South Wales, would exceed the median maximum temperature;
(b) that only a small part of south Western Australia bordering the Indian Ocean would have a significantly lower than average maximum temperature;
(c) that minimum temperatures across all of northern Australia and Western Australia would be higher than average;
(d) that all of South Australia, more than half of Queensland and Victoria, and approximately half of New South Wales would have below average rainfall; and
(e) higher than average rainfall in Western Australia.
(2) For each of the above paragraphs, from (a) to (e), what do the actual recordings now indicate.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:
(1) The seasonal outlooks published by the Bureau of Meteorology provide what are known as a “probabilistic” forecasts. They do not forecast a definite outcome, but rather the chances or odds that a
given area will be hotter or cooler, or wetter or drier, than the median value. They also do not predict how much above or below median.

Various measures of skill or accuracy can be used to assess a probabilistic forecast. In general, these measures compare the most likely (ie probabilistic) outcome to the subsequently observed outcome, and in turn how this would compare to a simple forecast scheme such as using climatology.

Seasonal forecast models are best evaluated over a large number of forecasts rather than using single events. They have proven to be valuable for decision-making when used with other relevant information as part of an assessment of risks.

Outlooks have demonstrated historical skill, with seasonal outlooks for temperature particularly accurate – for example in the last 12 months these show positive skill in all but 11 months across Australia.

The following responses are provided with reference to the seasonal outlooks issued in December 2011 for the first three months of 2012. The outlooks were for a:

(a) 50 to 80 per cent chance of exceeding the median maximum temperature over eastern Australia (or a 20 to 50 per cent chance of being below median);
(b) 50 to 75 per cent chance of being below the median maximum temperature for the western two-thirds of Western Australia;
(c) 60 to 85 per cent chance of above median minimum temperatures over northern Australia and Western Australia;
(d) 50 to 70 per cent chance of rainfall below the median across South Australia, the western half of New South Wales, and Queensland with the exception of the southeast quarter of the state; and
(e) 50 to 70 per cent chance of above median rainfall totals across Western Australia, southeast Queensland and the majority of eastern New South Wales.

(2) For each of the above paragraphs, from (a) to (e), the recorded seasonal conditions were:
(a) most of the country, including the east, recorded below-median maximum temperatures for this period;
(b) aside from the far west and a patch in the south, below median maximum temperatures were observed;
(c) seasonal minimum temperatures were mainly below the median except for patches of the north and the far west of Western Australia;
(d) above median rainfall was generally observed; and
(e) rainfall was above the median across most of Western Australia with below median observed in the far southwest.

Foreign Affairs
(Question No. 1853)

Senator Johnston asked the Minister for Foreign Affairs, upon notice, on 17 May 2012:

(1) Did AusAID:
(a) undertake a direct investigation of the Palestinian Union of Agricultural Work Committees (UAWC)
(b) refer the concerns about the Palestinian UAWC to any intelligence agency; and
(c) seek the advice of any intelligence agency about the alleged activities of the Palestinian UAWC.

(2) How did AusAID determine that no employees or officials of the Palestinian UAWC have links to the Popular Front for the Liberation of Palestine (PELP).
(3) Were the background checks of staff and officials of the Palestinian UAWC, to ensure they were not associated with PELP, undertaken by:
   (a) AusAID; and
   (b) an intelligence organisation
(4) What due diligence processes does AusAID require of its fellow agencies and organisations working in such environments.

Senator Bob Carr: The answer to the honourable senator's questions are as follows:

(1) (a) Yes.
   (b) and (c) AusAID consulted on this matter with relevant Australian Government agencies: the Department of Foreign Affairs and Trade; the Australian Government Solicitor; the Australian Federal Police; and the Australian Security Intelligence Organisation.

(2) Through thorough examination of material alleging such links, and other relevant material, in consultation with relevant Australian Government agencies and others, AusAID determined that there was no evidence of a breach of the UN Charter Act as a result of AusAID funding of UAWC-implemented activities through World Vision. In particular, none of the material examined demonstrated that assets had been provided, directly or indirectly, to a proscribed entity or that any other entity has, or had, effective control over UAWC's assets.

(3) Under the Australia Middle East NGO Cooperation Agreement (AMENCA) program, background checks on staff and officials of UAWC are the responsibility of World Vision. AusAID consulted with the Department of Foreign Affairs to confirm that UAWC Board members are not listed under the UN Charter Act.

(4) AusAID requires that all those involved in managing and implementing Australia's aid program make all reasonable efforts to ensure that aid funds and resources are not used to support terrorist activity. AusAID's contracts and agreements require other parties to use their best endeavours to comply with the law. The actions required to satisfy these legal and contractual obligations may differ depending on particular circumstances. At a minimum, AusAID expects all development partners:

- To know the persons/organisations that are being directly assisted;
- To make sure that people/organisations being directly assisted are not listed as terrorist organisations for the purposes of the Criminal Code or listed as proscribed persons or entities for the purposes of the UN Charter Act (1945).
- To make sure that directly funded persons/organisations are aware of and obliged to comply with relevant Australian laws, and that they in turn are obliged to make sure that their distribution of the funds or support is made on the same basis.